2018 -2025 monthly articles for use by SBEAPs

National SBEAP

Ask SBEAP Article



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**Ask SBEAP**October 2018

***Question:*** So, SBEAP, what is this new column all about?

***Answer:***

Welcome to our new monthly segment, Ask the SBEAP professional. Specialists from the [National Small Business Environmental Assistance Program](https://nationalsbeap.org/), known as SBEAP (pronounced ESS-beep), will answer your common environmental compliance questions through this new column in the ASBO Bulletin.

So what is SBEAP and how does it serve the business community? Basically, this program exists in every state and is designed to help small businesses with free, confidential, environmental compliance assistance. Ever wondered if you need state or federal air, waste or storm water permits? Your state SBEAP professional knows, or at least knows how to make getting the answer easier!

To contact your state SBEAP, simply go to our [national map](https://nationalsbeap.org/states) and click on your state. Then call or email us with your questions, and we will be happy to assist you…no strings attached. If you want to learn more about why SBEAP is a federally mandated program under the Clean Air Act Amendments of 1990, simply go to our “[About us](https://nationalsbeap.org/about)” page and read further.

**Ask SBEAP**November 2018

***Question:*** I operate a small business that does custom parts painting for a variety of automotive, agriculture and aerospace facilities. I know how to handle my hazardous paint and solvent waste, but do I need any type of permit for the air emissions I release through the painting process?   
  
**Pete the Painter**

***Answer:***

**Dear Pete:** Great question! The short answer is MAYBE. Just as you are required to make a determination on your hazardous waste streams and understand the requirements for managing hazardous waste, you are also required to assess your company’s air emission sources (and water dischargers, too). Two different air quality regulations may apply to a business such as yours. The first is called an area NESHAP, in this case the “6H area source rule.” This applies to any business that does paint stripping with methylene chloride, or spray paints motor vehicles and mobile equipment. If the coatings you use contain one or more of the regulated metal hazardous air pollutants, or HAPs, then your business is subject to the 6H rule and specific forms and management standards will need to be met. Learn more about the 6H rule, sometimes called the “auto body rule,” on the [National SBEAP 6H rule page](https://nationalsbeap.org/content/collision-repair-and-auto-body-shops).

The other air quality rule small painting and coating businesses need to consider requires you to evaluate your annual releases of volatile organic compounds, or VOCs, and HAPs from your painting processes. If you have a cure oven, it is considered a separate emission source that will need to be evaluated also. States vary on how these air emissions are calculated and many states have simple calculator tools on their websites.

VOC what? HAP what? Sound a little complicated? Well, for a small business, trying to find the time and expertise to calculate these emissions can be a little overwhelming. Your state SBEAP can help you. These services are free and confidential. To find your assigned contact, simply go to our [national map](https://nationalsbeap.org/states) and click on your state to find state-specific help with permitting and compliance. Still confused? Contact Nancy at 800-578-8898 for personal assistance.

**Ask SBEAP**December 2018

***Question:*** As a small business owner, I’m concerned about possible health effects on our employees from some of the chemicals we use. But there just seems to be so much research involved in finding safer alternatives and trying to compare products. Can you recommend a good source for health information on multiple chemicals used for different purposes?

**Safety Sam**

***Answer:***

**Dear Sam:** The EPA has compiled a list of chemicals analyzed by third-party profilers based on toxological and environmental data, and verified to meet its Safer Choice Standard. The listings are grouped by functional-use class, so if you are looking for a solvent alternative, the choices would be grouped together. Chemicals on the [Safer Choice Chemical Ingredient List](https://www.epa.gov/saferchoice/safer-ingredients#searchList) must meet criteria regarding their toxological status such as whether they are carcinogenic, bioaccumulative, toxic to internal organs or asthmatagenic. Chemicals on the list are also given designations based on the strength of the data collection.

If you are interested in reformulating a product, you might also want to look into partnering with the [Safer Choice Program](https://www.epa.gov/saferchoice/steps-get-safer-choice-label-your-product), which would allow you to use the Safer Choice label. For help in understanding environmental compliance implications related to using a new product, contact your state [Small Business Environmental Assistance Program](https://nationalsbeap.org/states) or call 800-578-8898.

**Ask SBEAP**January 2019

***Question:*** As a small metal fabricating business, our facility recently discovered it is subject to a national emissions standard for hazardous air pollutants, or NESHAP. We filed our initial notification and notification of compliance, but understand that each year we must file an “annual certification and compliance report,” as well. We also have a stationary internal combustion engine subject to a NESHAP. Is an annual compliance report due for this NESHAP too? When and what must be reported? Where can I find the forms?

**Confused,   
Compliance Connie**

***Answer:***

**Dear Connie:** Happy New Year! As we close out 2018, industries subject to air quality rules and regulations, such as NESHAPs, need to review and possibly report on their compliance status.The end of the year or beginning of a new year is a good time to go over your facility’s requirements and plan for the new year of recordkeeping and reporting.

Your first step should be to review your permits issued by your state ambient air quality regulatory agency. Many times, permits contain specific recordkeeping and reporting requirements, as well as dates any reports are due to be submitted, what the reports should contain, and where and to whom the reports need to be submitted. If you do not have a copy of the air permits for your facility, you should contact the permitting agency in your state and talk to them about getting copies of those permits.

Many of the newer NESHAPs require electronic reporting, so you will want to verify if you will be required to submit all of your reports electronically or whether some reports will be filed with your state and EPA via paper format.

In general, concerning NESHAP reporting requirements and based on what you have described, it sounds as if you are subject to two different NESHAPs and both contain reporting elements.

The engine NESHAP, often referred to as the RICE or 4Z rule, has semi-annual reporting requirements. The type of engine you have, how it is operated, and whether it is used for emergencies or not, will be the factors looked at when determining whether you are required to submit reports on a semi-annual basis. Table 7 of the RICE MACT will help you determine what reports are required to be submitted and when they are due. If your engine is described in Table 7 and has reporting requirements, unless your state has established a different reporting period, the regulation specifies semi-annual reports are due July 31 and Jan. 31 each year. EPA produced an [example MACT 4Z report form](https://www.epa.gov/sites/production/files/2015-07/3_2015_ricesemiannualreportexample.docx) that can be used to help you know what needs to be reported. EPA’s [implementation rules for RICE MACT engines](https://www.epa.gov/stationary-engines/implementation-tools-neshap-reciprocating-internal-combustion-engines) have several guidance documents and a regulatory engine tool you can use to determine what portions of the rule apply to your engine.

The metal fabricating NESHAP, often called the 6X rule, only requires annual compliance reports. These are due by Jan. 31each year and, depending on your requirement for visual emissions reporting, there may be [two different forms](https://www.epa.gov/stationary-sources-air-pollution/example-annual-certification-compliance-reports-sources-and-without). The purpose of these forms is to certify your compliance, and allow you to report any deviations and associated corrections. Your regulatory agency understands deviations sometime occur. The important thing is that you identify and correct them.

Please note, not all NESHAPs require annual compliance reporting and many that do have a different reporting due date than Jan. 31.

Below are a few NESHAPs that require annual compliance certification reports of one kind or another, due Jan. 31each year.

* [Major source boiler MACT DDDDD (Boiler MACT 5D rule)](https://www.epa.gov/stationary-sources-air-pollution/industrial-commercial-and-institutional-boilers-and-process-heaters)
* [Plating and polishing NESHAP WWWWWW (6W rule)](https://www.epa.gov/stationary-sources-air-pollution/plating-and-polishing-national-emission-standards-hazardous-air)
* [Prepared feeds manufacturing NESHAP DDDDDDD (7D rule)](https://www.epa.gov/stationary-sources-air-pollution/prepared-feeds-manufacturing-national-emission-standards-hazardous)

Because environmental regulations can vary from state to state, *Ask SBEAP* recommends you contact your state SBEAP who is there to provide environmental compliance technical assistance personalized to your small business. To find your state SBEAP, [click on this map](https://nationalsbeap.org/states). As always, if you need additional assistance, you can email [Ask SBEAP](mailto:sbeap@ksu.edu) or call us at 800-578-8898.

**Ask SBEAP**February 2019

***Question:*** What are VOCs and HAPs, and what do they have to do with permitting?

**Ted Tools**

***Answer:***

**Dear Ted:** VOCs and HAPs are two types of emissions or gases emitted from chemicals such as paints, solvents or cleaners. These emissions can be harmful to both human health and the environment. VOC stands for volatile organic compound, meaning a carbon-based chemical that will react with sunlight to form harmful ground-level ozone or smog. Many solvents other than water are VOCs, although not all organic solvents are considered to be VOCs. HAPs are hazardous air pollutants, meaning they are known to cause serious health problems such as cancer or birth defects. HAPs are also known as air toxics.

Since both types of emissions can be damaging to human health and the environment, businesses that emit VOCs and HAPs must account for their emissions and determine if they will need an air permit. Several different permits or rules may apply to various industries, but state SBEAPs specialize in helping businesses identify which rules or permits may apply. [State SBEAPs](https://nationalsbeap.org/states) can help with calculations and state-specific air permitting requirements. The [National SBEAP “Rules and Tools”](https://nationalsbeap.org/environment) resource has several compliance assistance tools to help businesses understand and comply with rules. These include compliance calendars, emissions calculators and videos. You can find tools by [industry](http://www.envcap.org/srl/index.php) or [state](https://nationalsbeap.org/content/air-quality-tools-state), and connect with [National Compliance Centers](http://www.complianceassistance.net/), [trade associations](https://nationalsbeap.org/info/associations) and other [resources for your industry](https://nationalsbeap.org/info/sectors).

Because environmental regulations can vary from state to state, *Ask SBEAP* recommends you contact your state SBEAP who is there to provide environmental compliance technical assistance personalized to your small business. To find your state SBEAP, [click on this map](https://nationalsbeap.org/states). As always, if you need additional assistance, you can email [Ask SBEAP](mailto:sbeap@ksu.edu) or call us at 800-578-8898.

**Ask SBEAP**March 2019

***Question:*** I operate a small parts manufacturing shop and use a solvent blend that includes xylene and MEK. I generate about 20 gallons of dirty solvent a month. As a small business owner, I’m always watching my costs and now that I have accumulated about three drums of this spent solvent, what are my disposal options? Any chance I can just take the lids off and let it evaporate? Going forward, are there any changes I should be considering to minimize this waste generation?

**Melissa Manufacturing**

***Answer:***

**Dear Melissa:** The spent-solvent mixture generated at your facility is considered a hazardous waste based on both toxicity and ignitability. It typically carries an EPA waste code of F005. This makes your facility a hazardous waste generator. The total quantity of hazardous waste generated dictates what category of hazardous waste generator your facility is. Quantities are based on monthly generation and accumulations from month to month. Generator categories and associated performance standards vary from state to state, so it is best to contact your state [Small Business Environmental Assistance Program](https://nationalsbeap.org/states) or call 800-578-8898 for help.

In addition to helping you understand any associated permit or compliance requirements, your state SBEAP may also be able to help you identify ways to reduce the toxicity and quantity of waste generated. For example, have you tried cleaning with acetone instead of the MEK blend solvent? Does it make sense to implement a two-stage cleaning process to extend the life of your solvent and reduce waste? Is solvent distillation an option? The SBEAP can also help you consider less toxic alternatives.

As we noted in a December 2018 article, the EPA has compiled a list of chemicals analyzed by third-party profilers based on toxological and environmental data and verified to meet a standard known by its “Safer Choice” label. The listings are grouped by functional-use class, so if you are looking for a solvent alternative, those choices would be grouped together. Chemicals on the [Safer Choice Chemical Ingredient List](https://www.epa.gov/saferchoice/safer-ingredients#searchList) must meet criteria regarding their toxological status such as whether they are carcinogenic, bioaccumulative, toxic to internal organs or asthmatagenic. Chemicals on the list are also given designations based on strength of the data collection.

**Ask SBEAP**April 2019

***Question:*** I own and operate a small manufacturing business. Does my facility need a storm water permit?  
  
**Crystal Waters**

***Answer:***

**Dear Crystal:** The need for a permit is determined by the type of facility you own. When it rains, or the snow melts, if it is obvious that runoff from land-clearing activities associated with development, fertilizer usage, fuel spills, and exposed materials in stockpiles, garbage and more, adds to the lowering of water quality in streams, rivers and other waterways —you will need a permit.

The Clean Water Act includes regulations requiring any activity that may contribute to the pollution of our nation's water to be covered under a [National Pollutant Discharge Elimination System, or NPDES, storm water permit](https://www.epa.gov/npdes/npdes-stormwater-program). These permits place rules, regulations and limits on what you can and cannot allow to leave your site in the form of runoff. [NPDES storm water permit regulations, promulgated by EPA](https://www3.epa.gov/npdes/pubs/sw_qanda_entiredocument.pdf), cover the following classes of storm water dischargers on a nationwide basis:

You will need a permit if your industrial facility falls into any of the 11 regulated [categories](https://www.epa.gov/npdes/stormwater-discharges-industrial-activities) that discharge to a municipal separate storm sewer systems, or MS4, or to waters of the United States. A permit is required if you operate a construction activity that disturbs one or more acres of land. You will also require a permit if your construction site covers less than one acre but is part of a larger plan of development. All categories of industrial activity (except construction) may certify to a condition of “no exposure,” if their industrial materials and operations are not exposed to storm water, thus eliminating the need to obtain storm water permit coverage. A best management practice (BMP) framework is a method used to prevent or control storm water and the discharge of pollutants, including sediment, into local waterbodies.

EPA has authorized many states without approved programs to administer the NPDES storm water permitting program. A state permitting authority may impose more stringent requirements or decide to expand the scope of its program to meet state priorities. EPA remains the permitting authority in a few states, most territories and most Indian country.

Because environmental regulations can vary from state to state, *Ask SBEAP* recommends you contact your state SBEAP, which is there to provide environmental compliance technical assistance personalized to your small business. To find your state SBEAP, [click on this map](https://nationalsbeap.org/states). As always, if you need additional assistance, you can email [Ask SBEAP](mailto:sbeap@ksu.edu) or call us at 800-578-8898.

**Ask SBEAP**May 2019

***Question:*** What is TSCA? What does it mean for small businesses?  
  
**Chemicals Carol**

***Answer:***

**Dear Carol:** TSCA stands for Toxic Substances Control Act and it allows the EPA to regulate chemical substances and mixtures with a few exceptions such as food, drugs, cosmetics and pesticides. This act covers a lot, so there are probably sections that don’t apply to you. However, it is important to know whether a chemical is restricted under TSCA before manufacturing or importing it because you are responsible for meeting those regulations.

Small businesses should look at the [TSCA inventory](https://www.epa.gov/tsca-inventory/about-tsca-chemical-substance-inventory#whatistheinventory), which contains information about health, safety and environmental risks for about 85,000 chemicals and flags those with restrictions on their manufacture and use. The inventory is also a useful resource for comparing substances you might want to include in your process to see which ones are safer and which ones could increase your regulatory burden. It is always recommended that companies consider less-toxic alternatives for their industrial processes or even cleaning. The state resources reference below can be a source of technical assistance but the new EPA program, [Safer Choice](https://www.epa.gov/saferchoice), may also be helpful. For instance, methylene chloride is highly toxic and the EPA is currently working on rules to restrict its use. A business that uses methylene chloride as a stripping agent, such as a bath tub refinisher, might want to research safer alternatives on the [Safer Choice Products](https://www.epa.gov/saferchoice/products#a04i000000WupwpAAB) list or [Safer Choice Ingredients](https://www.epa.gov/saferchoice/safer-ingredients) list.

If you need help navigating the inventory, or if you have questions about any other part of TSCA, you can always ask SBEAP for help. To find your state SBEAP, [click on this map](https://nationalsbeap.org/states). As always, if you need additional assistance, you can email [Ask SBEAP](mailto:sbeap@ksu.edu) or call us at 800-578-8898.

**Ask SBEAP**June 2019

***Question:*** As an aerospace job shop, our facility generates hazardous waste from our painting and coating processes. Since this makes us a hazardous waste generator, who at our facility has to have training? What is the frequency and do I have to keep records of the training?  
  
**Gerald Generator**

***Answer:***

**Dear Gerald:** Great question! In the environmental compliance arena, training is key to understanding your regulatory requirements and responsibilities. Generally, any personnel who handle or manage hazardous waste as part of their position need to be trained based on what their duties require. For example, the environmental manager who oversees the hazardous waste management program should be thoroughly trained on all aspects of hazardous waste management, from hazardous waste determinations to signing manifests and emergency preparedness. However, the paint technician, who simply generates waste from paint-gun cleaning, may only need to be trained on container management elements and on knowing which items are hazardous waste.

Hazardous waste training requirements vary based on size of generator your facility is. They may also vary if your state has regulations that are more stringent than EPA’s. A summary of the requirements by generator category can be found on [EPA’s website](https://www.epa.gov/hwgenerators/hazardous-waste-generator-regulatory-summary). However, some states, such as Kansas and Minnesota, have more stringent requirements for training. To inquire about state-specific hazardous waste generator rules, [click on this map](https://nationalsbeap.org/states) to find your state SBEAP. Finally, if you don’t document the training, then how do you prove it was completed? Always document training by listing the training topic, the trainer, the date and have the individuals who were trained, sign and date the training log. Remember, if you need additional assistance, email [Ask SBEAP](mailto:sbeap@ksu.edu) or call us at 800-578-8898.

**Ask SBEAP**July 2019

***Question:*** I am the environmental manager as well as the facility manager for a small manufacturing shop. I’ve been following the news recently and one of the products we use frequently, glyphosate herbicide, has been involved in some very expensive lawsuits. My employees and I use the glyphosate herbicide, as described on the label, to control weeds around our shop parking lot. Are herbicides containing glyphosate still legal to use? Am I putting myself or my employees in danger by using this product?

**Walter Weedless**

***Answer:***

**Dear Walter:** Glyphosate is one of the most used herbicides worldwide. Recently, discussions about glyphosate herbicide, its connection to non-Hodgkin lymphoma and lawsuits against glyphosate manufacturers have made their way to media outlets. You are not alone in trying to decipher what all this information means. This answer will break down your questions and answer them piece by piece.

Your first question, “Are glyphosate-containing herbicides still legal to use?”, can be answered with a definitive yes. The EPA is the federal regulatory authority responsible for approving herbicides, and based on the body of scientific knowledge it is using, the EPA position is that glyphosate is safe to use when done so in accordance with the manufacturer’s directions. More detailed information on glyphosate, and its approval and regulation, can be found on EPA’s website at <https://www.epa.gov/ingredients-used-pesticide-products/glyphosate>. Should the EPA decide to change the approved status of glyphosate, there will likely be plenty of notice given to its users about the possible change well before it would take effect.

Your second question, “Am I putting myself or my employees in danger by using this product?”, has a simple answer but with a caveat. Again, the EPA’s position, as given above, says that no, you are not putting yourself or your employees at risk as long as you are applying the herbicide in accordance with manufacturer’s instructions. However, this leads logically to the caveat, if everything is legal, why are billion dollar lawsuits happening?

To answer this question about these huge monetary lawsuits, there are a few points about them that need to be taken into account. First, these lawsuits have all been against the manufacturer of a glyphosate herbicide and not any purchasers or users of the product. Second, the lawsuits discussed in the media are all civil cases, not criminal cases. And finally, other bodies of medical and epidemiological research outside of what the EPA has used have shown the possibilities of illness through glyphosate exposure. This set of circumstances has played out in the courtroom a few times so far, with thousands more lawsuits lined up for the future.

*The bottom line – if you’re using glyphosate herbicides according to manufacturer’s directions, you are allowed by the EPA to continue to do so, and per the official interpretation of EPA’s health data, the average user should not experience any negative health effects from doing so.*

Although this is not the typical air permitting question SBEAP would answer, I want to remind you and other readers that when you have environmental compliance questions, you can always ask SBEAP for help. To find your state SBEAP, [click on this map](https://nationalsbeap.org/states). If you need additional assistance, you can email [Ask SBEAP](mailto:sbeap@ksu.edu) or call us at 800-578-8898.

**Ask SBEAP**August 2019

***Question:*** What does the phrase, “Once in, Always in,” mean? I am subject to 40 CFR Part 63, Subpart MMMM (MACT 4M). Our paint vendor told me I might be able to get out of this EPA air regulation, but I am not sure what he was talking about. He said I have been using HAP-compliant coatings for years now and am probably not subject to this rule anymore. The vendor said EPA changed its “Once In, Always In” policy. Is this something I need to know about and can I really get out of that EPA rule?

**Red N. Greene**

***Answer:***

**Dear Mr. Greene:** Your vendor is partially correct. While nothing has been officially changed, EPA is proposing a rule that would reclassify sources subject to a major source rule such as MACT 4M who have taken actions to reduce their hazardous air pollutant, or HAP, emissions to below the major source category. The reclassification would allow the source to be considered an area source for HAPs and no longer be subject to the major source rule.

At this time, the rule change is only proposed and EPA is accepting comments from the public, businesses and trade associations on the proposal. You can read more about this proposed change and how to comment by going to <https://www.epa.gov/stationary-sources-air-pollution/reclassification-major-sources-area-sources-under-section-112-clean>.

If the proposed rule becomes law, the question becomes what should sources such as yourself, who are subject to the MACT 4M or other major source rules, do to determine and change your regulatory status to an area source? The first step would be to re-calculate your facility-wide potential to emit (PTE) HAPs to determine whether or not you are still subject to the MACT, in this case Subpart 4M. You can contact your [state SBEAP](https://nationalsbeap.org/states) for help calculating PTE or check out the calculator tools listed on the [National SBEAP page](https://nationalsbeap.org/content/air-quality-tools-state). However, other factors could need to be reviewed as well before a final determination could be made.

Each state has its own ambient air-quality permitting and compliance agencies, which may have specific procedures you will need to undertake before deciding to cease any monitoring, recordkeeping or reporting you are currently performing to comply with MACT 4M. Your state agency may require you to submit documentation demonstrating you are no longer a major source of HAP emissions. It may also require you to obtain written approval before ceasing any compliance operations with MACT 4M. *Ask SBEAP* recommends you contact your state SBEAP, who can provide environmental compliance technical assistance personalized to your small business. To find your state SBEAP, [click on this map](https://nationalsbeap.org/states).

**Ask SBEAP**September 2019

***Question:*** I am a new collision repair shop owner with six employees. Our local Small Business Administration (SBA) office recommended I reach out to the state SBEAP for FREE help with environmental compliance. What is the SBEAP and how can I learn more about the services it provides?

***Answer:***

Congratulations on your new small business. Read on to learn more about SBEAP and how it serves small businesses. SBEAP is the acronym for Small Business Environmental Assistance Program, a service initiated in each state under the [Clean Air Act Amendment of 1990](https://nationalsbeap.org/about). In short, this program exists in [every state](https://nationalsbeap.org/states) and is designed to help small businesses by providing free, confidential, environmental compliance assistance. Collision repair shops such as yours generate hazardous waste and are subject to certain air quality regulations such as the [NESHAP HHHHHH](https://nationalsbeap.org/content/collision-repair-and-auto-body-shops) and possibly stormwater regulations. Your state SBEAP professional can help you determine which environmental rules apply and how to navigate state or federal permitting requirements. Typically if your state SBEAP doesn’t have the answer, they know where to find them.

To contact your state SBEAP, simply go to our [national map](https://nationalsbeap.org/states) and click on your state. Then call or email us with your questions and we will be happy to assist you…no strings attached. If you want to learn more about why SBEAP is a federally mandated program under the Clean Air Act Amendments of 1990, simply visit our “[About us](https://nationalsbeap.org/about)” page and read further. If you prefer to call, use our hotline number at 800-578-8898 or [e-mail us](mailto:nlarson@ksu.edu).

**Ask SBEAP**October 2019

***Question:*** What is the new dental amalgam separator rule for dental practices and how should one comply?

**Dr. Pearly White, DDS**

***Answer:***

**Dear Dr. White:** EPA’s dental amalgam rule, effective since July 14, 2017, requires most general dentists who discharge amalgam pollutants into publicly owned treatment works (POTWs) to install and maintain an amalgam separator to prevent mercury from entering the wastewater system. If released to the environment, amalgam waste that contains mercury accumulates in aquatic life and can reach high concentrations in the food chain, leading to neurotoxic effects on humans. However, if you are not a general dentist and only practice oral pathology, oral and maxillofacial radiology, oral and maxillofacial surgery, orthodontics, periodontics, prosthodontics or a mobile unit, then you are exempt from this rule. Dental facilities that do not place amalgam or remove amalgam at a frequency of less than five percent of its procedures are also exempt, as long as they certify such in their one-time compliance report to their control authority.

In order to comply with this rule, a dental practice must —

* Not discharge scrap amalgam, or oxidizing or acidic cleaners such as bleach, chlorine or peroxide that have a pH lower than 6 or greater than 8. These cleaners allow mercury to be released from the amalgam waste that has collected in the system. These wastes must never be commingled with regular trash or biohazardous waste.
* Install and maintain an amalgam separator of [ISO 11143 2008](https://www.federalregister.gov/documents/2017/06/14/2017-12338/effluent-limitations-guidelines-and-standards-for-the-dental-category) standard to capture mercury and other metals before they enter sewer systems that drain to POTWs; achieve at least a 95% removal efficiency.
* Meet the requirements of monitoring and recycling an amalgam separator, in addition to complying with American Dental Association ([ADA](https://www.ada.org/en/member-center/oral-health-topics/amalgam-separators)) Best Management practices.
* Complete and submit a one-time compliance report and maintain a copy of the report to be submitted at the time of inspection.

Existing dental dischargers (discharging into POTWs prior to July 14, 2017) must be in compliance with the standards by July 14, 2020, and submit a one-time compliance report certifying such by Oct. 12, 2020. New users whose first discharge to a POTW occurs after July 14, 2017, must be in compliance with the standards immediately and submit a one-time compliance report certifying such within 90 days after the first discharge to a POTW. The rule also allows dental practices to continue to operate existing amalgam separators until June 14, 2027, as long as the dental discharger complies with the new rule requirements including specified BMPs, and operation and maintenance, reporting and recordkeeping requirements.

The EPA states your [control authority](https://www.epa.gov/eg/dental-effluent-guidelines) is either a local wastewater utility, a state environmental agency or a U.S. EPA regional office. To learn about your state or local regulatory obligations, contact your state [SBEAP](https://nationalsbeap.org/states).

**Ask SBEAP**November 2019

***Question:*** At my small business, I have a non-emergency engine and have heard it may be subject to an air quality permit, even though I do not have any other processes that emit regulated air pollutants. Is that correct? Will I need a permit and where can I turn for permitting help?

**Eddie Engine**

***Answer:***

**Dear Eddie:** I am assuming your engine is either compression ignition or spark ignition. Compression- -ignition engines fire diesel fuels. Spark-ignition engines fire gasoline, natural gas, propane, landfill gas and other gaseous fuels, or can be dual-fuel engines. Electric motors and compressors do not emit air pollutants. Engines are considered stationary when they stay in one location at a facility, performing only one operation. Other engines are considered portable if they are on a skid, have handles or wheels, and can be moved to different locations within a facility for various operations and do not remain in one on-site location for longer than one consecutive 12-month period. If any of the above describe your engine, it is subject to new air quality regulations due to combustion emissions that can collectively have a significant impact on air quality and public health.

Despite EPA providing excellent resources on its [engines page](https://www.epa.gov/stationary-engines), the regulations are fairly complicated. The good news is that most of our states host a Small Business Environmental Assistance Program or SBEAP that can help businesses such as yours navigate complicated regulations. The SBEAPs can also help identify the correct paperwork and answer questions related to what is needed on the paperwork or permit application.

The [National SBEAP’s environmental compliance page](https://nationalsbeap.org/environment) has [engine resources](https://nationalsbeap.org/content/stationary-internal-combustion-engines) and also lists air permit tools by state. Most small businesses prefer to simply contact their own state SBEAP and you can find your state contact at <https://nationalsbeap.org/states>.

**Ask SBEAP**December 2019

***Question:*** I am getting ready to start a new business of growing hemp and manufacturing CBD oil. I have obtained my zoning and growers’ licensing but have yet to submit plans for the operation to my environmental government agency. What kinds of permits might I need and what environmental impact might the state agency be concerned about from my process?

Sincerely,

**Mary Jane Potsworth**

***Answer:***

**Dear Mary Jane:** Cannabis products are an emerging industry and since you have not yet begun your operations, you are in a good position to learn about common environmental concerns within the industry, as well as identify ways you can build your operations based on best practices and good environmental stewardship. Asking questions early will also help you meet compliance requirements for air emissions, wastewater, and solid and hazardous wastes.

The National Small Business Environmental Assistance Program (NSBEAP) has published a presentation called “[Environmental Impacts of Cannabis](https://nationalsbeap.org/sbeap/resources/subcommittees/technical).” In it, Kaitlin Urso, environmental protection specialist for the Colorado Small Business Assistance Program, provides an overview of environmental aspects of the cannabis industry that include marijuana and hemp production, as well as by-products from production. The presentation focuses mainly on air emissions related to CBD oil processing operations, but also includes information related to wastewater, and solid and hazardous wastes.

Because production of CBD oils produces air emissions, you will likely need to obtain appropriate air permits from your air regulatory and permitting agency before you install your equipment or start operations. Air emissions come from plant terpenes, a volatile organic compound (VOC), other VOCs and/or hazardous air pollutants (HAP) emissions from chemical solvents, and combustion emissions from combustion equipment if you install a generator engine or boiler. Calculating your potential to emit (PTE) is the first step in this process. You will need to determine what equipment you will be installing, such as type of extraction equipment and any plant-grinding equipment that could produce dusts or airborne particulate matter. You will need to provide information about any combustion devices that will be installed such as generator engines, boilers, heaters, flares or thermal oxidizers for odor/VOC control, or other equipment that fires gaseous or liquid fossil fuels or alternative fuels similar to fossil fuels. Once you have the list of equipment you will be installing, you can utilize some of the tools available on the NSBEAP website, which include help with calculating PTE for [engines](https://nationalsbeap.org/content/stationary-internal-combustion-engines) and [boilers](http://www.combustionportal.org/). Some of your operations, such as the CBD extraction process, may need specialized calculations based on the process rate for your specific oil-extraction process and chemical solvents that will be used in that process. To receive specialized assistance calculating your PTE and to determine what paperwork needs to be submitted to your state environmental regulatory agency, find your state SBEAP contact at <https://nationalsbeap.org/states>.

**Ask SBEAP**January 2020

***Question:*** As a small metal fabricating business, our facility is subject to a national emissions standard for hazardous air pollutants, or NESHAP. We filed our initial notification and notification of compliance, but do we also need to file an “annual certification and compliance report?”

Sincerely,

**Compliance Chad**

***Answer:***

**Dear Chad:** Happy New Year! As we close out 2019, industries subject to air quality rules and regulations, such as NESHAPs, need to review and possibly report on their compliance status. The end of the year or beginning of a new year is a good time to go over your facility’s requirements and plan for the new year of recordkeeping and reporting.

Your first step should be to review your permits and note the specific recordkeeping and reporting requirements, as well as dates any reports are due. If you do not have a copy of the air permits for your facility, you should contact the permitting agency in your state for a copy.

Based on what you have described, it sounds as if you are subject to the metal fabricating NESHAP, often called the 6X rule. This rule does require an annual compliance report, which are due by January 31st each year. Depending on your requirement for visual emissions reporting, there may be [two different forms](https://www.epa.gov/stationary-sources-air-pollution/example-annual-certification-compliance-reports-sources-and-without).

Environmental regulations can vary from state to state, Ask SBEAP recommends you contact your state SBEAP who is there to provide environmental compliance technical assistance personalized to your small business. To find your state SBEAP, [click on this map](https://nationalsbeap.org/states).

**Ask SBEAP**February 2020

***Question:*** When we use brake cleaner in our shop, it can literally take our breath away. Should we look for a different product?

Sincerely,

**Chuck Cleaner**

***Answer:***

**Dear Chuck:** By choosing safer brake and carb cleaners, automotive repair shops may have opportunities to help keep employees healthy while reducing air pollution. These cleaners are affordable, available and they work!

Conventional products typically contain hazardous air pollutants (HAPs) and/or volatile organic compounds (VOCs) which can be unhealthy for employees. It can be confusing to find better products that still work and aren’t expensive. However, safer products are becoming more common. You just need the following keys to success:

* Avoid key HAPs: xylene, toluene, ethyl benzene or methanol.
* Look for key words: non-chlorinated, low VOCs or 50-state compliant.
* Most of the effective, safer alternatives will contain hydrocarbon, acetone and/or heptane. Aqueous surfactants can also be a safe and effective choice.

Check out the [National SBEAP](https://nationalsbeap.org/) website links to [various sustainability resources](https://nationalsbeap.org/info/sectors/sustainability) and case studies.

**Ask SBEAP**March 2020

***Question:*** We were recently inspected and found we had seven different containers of a cleaner containing xylene in our facility. All had exceeded their expiration dates and had to be disposed. This cost money and time. How can we avoid this situation in the future? And also, can we be saving money by purchasing in bulks?

Sincerely,

**Cindy of Countless Cans**

***Answer:***

**Dear Cindy:** Controlling your purchasing and handling of materials can save money, reduces waste, emissions, hazards, storage space and headaches Frequently evaluation of inventory through your entire facility can help save money and help prevent from disposing of materials exceeding their expiration date.

Environmental regulations can vary from state to state, Ask SBEAP recommends you contact your state SBEAP who is there to provide environmental compliance technical assistance personalized to your small business. To find your state SBEAP, [click on this map](https://nationalsbeap.org/states). EPA has recently published a [new guide for small businesses managing hazardous waste](https://www.epa.gov/hwgenerators/managing-your-hazardous-waste-guide-small-businesses). This guide may also be helpful and will be the featured topic for next month’s “Ask SBEAP.” If you have a specific question you would like answered, please e-mail [Ask SBEAP](mailto:sbeap@ksu.edu) or call us at 800-578-8898.

**Ask SBEAP**April 2020

***Question:*** I operate a small cabinet manufacturing shop and have recently heard that smoke from my burn pit may contribute to COVID-19 respiratory health problems. I don’t want to call my state regulatory office because I am concerned it will tell me not to burn. I currently burn our wood remnants, sawdust, pallets and cardboard. Is my burning practice simply a temporary concern due to COVID-19?

Sincerely,

**Leif Fyreburne**

***Answer:***

**Dear Leif:** The short answer is “No, you should not burn your wastes.” In most states this type of uncontrolled burning of industrial wastes without a permit is called “open burning” and is **prohibited**. Some states will allow limited types of industrial materials to be burned as a way of disposal using a pit, barrel or homemade incinerator, but you would need written permission or a special permit from the regulatory authority to do this. Your [state SBEAP](https://nationalsbeap.org/states) should be able to help you determine if the authority is your state environmental control agency or a local government entity such as the city or county fire marshal. During this pandemic, it is important to recognize that COVID-19 is a respiratory illness and the [health impacts](https://dnr.wi.gov/topic/OpenBurning/Impacts.html) of open burning can increase the frequency or severity of respiratory distress, heart disease and allergies. The National SBEAP has set up a [COVID-19 resource page](https://nationalsbeap.org/sbeap/resources/covid-19) that may be helpful, but also remember you can always contact your [state SBEAP by email](https://nationalsbeap.org/states) or calling 800-578-8898.

**Ask SBEAP**May 2020

***Question:*** I operate a painting and coating business that employs about 80 people. Thankfully we have been able to operate while maintaining COVID-19 social-distancing requirements. As a small business that generates environmental emissions and wastes, are there any special COVID-19 issues I need to be aware of from an environmental compliance standpoint?

Sincerely,

**Peter Painting**

***Answer:***

**Dear Peter:** It is good to hear your small business is able to operate safely and that you are seeking proactive guidance with regard to this public health pandemic. The National SBEAP has compiled a list of [COVID-19 resources](https://nationalsbeap.org/sbeap/resources/covid-19) with a focus on environmental compliance and impacts. These include EPA’s adjusted enforcement policy, which basically provides some allowances to industry that may miss recordkeeping requirements due to employee illness or even stay-at-home orders. This policy only applies to EPA inspections and enforcement actions. If your state agency is the regulatory authority, not EPA, then your state would still retain enforcement authority unless they, too, have issued a policy similar to EPA’s during this time of national emergency. It also lists [CDC guidance for small businesses](https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html) and includes information from [OSHA that requires industries](https://www.osha.gov/Publications/OSHA3990.pdf), such as painting and coating operations that use N95 masks, to reassess their need for these coverings due to the medical shortage.

If you have state-specific environmental compliance questions or just need help understanding what requirements apply to your operations, contact your [state SBEAP](https://nationalsbeap.org/states) and check out the [environmental compliance resources for painting and coating operations](https://nationalsbeap.org/content/painting-and-coating) on the National SBEAP website. Remember, you can always get help through [email](mailto:nlarson@ksu.edu) or by calling 800-578-8898.

**Ask SBEAP**June 2020

***Question:*** We are trying to plan some sustainability initiatives for our facility but are struggling to find information on projects we know will work for us. We’d be more comfortable investing the time, effort and money into something tested and proven practical for a facility similar to ours, but so many resources seem to be aimed at larger companies. Can you recommend anything for smaller operations?

**Stan Sustainability**

***Answer:***

**Dear Stan:** National SBEAP has a collection of sustainability-related case studies for a variety of industry sectors and almost all of them are tailored for projects completed by small businesses. These listings can be applied to a wide range of industries and include energy-efficiency initiatives and recycling programs. You can even find industry-specific strategies such as replacements for cleaning solvents that can reduce your facility’s regulated air emissions. Whether you’re looking for inspiration or evidence a strategy you’re considering will work for you, it’s a great place to start your search. Remember, in addition to the resources described above, your state Small Business Environmental Assistance Program, or SBEAP, may also be able to identify additional resources. SBEAPs typically provide free, confidential environmental compliance assistance, but many have experience helping small businesses identify efficiencies that can save money and reduce regulatory burden.

Find your [state SBEAP](https://nationalsbeap.org/states) contact by clicking on your state or calling 800-578-8898.

**Ask SBEAP**July 2020

***Question:*** Lately I’ve been hearing a lot about new toxic pollutants appearing in the ground and surface water of different parts of the county. They are called PFAS and appears to be associated with certain types of industrial manufacturing facilities. What exactly are PFAS, which industries use them and are they really considered toxic?

**P. Fassbender**

***Answer:***

**Dear Mr. Fassbender:** Per- and polyfluoroalkyl substances (PFAS) are a group of man-made chemicals found in a wide range of products used by consumers and industries. The most commonly found and best studied PFAS are perfluorooctanoic (PFOA) and perfluorooctanesulfonic (PFOS) acids, and GenX chemicals. PFAS, developed in the 1940s, are used to make fluoropolymer coatings and products that resist heat, oil, stains, grease and water. Facilities that manufacture clothing, furniture, adhesives, food packaging, insulation of electrical wire, heat-resistant non-stick cooking surfaces (e.g., Teflon), polishes, waxes, paints, cleaning products or fire-fighting foams often use or generate PFOS.

Certain PFAS are no longer manufactured in the United States as a result of phase-outs including the [PFOA Stewardship Program](https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/risk-management-and-polyfluoroalkyl-substances-pfas#tab-3) in which eight major chemical manufacturers agreed to eliminate the use of PFOA and PFOA-related chemicals in their products and as emissions from their facilities. PFOA and PFOS are linked to an array of health risks including cancer, thyroid disruption, reproductive and developmental harms, reduced effectiveness of vaccines and high cholesterol. PFAS have been found in drinking water typically localized and associated with manufacturers, landfills, wastewater treatment plants and firefighter training facilities. Both PFOA and PFOS are very persistent in the environment and in the human body – meaning they don’t break down and can accumulate over time.

PFOA and PFOS are the most studied PFAS chemicals and have been identified as contaminants of emerging concern by the [Environmental Protection Agency](https://www.epa.gov/pfas/basic-information-pfas). Until recently chemical companies have not been required to report industrial releases of PFAS through the federal [Toxic Release Inventory](https://www.epa.gov/toxics-release-inventory-tri-program/list-pfas-added-tri-ndaa), or TRI. If you have questions about PFAS action in your state, reach out to your state contact at the [National Small Business Environmental Program](https://nationalsbeap.org/states).

**Ask SBEAP**August 2020

***Question:*** Ten years ago, I replaced the use of trichloroethylene as a solvent in my metal-finishing facility with npropyl bromide (nPB), also known as 1-bromopropane (1-BP). I made this solvent change to reduce my hazardous air pollutant, or HAP, emissions. I heard from my supplier yesterday that the EPA is considering adding 1-BP to its list of HAPs. Is this true? If so, when will that take effect, or do I need to start counting the quantities of 1-BP I use as a HAP right now for my facility emissions reporting?

**Marsha de Graisser**

***Answer:***

**Dear Marsha:** Your supplier told you correctly. EPA has been considering adding 1-BP to its list of hazardous air pollutants since 2015. On June 18, 2020, the agency issued a notice in the [Federal Register](https://www.federalregister.gov/documents/2020/06/18/2020-13145/granting-petitions-to-add-1-bromopropane-also-known-as-1-bp-to-the-list-of-hazardous-air-pollutants) granting petitions to add [1-BP](https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/risk-evaluation-1-bromopropane-1-bp) to the [Clean Air Act List of Hazardous Air Pollutants](https://www.epa.gov/haps/initial-list-hazardous-air-pollutants-modifications). But as stated in the EPA supporting document granting action to add 1-BP to the list of HAPs, “. . . *granting the petitions will not create new regulatory or statutory obligations for sources that emit 1-BP until the (EPA) takes further actions*.”

The next step is for the EPA to add 1-BP to its list of HAPs. A formal announcement will be made through the Federal Register when this occurs. However, this initial step may not be significant for most users of 1-BP. Although it would officially require sources to track their emissions from 1-BP as HAPs, there are no EPA emission standards in place for 1-BP. However, states could require more restrictive regulatory requirements and contacting your [state Small Business Environmental Assistance Program](https://nationalsbeap.org/states) (SBEAP) air quality expert is one of the best ways to get help in understanding this and other state-specific regulatory requirements.

After 1-BP is listed, EPA will evaluate whether new emissions standards need to be promulgated or if current standards, such as the Halogenated Solvent Cleaning NESHAP (40 CFR Part 63, subpart T), need to be revised to include 1-BP emission standards.

This is an important time for your company to be aware of its HAP emissions, and counting your use of 1-BP as a HAP is an important next step to determine if your usage makes you a major HAP source (greater than or equal to 10 tons of any single HAP, or greater than or equal to 25 tons for total HAPs) or a minor HAP source. If you have questions about how to make air-emission evaluations, contact the [national or your state SBEAP](https://nationalsbeap.org/states) for free and confidential assistance.

**Ask SBEAP**September 2020

***Question:*** As a general dentist, am I required to take any action under the new dental amalgam rule?

**Dr. Pearly White, DDS**

***Answer:***

**Dear Dr. White:** EPA’s dental amalgam rule, effective since July 14, 2017, requires most general dentists, who discharge amalgam pollutants into publicly owned treatment works (POTWs), to install and maintain an amalgam separator [of ISO 11143 2008](https://www.federalregister.gov/documents/2017/06/14/2017-12338/effluent-limitations-guidelines-and-standards-for-the-dental-category) standard to prevent mercury from entering the wastewater system. These dental facilities must also complete and submit a one-time compliance report and maintain a copy of it to be produced during an inspection. Existing dental dischargers must be in compliance with the standards by **July 14, 2020** and submit a one-time compliance report certifying such by **Oct. 12, 2020**. New users must be in compliance with the standards immediately and submit a one-time compliance report certifying such within 90 days after the first discharge to a POTW. EPA states your [control authority](https://www.epa.gov/eg/dental-effluent-guidelines) is either a local wastewater utility, a state environmental agency or a U.S. EPA regional office. To learn about your state or local regulatory obligations, contact your state [SBEAP](https://nationalsbeap.org/states).

**Ask SBEAP**October 2020

***Question:*** My uncle operates a small, ready-mixed concrete batch plant in a rural area and has never had to worry about complying with much more than zoning ordinances. However, he has received a letter from the state department of environmental quality notifying him an inspector will be coming to talk about permitting and compliance. What can I tell my uncle to expect?

**Rocky Clinker**

***Answer:***

**Dear Rocky:** Your uncle’s worries are common among many business owners having a similar experience for the first time. Each state deals with environmental permitting and compliance in its own way; however, there are some basic environmental areas (called media) that most ready-mixed concrete (RMC) facilities impact.

[Water](https://nationalsbeap.org/environment/water) – Process wastewater is produced from rinsing off trucks as they leave the facility and rinsing out the truck barrels as they return. Stormwater that falls on the facility must typically be addressed as well.

[Air](https://nationalsbeap.org/content/air-quality-tools-state) – Environmental air issues are typically caused by dust and particulate matter coming from the movement, mixing and storage of concrete-related materials. RMC facilities using stationary engines and boilers must also account for the emissions from those sources.

[Solid Waste](https://www.epa.gov/smm/sustainable-management-construction-and-demolition-materials) – Solid-waste issues typically arise from improper storage and management of aggregates, barrel washout solids and batch leftovers.

Your uncle should be prepared to discuss how his RMC facility identifies and manages these impacted media. Logistical records, equipment descriptions and material receipts can help him organize his answers. He could also reach out to an industry trade organization for reassurance that environmental compliance and running a successful RMC facility can happen together.

In addition to the National SBEAP and EPA hyperlinks in the media identifiers above, the EPA has a website dedicated to the concrete industry sector located [here](https://www.epa.gov/smartsectors/concrete-sector-information). And your uncle can always ask his local SBEAP representative for more specific help than the brief overview given above. To find your state SBEAP, [click on this map](https://nationalsbeap.org/states). If he needs additional assistance, he can email [Ask SBEAP](mailto:sbeap@ksu.edu) or call us at 800-578-8898.

**Ask SBEAP**November 2020

***Question:*** So, SBEAP, I have seen the words of your acronym spelled out and would like to know how you serve the small business community.

**Small Business Sam**

***Answer:***

**Dear Sam:** Thank you for your question. This monthly column is one avenue we use to make sure small businesses are aware of SBEAP’s services. Most states have a Small Business Environmental Assistance Program or SBEAP (pronounced ESS-beep). It is a program created under the Clean Air Act Amendments of 1990 and is designed to help small businesses with free, confidential environmental compliance assistance. Ever wondered if you need state or federal air, waste or storm water permits? Your state SBEAP professional knows, or at least knows how to make getting the answer easier.

To contact your SBEAP, simply go to our [national map](https://nationalsbeap.org/states) and click on your state. Then call or email us with your questions, and we will be happy to assist you…no strings attached. If you want to learn more about why SBEAP is a federally mandated program under the Clean Air Act Amendments of 1990, simply go to our “[About us](https://nationalsbeap.org/about)” page and read further. You may also want to tune in each month as specialists from the [National Small Business Environmental Assistance Program](https://nationalsbeap.org/) address common environmental compliance questions through this new column in the ASBO Bulletin.

**Ask SBEAP**December 2020

***Question:*** As a small fabricator of metal, we use trichloroethylene, or TCE, as a degreaser on some of our metal parts. I heard from a vendor that the EPA may eventually restrict the use of TCE. Is that true?

**Ava Aero**

***Answer:***

**Dear Ava:** The short answer is that rules regarding TCE will likely change in the next few years. The EPA recently published a final risk evaluation for TCE, meaning it gathered as much data as possible relating to TCE’s effects on the environment and health of people who may be exposed, including workers, consumers and bystanders, and determined which uses posed an unreasonable risk to human health or the environment. Next the EPA will begin examining a wide variety of factors to determine the best way to address the unreasonable risks found. The Agency must publish a draft rule within a year and finalize the rule within two years.

We don’t know what the final rule will be, but it’s likely that use of TCE will be more restricted and could even be banned for some uses. This is a good time to evaluate alternatives to this product as it could give you a head start on complying with future regulations. Minnesota recently banned TCE, so its [TCE Alternatives Project](http://www.mntap.umn.edu/industries/facility/machine/tcealternatives/) offers a lot of information for facilities across the country looking to replace TCE. The Minnesota Technical Assistance Program presented to the National SBEAP technical subcommittee on this project, and that [presentation is now available to view online](https://youtu.be/jf7uOB1G_QU). The [Toxics Use Reduction Institute](https://www.turi.org/), or TURI, is also a great resource, as it has helped businesses in several industries identify and test solvents to see what would work for their processes. For help in finding area resources on TCE or other environmental concerns, start by locating your state SBEAP on the [National SBEAP state contact map](https://nationalsbeap.org/states).

**Ask SBEAP**January 2021

***Question:*** I operate an energy-intensive small business and want to start the new year by reducing my energy costs. I heard of a program called REAP that helps small businesses with implementing energy efficiency and renewable energy projects. What is REAP and how can I get assistance from it or other resources?

**Energy Ed**

***Answer:***

**Dear Ed:** Reducing energy is a great New Year’s resolution that does indeed help lower operating costs. It also helps reduce air emissions associated with conventional fuel sources. Reducing air emissions can reduce your air permit compliance burden, so it is a win-win opportunity.

The U.S. Department of Agriculture offers the [Rural Energy for America Program (REAP)](https://www.rd.usda.gov/programs-services/rural-energy-america-program-renewable-energy-systems-energy-efficiency), which allows agricultural producers and rural small businesses to apply for grants or guaranteed loans to implement energy efficiency or renewable energy projects. If an application is approved, REAP can reimburse up to 25% of eligible project costs. Businesses must be located in a rural area (population less than 50,000) and can determine an eligibility area by checking the [USDA Eligibility Map](https://eligibility.sc.egov.usda.gov/eligibility/welcomeAction.do). The business must also meet the [small business size standard](https://www.sba.gov/sites/default/files/2019-08/SBA%20Table%20of%20Size%20Standards_Effective%20Aug%2019%2C%202019_Rev.pdf) for its [North American Industry Classification System](https://www.census.gov/eos/www/naics/) code. For assistance with REAP applications, contact your [state energy coordinator](https://www.rd.usda.gov/sites/default/files/RBS_StateEnergyCoordinators.pdf).

Want to view a database of state incentives for energy efficiency or learn more about combined power and heat partnerships? Check out the resources listed on the “[Small Business](https://nationalsbeap.org/business/resources)” page at [nationalsbeap.org](https://nationalsbeap.org/).

**Ask SBEAP**February 2021

***Question:*** I own and operate a small dry-cleaning business and use PERC as my cleaning solvent. I recently heard EPA has issued a risk evaluation for PERC. How will this affect my operation?

**Mr. Klean**

***Answer:***

**Dear Mr. Klean:** Perchloroethylene (PERC) is a high-priority chemical evaluated under the amended Toxic Substances Control Act or TSCA. Using feedback from the public as well as scientific data, the EPA has issued the report [Final Risk Evaluation for Perchloroethylene](https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/risk-evaluation-perchloroethylene). It showed unreasonable risks to workers, occupational non-users, consumers, and bystanders from 59 of 61 conditions of use evaluated, one of which was the PERC dry-cleaning chemical. The EPA now has one year to propose regulations that may include restrictions on how the chemical is used, as well as limits to its manufacture, processing, distribution, and disposal. Because the EPA is currently accepting public comments, you may want to provide your direct feedback about the risk evaluation. If so, contact [lloyd.tyler@epa.gov](mailto:lloyd.tyler@epa.gov) or your [state SBEAP](https://nationalsbeap.org/states). Now may be the time to consider a less-toxic cleaning alternative, one that will also reduce your regulatory burden and risk. The [National SBEAP](https://nationalsbeap.org/) hosts a dedicated webpage for [dry cleaners](https://nationalsbeap.org/content/dry-cleaners) that summarizes the regulation, includes compliance tools, links to the risk evaluation and lists six less-toxic alternatives. As always, reach out to your state [SBEAP](https://nationalsbeap.org/states) for more assistance or call 800-578-8898.

**Ask SBEAP**March 2021

***Question:*** COVID-19 has changed many things for our small business. There’s been a lot about financial relief, masks, sanitation and regulations, but I’m struggling to keep track as things keep changing. Is there anything new regarding COVID and environmental compliance? Is there a website where I can keep track of current information?

**Sarah Small**

***Answer:***

**Dear Ms. Small:** The COVID-19 pandemic has affected many aspects of our lives, including how businesses operate. Its impacts have been devastating for some of our small business communities, while others have thrived. With regard to environmental compliance, the COVID-19 Enforcement Policy issued last spring ended in August. EPA and state regulatory agencies have changed the way they are doing inspections, and these changes may or may not stay after the pandemic ends. The National SBEAP has created a page of [COVID-19 resources](https://nationalsbeap.org/sbeap/resources/covid-19) relevant to small businesses to help keep you connected with the latest information from sanitation and health concerns to financial relief. This includes mask guidance, resources on social distancing and disinfection, printable posters for your workplace and [SBA Economic Injury Disaster Loans](https://www.sba.gov/funding-programs/loans/coronavirus-relief-options/covid-19-economic-injury-disaster-loans). As always, we can also help connect you with resources [specific to your state](https://nationalsbeap.org/states), or you can call our hotline at 800-578-8898.

**Ask SBEAP**April 2021

***Question:*** I am a small business owner affected by several environmental regulations. I would like to be aware of proposed rules that may impact my business before they become final as well as ensure my interests/concerns are considered during the rule-development process. What are my options for providing input?

**Mr. SB**

***Answer:***

**Dear Mr. SB:** Great question! Before proposing a rule, and to minimize any burden of its regulations on small entities, EPA engages its stakeholders in a dialog to learn more about their concerns and ideas regarding the rule under development. The [Regulatory Flexibility Act, amended by the Small Business Regulatory Enforcement Fairness Act](https://www.epa.gov/reg-flex/learn-about-regulatory-flexibility-act), provides small entities with an opportunity to participate in development of certain regulations through a small business advocacy review (SBAR) panel. Each SBAR panel is made up of federal employees from the EPA and other organizations. Typically, small entity representatives (SERs), comprised of owners or operators of small businesses, and officials from small organizations or small government programs, provide advice and recommendations to the panel. Other representatives such as trade association members who represent potentially regulated small entities, may serve as SERs and take part in one or two meetings to review background information and provide oral and written advice and recommendations to EPA and other participating agencies.

For additional information on past, current and potential SBAR panels and the role of a small entity representative, visit EPA’s [Small Business Advocacy Review (SBAR) Panels](https://www.epa.gov/reg-flex/small-business-advocacy-review-sbar-panels#overview) webpage. For additional small business assistance, contact [EPA’s Asbestos and Small Business Ombudsman](https://www.epa.gov/resources-small-businesses/asbestos-and-small-business-ombudsman). You may also want to contact your state [SBEAP](https://nationalsbeap.org/states).

**Ask SBEAP**May 2021

***Question:*** During the pandemic slowdown, our painting operation and associated metal fabrication small business were made aware that our processes may generate regulated emissions and wastes requiring state or EPA permits. I know ignorance is no excuse for disregarding the law, but is there a one-stop small business compliance resource where we can research these permits or seek help?

**Sammie, Small Manufacturer**

***Answer:***

**Dear Sammie:** Small manufacturers and businesses that paint, machine, clean or process metals, plastics or other materials, often generate toxic emissions or hazardous wastes that may be harmful to both human health and the environment. Service industries such as auto body shops, dry cleaners and even dentists can generate regulated emissions, too.

The National Small Business Environmental Assistance Program (SBEAP) operates a website that can serve as an initial one-stop [environmental compliance](https://nationalsbeap.org/compliance) resource for most small business manufacturers such as yourself. If you decide you need one-on-one assistance, go to “[state contacts](https://nationalsbeap.org/states),” and reach out to your state SBEAP. State SBEAPs are designed to help you get into compliance; they specialize in helping businesses identify which rules or permits may apply and can help with calculations and state-specific air permitting requirements. These services are offered at no cost and most are confidential, so you can trust them with your concerns about non-compliance. When you visit the [National SBEAP](https://nationalsbeap.org/) site, you may also notice the [2021 Virtual Annual Training](https://nationalsbeap.org/news-events/training). This June 8-10, 2021 event is open to SBEAPs and small businesses, or those who work with small businesses. There is no cost for the event, but registration is required. As always, if you need additional assistance, email [Ask SBEAP](mailto:info@nationalsbeap.org) or call us at 800-578-8898.

**Ask SBEAP**June 2021

***Question:*** When we use brake cleaner in our shop, it can literally take our breath away. Should we look for a different product?

**Alternative Albert**

***Answer:***

**Dear Albert:** By choosing safer brake and carb cleaners, automotive repair shops may have opportunities to help keep employees healthy while reducing air pollution. These cleaners are affordable, available and they work!

Conventional products typically contain hazardous air pollutants (HAPs) and/or volatile organic compounds (VOCs) which can be unhealthy for employees using them. It can be confusing to find better products that still work and aren’t expensive. Vendors may discourage you from changing because they often make a larger profit from conventional cleaners. However, safer products are becoming more common. You just need the following keys to success:

* Avoid key HAPs: xylene, toluene, ethyl benzene or methanol.
* Look for key words: non-chlorinated, low VOCs or 50-state compliant.
* Most of the effective, safer alternatives will contain hydrocarbon, acetone and/or heptane. Aqueous surfactants can also be a safe and effective choice.
* Research alternatives through the on-line [Alternatives Assessment](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.turi.org%2FOur_Work%2FAlternatives_Assessment%2FAlternatives_Assessment&data=04%7C01%7CASBO%40epa.gov%7C662a2da83e2648e5281608d93033cb58%7C88b378b367484867acf976aacbeca6a7%7C0%7C0%7C637593821276795900%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=hMeePG90uQ2QOaWoMuAXQV3JpPFi7BOp3hD7FAkQnm0%3D&reserved=0) tool.

Check out the [National SBEAP](https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.nationalsbeap.org%2F&data=04%7C01%7CASBO%40epa.gov%7C662a2da83e2648e5281608d93033cb58%7C88b378b367484867acf976aacbeca6a7%7C0%7C0%7C637593821276805856%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=r7dJRbI7aI2Z3JkP6H50f9EW01%2BtLUICnIlpLmXWriE%3D&reserved=0) website links or contact your [state SBEAP](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fnationalsbeap.org%2Fstates&data=04%7C01%7CASBO%40epa.gov%7C662a2da83e2648e5281608d93033cb58%7C88b378b367484867acf976aacbeca6a7%7C0%7C0%7C637593821276805856%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=oBecCyg2Hu5625uStMYJolJZov7Zsk4WNxd6lLSLYKo%3D&reserved=0) for assistance.

**Ask SBEAP**July 2021

***Question:*** I own and operate a crude oil production and sales company. We are a small business with only 20 employees and five crude oil and natural gas production sites. Recently I was talking to another producer who said our industry may be impacted by new climate change regulations. We do our best to comply with current oil and gas rules and our air permits. Can you tell me what additional requirements these new rules will have for our operations or ways to avoid being subject to these rules?

**Mr. Oyl**

***Answer:***

**Dear Mr. Oyl:** From the information you provided it sounds like your locations are subject to one of the federal air regulations under 40 CFR Part 60, Subpart OOOO or OOOOa, also known as new source performance standards, or NSPSs, for crude oil and natural gas production, transmission and distribution. Requirements in these rules are complex and based on specific types of equipment in use at oil and gas production, transmission and distribution sites. Examples of equipment subject to these rules include crude oil storage tanks, separators, pneumatic controllers, and reciprocal and centrifugal compressor units. Pollutants of concern regulated by these rules are a group of hydrocarbons called volatile organic compounds, or VOCs. VOCs are a concern due to their photochemical reactivity with oxides of nitrogen, or NOx, and sunlight to produce ground-level ozone, or O3, which is a criteria pollutant regulated by the federal Clean Air Act.

In addition to VOC emissions from your operations, methane, also known as natural gas or CH4, and hydrogen sulfide, or H2S, are often released into the atmosphere from oil and gas drilling, production, transmission and distribution activities. While neither methane nor hydrogen sulfide are considered air pollutants or VOCs, both are regulated substances under section 112(r) of the Clean Air Act. H2S can be immediately dangerous to life and health, or IDLH, as well as pose other safety concerns when found in concentrations at or above 100 ppm. Methane can cause safety and health concerns as well as being a powerful greenhouse gas with 25 times the global warming potential, or GWP, as carbon dioxide or CO2. For these reasons EPA and other federal agencies have regulations and limits in place to ensure releases of these gases are tracked, monitored and prevented with air pollution control devices.

In January, EPA was directed by executive order, EO 13990, to evaluate existing NSPS rules for the oil and natural gas section, and to propose rulemaking to reduce methane and VOC emissions in the oil and natural gas sector by suspending, revising, rescinding and/or promulgating new regulations.

There are several ways you and others in your industry can learn more about these changes as well as participate in EPA’s rule proposals. EPA has developed a [question-and-answer document](https://www.epa.gov/system/files/documents/2021-07/qa_cra_for_2020_oil_and_gas_policy_rule.6.30.2021.pdf) for this action. Currently EPA is in its first steps of proposing a new rule to reduce methane from new and existing oil and natural gas entities through a solicitation for public comment via a non-rulemaking docket, [EPA-HQ-OAR-2021-0295](https://www.regulations.gov/docket/EPA-HQ-OAR-2021-0295). Input can be submitted online now through July 30, 2021, through the [federal regulations](https://www.regulations.gov/) webpage. In addition EPA posted a recording of webinar-based trainings on the proposed [Oil and Gas Methane Rule for Small Businesses](https://www.epa.gov/controlling-air-pollution-oil-and-natural-gas-industry/providing-information-epa-upcoming-oil-and).

Additional information about how you or other small business owners can get involved as small entity representatives, or SERS, and provide advice and recommendations to a small business advocacy review, or SBAR, panel that may be formed to review the impact of a new oil and natural gas methane rule on small business entities, can be found on the EPA [Regulatory Flexibility for Small Entities](https://www.epa.gov/reg-flex/potential-sbar-panel-review-oil-and-natural-gas-new-source-performance-standards) webpage.

I know this is a lot of information, so if you would like more assistance to understand current rule requirements that may be applicable to your operations or where to find more information on these upcoming changes, please reach out to your state [SBEAP](https://nationalsbeap.org/states) for more assistance or call 800-578-8898.

**Ask SBEAP**August 2021

***Question:*** Lately I’ve been hearing the term “environmental justice” and am not sure how it applies to my small business, or how it might be related to this topic. My business is located in a large industrial park where other companies have higher air emissions and hazardous waste generation issues than I do. Is there any way to make sure I am not contributing to a problem in the residential area around the park?

**Justin Thyme**

***Answer:***

**Dear Justin:** Thank you for this important question. The basic tenets of [environmental justice, as described by the EPA,](https://www.epa.gov/environmentaljustice) are the “fair treatment and meaningful involvement of all people, regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies, and with a goal of ensuring everyone has the same degree of protection from environmental and health hazards and equal access to environmental decision making.”

As a small business located in an industrial park near a residential area, being aware of the pollution your business creates and evaluating your compliance with applicable regulations is a good start to understanding how you may be contributing to the overall pollution that could be impacting residents living near the park or in your community. Positive communication and being transparent about your operations and the pollution they create, as well as concerted efforts to inform your community on how your company mitigates, controls or reduces the pollution from your processes, are important ways to ensure you are involving the community and helping them be aware of your facility and its efforts to comply with regulations and protect the environment.

Free assistance is available from the Small Business Environmental Assistance Program to help small businesses such as yours evaluate your environmental footprint and regulations that apply to you. Please reach out to your State Small Business Environmental Assistance Provider (SBEAP) for further help or call 800-578-8898.

**Ask SBEAP**September 2021

***Question:*** I’ve been hearing about a new rule regulating certain refrigerants, I think they are called HFCs. How can I find out whether it applies to my business? And what does that mean for us if it does?

**Fred Frigid**

***Answer:***

**Dear Mr. Frigid:** Under the American Innovation and Manufacturing (AIM) Act, the [EPA has proposed a new rule](https://www.epa.gov/climate-hfcs-reduction/proposed-rule-phasedown-hydrofluorocarbons-establishing-allowance-allocation) to phasedown the production and consumption of hydrofluorocarbons, or HFCs, which are commonly used as refrigerants and are strong greenhouse gases. Basically, your business could be affected if it has anything to do with HFCs, i.e. if you produce, import, export, reclaim, or use HFCs as a feedstock. Whether your business is affected also depends on what you do—for example, if you manufacture refrigeration or air conditioning systems, foams, aerosols, or fire suppression systems, you may be affected. A list of potentially affected industries by NAICS code is available in the proposed rule.

In this rule, the EPA proposes to set HFC production and consumption baseline levels from which reductions will be made and establish a methodology for allocating HFC allowances. The AIM Act directs EPA to finalize this rule by September 23, 2021. The EPA will then publish annual allowances for calendar year 2022, by October 1, 2021, and update the allowances annually. There will likely be future rules added regarding management of HFCs and transitions to new technology.

According to the EPA, this program is expected to phase down the production and consumption of HFCs by 85% over the next 15 years. EPA further estimates the 15-year cumulative benefits of this action will prevent 187 MMTCO2e and $283.9 billion, potentially protecting at-risk communities from damages associated with climate change. In addition to phase down of production and consumption, HFC reductions will be achieved through maximizing reclamation, minimizing equipment releases and transitioning to next-generation technologies.

As always, if you have a question, want to find resources, or need help navigating regulations, you can visit the [National SBEAP website](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fnationalsbeap.org%2F&data=04%7C01%7CASBO%40epa.gov%7Cf398d5ff1bf34abcd7b208d979199b7d%7C88b378b367484867acf976aacbeca6a7%7C0%7C0%7C637673973154691922%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=2rh%2FuMMbes32bVEdmMX5CUWQ3ew%2BTD7LUeY%2FlaGxF3w%3D&reserved=0) or contact your state SBEAP for assistance.

**Ask SBEAP**November 2021

***Question:*** I purchased an existing manufacturing business in 2020 and recently discovered that several process operations emit regulated air pollutants and are subject to a National Emission Standard for Hazardous Air Pollutants, or NESHAP. Also, I made some inquiries, and it doesn’t look like the facility has ever been issued ambient air quality construction or operating permits. YIKES!! As a new small business owner, are there any considerations for recently discovering these violations of the air quality rules or should I just call a lawyer now? Thanks for any guidance,

**Sans permit Ted**

***Answer:***

**Dear Ted:** It never hurts to consult an environmental lawyer, but before you pay a retainer, you can anonymously contact your state Small Business Environmental Assistance Program, or SBEAP, for free, confidential technical assistance with your situation. Although SBEAPs do not provide legal advice, they are knowledgeable on their state-specific air-quality regulations and enforcement policies. If they do not have the answer, they can assist you in finding the answers while maintaining confidentiality with your business identity. Most states have an SBEAP and [you can look up the contact here](https://nationalsbeap.org/states).

Another consideration is to file a “voluntary disclosure.” These programs have specific parameters for reporting but often provide incentives when businesses self-report violations within a reasonable period of discovery. Depending on the type of violation discovered, it is better to self-disclose than to have the regulatory agency discover the problem. Many state and EPA voluntary disclosure programs include reduced civil penalties, defined periods of time to correct the violation as well as regulatory assistance to help ensure compliance. As difficult as it is to face the realization that your facility may be operating outside the law, businesses that self-disclose can often be relieved that they are taking the right steps to get into compliance and maintain operations that protect public health and the environment.

If a violation was intentional, malicious or creates an imminent health hazard, the responsible business or party would NOT be eligible for voluntary disclosure and may face criminal and civil penalties. Although many states offer state-specific voluntary disclosure policies, [like this one from Indiana](https://www.in.gov/idem/files/factsheet_self-disclosure.pdf), other states use the EPA disclosure policy which is filed through an [EPA’s edisclosure portal](https://www.epa.gov/compliance/epas-edisclosure).

Once you resolve this issue, the best ways to prevent regulatory violations are to be proactive, attend environmental trainings hosted by the state regulator or the state SBEAP, ask for a compliance review or on-site visit by the state SBEAP and consult the [National SBEAP website](https://nationalsbeap.org/). In addition to [air regulations](https://nationalsbeap.org/compliance/air), most SBEAPs can help identify [hazardous waste](https://nationalsbeap.org/compliance/waste-management) and [stormwater](https://nationalsbeap.org/compliance/water-quality) compliance obligations.

**Ask SBEAP**December 2021

***Question:*** I recently read an article that explained several existing chemicals were under a “TSCA risk evaluation.” One of the chemicals listed is a solvent I currently use for cleaning metal sleigh parts. So, what exactly does this mean and how can I get help implementing any new rule requirements?

**Mr. Clause**

***Answer:***

**Dear Mr. Clause:** Toxic Substances Control Act or TSCA, is a federal act that requires the EPA to evaluate the safety (to workers and the environment) of existing chemicals. A three-stage evaluation process is used, and in some cases results in new regulations that may restrict certain uses of the chemical. Currently, there are more than 30 chemicals under review, several of which are solvents used in industry. The full three-stage process, which includes public comment periods, takes about three years and as the evaluation concludes on priority chemicals, new chemicals are added to the list. A list of the chemicals being evaluated, the evaluation status and the EPA contact can be monitored here.

Examples of commonly used industrial solvents evaluated or being evaluated include –

* Carbon Tetrachloride – EPA identified unreasonable risk to human health from 13 out of 15 conditions of use and published a final risk evaluation in November 2020. EPA is in the process of proposing new restrictions and will take public comment on proposed actions in late 2021 or early 2022.
* Methylene Chloride – banned for consumer use in 2019, the EPA identified unreasonable risk to human health from 47 out of 53 conditions of use and published a final risk evaluation in June 2020. EPA is in the process of proposing new restrictions.
* Perchloroethylene – often called “Perc,” the EPA identified unreasonable risk to human health from 59 out of 61 conditions of use and published a final risk evaluation in December 2020. The EPA is in the process of proposing new restrictions and will take public comment on proposed actions in late 2021 or early 2022.
* Trichloroethylene – often referred to as “TCE,” the EPA identified unreasonable risk to human health from 52 out of 54 conditions of use and published a final risk evaluation in November 2020. The next step will involve the EPA proposing and taking public comment on actions that will address the unreasonable risks identified. This action is expected in late 2021 or early 2022.

As a small business owner using any of the chemicals on the TSCA evaluation list, you are encouraged to get involved and make sure your voice is heard during public comment periods. You can do this through communications with the EPA contact, by signing up for EPA notices (see chemical page), by reaching out to your state Small Business Environmental Assistance Program or by calling 800-578-8898 and asking for Nancy.

**Ask SBEAP**January 2022

***Question:*** As a small metal fabricating business, our facility is subject to a national emissions standard for hazardous air pollutants, or NESHAP, informally known as the “6X rule.” We filed our initial notification and notification of compliance, but do we also need to file an “annual certification and compliance report?”

**Annual reporting Ed**

***Answer:***

**Dear Ed:** As we close out 2021, and turn the calendar to 2022, industries subject to air quality rules and regulations, such as NESHAPs, need to review and possibly report on their compliance status. The end of the year or beginning of a new year is a good time to go over your facility’s requirements and plan for the new year of recordkeeping and reporting.

Your first step should be to review your permits and note the specific recordkeeping and reporting requirements, as well as dates any reports are due. If you do not have a copy of the air permits for your facility, you should contact the permitting agency in your state for a copy.

The 6X rule does require an annual compliance report, which are due by Jan. 31 each year and, depending on your requirement for visual emissions reporting, there may be [two different forms](https://www.epa.gov/stationary-sources-air-pollution/example-annual-certification-compliance-reports-sources-and). The purpose of these forms is to certify your compliance and allow you to report any deviations and associated corrections. Your regulatory agency understands deviations sometimes occur. The important thing is that you identify and correct them.

Please note, not all NESHAPs require annual compliance reporting and many that do have a different reporting due date than Jan. 31.

Below are a few NESHAPs that require annual compliance certification reports of one kind or another, due Jan. 31 each year.

* [Stationary Reciprocating Internal Combustion Engines RICE MACT ZZZZ (MACT 4Z rule)](https://www.epa.gov/stationary-engines/national-emission-standards-hazardous-air-pollutants-reciprocating-internal-0)
* [Major source boiler MACT DDDDD (Boiler MACT 5D rule)](https://www.epa.gov/stationary-sources-air-pollution/industrial-commercial-and-institutional-boilers-and-process-heaters)
* [Planting and polishing NESHAP WWWWWW (6W rule)](https://www.epa.gov/stationary-sources-air-pollution/plating-and-polishing-national-emission-standards-hazardous-air)
* [Prepared feeds manufacturing NESHAP DDDDDDD (7D rule)](https://www.epa.gov/stationary-sources-air-pollution/prepared-feeds-manufacturing-national-emission-standards-hazardous)

Because environmental regulations can vary from state to state, Ask SBEAP recommends you contact your state SBEAP who is there to provide environmental compliance technical assistance personalized to your small business. To find your state SBEAP, [click on this map](https://nationalsbeap.org/states). As always, if you need additional assistance, you can email [Ask SBEAP](mailto:info@nationalsbeap.org) or call us at 800-578-8898.

**Ask SBEAP**February 2022

***Question:*** My business wants to start some projects to make our work more environmentally friendly, but the upfront costs of these projects make it hard for a small business like mine. Are there grants available to my business? How can I find them?

**Gloria Grant**

***Answer:***

**Dear Gloria:** Many sources offer funding and other assistance to small businesses looking to reduce their impact. The best way to find federal grants is through [grants.gov](https://www.grants.gov/). Click “Search Grants” and make sure to select “Small Businesses” under “Eligibility.” Note that “Environment” is an option under “Category,” but there are other categories that may be relevant, such as “Energy.” There may also be funding opportunities available through your state, county or city. For example, some state agencies are offering funds to help businesses replace their diesel or gasoline vehicles and equipment with less polluting electrical vehicles or equipment.

In addition to offering environmental technical assistance, your SBEAP can help you navigate available environmental funding and other types of assistance, such as loans and specialized technical assistance. Your [Small Business Development Center](https://www.sba.gov/local-assistance/resource-partners/small-business-development-centers-sbdc), part of SBA, may also be able to help you identify relevant funding. You can find your SBEAP on the National SBEAP state contact map. You can also reach out to National SBEAP directly for assistance at [info@nationalsbeap.org](mailto:info@nationalsbeap.org) or 800-578-8898.

**Ask SBEAP**March 2022

***Question:*** I have heard that states may have different environmental regulations than some federal environmental regulations. Where can I find information and resources about the environmental regulations specific to my state?

**Steve Stumped**

***Answer:***

**Dear Steve:** Most states have an assigned state Small Business Environmental Assistance Program (SBEAP), so be sure to check the [SBEAP state contact list](https://nationalsbeap.org/states). You can contact your state environmental agency for assistance, or your county or city if they have additional regulations. If you need help identifying resources or navigating those available to you, contact [National SBEAP](https://nationalsbeap.org/) for further assistance at info@nationalsbeap.org or 800-578-8898.

**Ask SBEAP**April 2022

***Question:*** I have heard there is a new regulation that may affect my vehicle/engine manufacturing business. How can I learn more about this rule and share my small business perspective with the EPA?

**Mike Motorhead**

***Answer:***

**Dear Mr. Motorhead:** If you manufacture or repair heavy-duty vehicles and engines, then yes, this rule will likely apply to your small business. The EPA **is proposing** new, more stringent pollution [standards on heavy-duty vehicles and engines](https://www.epa.gov/regulations-emissions-vehicles-and-engines/proposed-rule-and-related-materials-control-air-1) for model years 2027 and beyond. If implemented, the proposed rule will significantly reduce emissions of smog-and-soot-forming nitrogen oxides (NOx) and set stricter greenhouse gas standards for certain commercial vehicle categories.

Your two questions (how to learn about a regulation, and how to comment on it) have simple answers that apply for each government agency that creates regulations, in this case the EPA.

To start, you first go to the government’s [regulations.gov](https://www.regulations.gov/) website, search for the regulation you want to view, then open the docket the regulation is in. In this case, the regulation you are interested in is under docket [EPA-HQ-OAR-2019-0055](https://www.regulations.gov/docket/EPA-HQ-OAR-2019-0055).

To provide comments during an open comment period, simply click the box on the left frame to view the documents open for comment. This proposed rule was published March 28 and the comment period is open for 60 days.

You can also provide verbal input at the public meeting the EPA plans to host on the proposed rule, April 12-13, 2022. [Registration](https://usepa.zoomgov.com/webinar/register/WN_R8S6K_SCRLmFjtDJVgrdHQ) is required in advance. It is important for small businesses and industry impacted by proposed rules to provide comments, and the EPA appreciates learning the various perspectives, especially from small businesses.

If your small business needs help understanding EPA regulations, contact your small business environmental assistance program, or SBEAP. [Click here](https://nationalsbeap.org/states) to find a map of state contacts or call 800-578-8898 for more information.

**Ask SBEAP**May 2022

***Question:*** I keep hearing about TRI reporting—is that something I need to do for my facility? And if I do, what do I need to do?

**Tommy Toxics**

***Answer:***

**Dear Tommy:** The [Toxics Release Inventory](https://www.epa.gov/toxics-release-inventory-tri-program), or TRI, is a program the EPA uses to track the management and release of certain toxic chemicals, generally those with chronic human health effects (such as cancer), significant adverse acute human health effects or significant adverse environmental effects. A facility is required to report for TRI if it meets all of the following criteria:

* Has at least 10 full-time equivalent employees.
* Is in an industry covered by TRI, such as manufacturing, mining or electric-power generation.
* Meets reporting thresholds for at least one TRI chemical during the calendar year.

If your facility meets these criteria in a calendar year, you will need to submit a TRI form for your facility by July 1 of the following year. So, for example, 2021 TRI data is due July 1, 2022.

If you are unsure whether you are required to report, the [TRI Threshold Screening Tool](https://www.epa.gov/toxics-release-inventory-tri-program/tri-threshold-screening-tool) can help you make that determination. [Reporting forms and detailed instructions](https://ordspub.epa.gov/ords/guideme_ext/f?p=guideme:rfi-home) are available on the EPA’s website. If you need assistance preparing your TRI reports or determining whether your facility is required to report, contact SBEAP. You can find contact information for your [state program](https://nationalsbeap.org/states) on the [National SBEAP website](https://nationalsbeap.org/), or assistance is also available through the National SBEAP hotline at 800-578-8898 or [info@nationalsbeap.org](mailto:info@nationalsbeap.org).

**Ask SBEAP**June 2022

***Question:*** I opened a new small business about 10 months ago and need help determining whether any state or federal environmental compliance regulations apply to my facility. The facility does some paint and coating and generates small amounts of waste solvent from spray gun cleaning. How do I get started?

**Budding Small Business Owner**

***Answer:***

**Dear Budding:** Good news, you have come to the right place to get answers to your questions. It is the business owner’s responsibility to determine which environmental regulations apply to their operations. After identifying which regulations the operation is subject to, the owner may need to secure any necessary permits and then meet specific regulatory performance standards.

Operations, like the one described, that spray paints and coatings, and use solvents, should evaluate their air emissions, hazardous waste generation and the need to notify for stormwater discharges. As a small business, the easiest place to start is by contacting your state Small Business Environmental Assistance Program. These programs are called SBEAP for short, pronounced S-beep, and provide free and confidential environmental compliance assistance. The [map on the National SBEAP website](https://nationalsbeap.org/states) allows you to “click” on the state to find the specific state contact.

Another resource for these regulations and specific industries are the [environmental compliance](https://nationalsbeap.org/compliance) pages on the [nationalsbeap.org](https://nationalsbeap.org/) website. These pages provide a basic overview of air quality, hazardous waste and water quality regulations.

So, stop wondering if any regulations apply to your small business and give your state SBEAP a call or send an email. In addition to answering your questions by phone or email, many state SBEAPs also offer on-site walk through visits to help them better understand your operations. Again, to contact your state SBEAP, simply go to the [national map](https://nationalsbeap.org/states) and click on your state.

**Ask SBEAP**July 2022

***Question:*** I am new to the auto body business and need help communicating the regulations to my employees that speak Spanish. Do you know where I can find compliance information for my small business in various languages other than English?

**Auto Body Bob**

***Answer:***

**Dear Bob:** It can be a challenge to find translated environmental compliance information in various languages, but as an auto body shop, you are in luck! The EPA and a few states have published compliance resources for both auto body and auto repair shops. At National SBEAP, we have published a listing of these sector-specific [foreign language resources](https://nationalsbeap.org/compliance/autobody/foreign-language). These sector-specific resources include guidance for surface coating regulations, often known as the “6H rule,” as well as spray-painting efficiency training and guidance for managing hazardous waste and stormwater.

In addition to foreign language guidance for auto body shops, National SBEAP has also collected resources for dry cleaners, nail salons, housing contractors and agricultural workers. To find these sector-specific and general resources, check out our [foreign language webpage](https://nationalsbeap.org/compliance/foreign-language). You may also want to check out the EPA’s [portal for individuals with limited English proficiency](https://www.epa.gov/lep).

The [National SBEAP home page](https://nationalsbeap.org/) allows all users to select a language, which then uses Google Translate to auto-translate our pages to the selected foreign language. Please feel free to reach out to [info@nationalsbeap.org](mailto:info@nationalsbeap.org) or 800-578-8898 if you identify additional compliance resources that should be posted or if you have a question. Many times, the best resource is to contact your state SBEAP, so make sure you have checked the [SBEAP state contact](https://nationalsbeap.org/states) list.

**Ask SBEAP**Aug 2022

***Question:*** What is TMDL? As a small business owner and citizen, I would like to know, what is public participation in TMDL development?

**Ms. Tammy Dell**

***Answer:***

**Dear Ms. Dell:** According to the [Clean Water Act](https://www.epa.gov/tmdl), each state must develop and implement Total Maximum Daily Loads, or TMDLs, for all the waters identified on their [Section 303(d)](https://www.epa.gov/tmdl/information-concerning-2022-clean-water-act-sections-303d-305b-and-314-integrated-reporting) list of impaired waters. TMDLs are developed to achieve water quality goals for the priority waterbodies with the collaboration of states, federal agencies, tribes, stakeholders and the public. Or in other words, TMDL is the maximum amount of pollutant that a body of water can receive while still meeting water quality standards for public health and healthy ecosystems.

TMDLs are developed using a range of techniques, from simple mass balance calculations (TMDL = WLA+ LA+ MOS) to complex water quality modeling approaches. Pollutant sources are characterized as either point sources that receive a waste load allocation, or WLA, or nonpoint sources that receive a load allocation, or LA. TMDLs must also account for seasonal variations in water quality and include a margin of safety, or MOS, to account for uncertainty in predicting how well pollutant reductions will result in meeting water quality standards.

The EPA’s regulations require public involvement in developing TMDLs, however, the level of citizen involvement in the TMDL process varies by state. Local citizens sometimes have more knowledge about their watersheds than state agencies, and this information can be a valuable aspect of TMDL development. Public participation is also encouraged for reviewing and commenting on a proposed TMDL. Call your [state’s](https://nationalsbeap.org/states) Small Business Environmental Assistance Program or the [TMDL state contact](https://www.envcap.org/srl/resourcelocator.php?id=17) and find out how you can be of help!

**Ask SBEAP**Sept 2022

***Question:*** I’ve heard the term “brownfield” used in my business community, but what exactly does that mean to me as a small business?

**Bobby Brown**

***Answer:***

**Dear Ms. Dell:** A brownfield is typically a property that has been impacted by the presence or potential presence of a hazardous material, pollutant or contaminant. When a community or a small business want to use, expand or redevelop the land, the contamination and cleanup can slow or complicate the use of these areas called “brownfields.” To ease the complications of clean up and encourage the redevelopment of brownfields, EPA provide financial support to communities and entities reinvesting in brownfields. EPA estimates there are more than [450,000 brownfields in the U.S.](https://www.epa.gov/brownfields/overview-epas-brownfields-program) and notes that practices that utilize brownfields instead of developing on open land protect the environment.

So where can you learn more about the funding options EPA offers under the brownfields program? Check out this [EPA resource](https://www.epa.gov/brownfields/overview-epas-brownfields-program) that details the history and lists seven different funding opportunities from assessment to cleanup grants. In addition, there are various [Brownfield Technical Assistance and Training](https://www.epa.gov/brownfields/brownfields-technical-assistance-training-and-research) resources available to help communities and grant applicants.  As always, your [state’s](https://nationalsbeap.org/states) Small Business Environmental Assistance Program (SBEAP) is available to help you identify local resources.

**Ask SBEAP**Oct 2022

***Question:*** I am a small manufacturer and am concerned that my processes may be subject to new regulatory requirements. Is there a way to know what regulations the EPA is in the process of developing?

**Mr. Fedrick Rooley**

***Answer:***

**Dear Ms. Dell:** Great question! The short answer to your question is “yes!”

The Unified Agenda of Regulatory and Deregulatory Actions, or Agenda, reports on the actions administrative agencies plan to issue in the near and long term. In other words, the Unified Agenda provides information about regulations that the Government is considering or reviewing. Released by the Office of Information and Regulatory Affairs, or OIRA, the Agenda provides important public notice and transparency about proposed regulatory and deregulatory actions within the executive branch. The complete Unified Agenda is available to the public at <http://reginfo.gov/>. The online Unified Agenda offers user-friendly, flexible search [tools](https://www.reginfo.gov/public/do/eAgendaMain) and a vast historical database. You can select your agency as “Environmental Protection Agency” and submit your query to view [active regulatory actions relevant to EPA](https://www.reginfo.gov/public/do/eAgendaMain?operation=OPERATION_GET_AGENCY_RULE_LIST&currentPub=true&agencyCode=&showStage=active&agencyCd=2000&csrf_token=6775EE7587A18ED6F2B3DB3182ED0BEACD65B50EE88577098538928EA61E7310C1529BD215CF4E9EA8AA15C02A0023B3083B).

Each entry in the Unified Agenda is associated with one of five rulemaking stages. The rulemaking stages are: Pre-rule Stage, Proposed Rule Stage, Final Rule Stage, Long-Term Actions and Completed Actions. Some agencies provide the following optional information including RIN Information URL, Public Comment URL, Compliance cost to the Public, RIN Data Printed in the FR, Related RINs, Affected Sectors, Energy Effects, Agency Contact etc. depending on the information they wish to include. If you are a business owner, and want to know about any proposed rule that might affect you, contact your [state Small Business Environmental Assistance Program](https://nationalsbeap.org/states), or SBEAP, to learn more. SBEAPs can help you identify both federal and state regulations.

**Ask SBEAP**Nov 2022

***Question:*** We’re trying to plan some sustainability initiatives for our facility but are struggling to find information on projects we know will work for us. We’d be more comfortable investing the time, effort and money into something tested and proven practical for a facility similar to ours, but so many resources seem to be aimed at larger companies. Can you recommend anything for smaller operations?

**Susie Sustainability**

***Answer:***

**Dear Susie:** [National SBEAP](https://nationalsbeap.org/) has a collection of [sustainability-related case studies](https://nationalsbeap.org/small-businesses/sustainability) for a variety of industry sectors and almost all of them are tailored for projects completed by small businesses. These listings can be applied to a wide range of industries and include energy-efficiency initiatives and recycling programs. You can even find industry-specific strategies such as replacements for cleaning solvents that can reduce your facility’s regulated air emissions.  EPA also hosts [several sustainability resources](https://www.epa.gov/sustainability/strategic-approach-sustainability).

Remember, in addition to the resources described above, your [state Small Business Environmental Assistance Program, or SBEAP](https://nationalsbeap.org/states), may also be able to identify additional resources. SBEAPs typically provide free, confidential environmental compliance assistance, but many have experience helping small businesses identify efficiencies that can save money and reduce regulatory burden. Find your [state SBEAP](https://nationalsbeap.org/states) contact by clicking on your state or calling 800-578-8898.

**Ask SBEAP**Dec 2022

***Question:*** Lately there has been a lot of talk in the media about climate change and its effect on everything from the weather to water resource sustainability to frozen microbes. As a small business owner, what exactly can I do to make a difference and help stem the tide of this ever-growing problem?

**Walter Wannahelp**

***Answer:***

**Dear Walter:** The [White House](https://www.whitehouse.gov/climate/) has declared that climate change is an important factor in the direction of its agenda, affecting the energy, education, and manufacturing sectors just to name a few. Additionally, the [EPA](https://www.epa.gov/climate-change) has put forth initiatives to help tackle the issue of climate change. Since many of the issues that stem from climate change tend to affect marginalized communities, the EPA has also tied [environmental justice](https://www.epa.gov/environmentaljustice) into the larger picture.

As a small business owner, there are many steps that can be taken at the local level to help reduce your climate footprint. Decisions about your energy provider, the source of your materials and the transportation you use can all affect the climate in one way or another. Issues like [refrigeration](https://www.epa.gov/section608) can also have far-reaching effects on the climate. Small businesses across the country can look to the federal government resources mentioned above, and they can also look to their [state Small Business Environmental Assistance Program, or SBEAP](https://nationalsbeap.org/states), as well as the [National SBEAP](https://nationalsbeap.org/) for further information about how small businesses can make decisions that are friendly to the climate and to the environment in general. Find your [state SBEAP](https://nationalsbeap.org/states) contact by clicking on your state or calling 800-578-8898.

**Ask SBEAP**Jan 2023

***Question:*** As a small metal fabricating business, our facility is subject to a national emissions standard for hazardous air pollutants, or NESHAP, informally known as the “6X rule.” We filed our initial notification and notification of compliance, but do we also need to file an “annual certification and compliance report?”

**Annual Reporting Ed**

***Answer:***

**Dear Ed:** As we close out 2022, and turn the calendar to 2023, industries subject to air quality rules and regulations, such as NESHAPs, need to review and possibly report on their compliance status.The end of the year or beginning of a new year is a good time to go over your facility’s requirements and plan for the new year of recordkeeping and reporting.

Your first step should be to review your permits and note the specific recordkeeping and reporting requirements, as well as dates any reports are due.  If you do not have a copy of the air permits for your facility, you should contact the permitting agency in your state for a copy.

The 6X rule **DOES** require an annual compliance report which are due by Jan. 31 each year and, depending on your requirement for visual emissions reporting, there may be [two different forms](https://www.epa.gov/stationary-sources-air-pollution/example-annual-certification-compliance-reports-sources-and-without). The purpose of these forms is to certify your compliance, and allow you to report any deviations and associated corrections. Your regulatory agency understands deviations sometimes occur. The important thing is that you identify and correct them.

Please note, not all NESHAPs require annual compliance reporting and many that do have a different reporting due date than Jan. 31.

Below are a few NESHAPs that require annual compliance certification reports of one kind or another, due Jan. 31each year.

* [Stationary Reciprocating Internal Combustion Engines RICE MACT ZZZZ (MACT 4Z rule)](https://www.epa.gov/stationary-engines/national-emission-standards-hazardous-air-pollutants-reciprocating-internal-0)
* [Major source boiler MACT DDDDD (Boiler MACT 5D rule)](https://www.epa.gov/stationary-sources-air-pollution/industrial-commercial-and-institutional-boilers-and-process-heaters)
* [Plating and polishing NESHAP WWWWWW (6W rule)](https://www.epa.gov/stationary-sources-air-pollution/plating-and-polishing-national-emission-standards-hazardous-air)
* [Prepared feeds manufacturing NESHAP DDDDDDD (7D rule)](https://www.epa.gov/stationary-sources-air-pollution/prepared-feeds-manufacturing-national-emission-standards-hazardous)

Because environmental regulations can vary from state to state, *Ask SBEAP* recommends you contact your state SBEAP who is there to provide environmental compliance technical assistance personalized to your small business. To find your state SBEAP, [click on this map](https://nationalsbeap.org/states) at https://nationalsbeap.org/states. As always, if you need additional assistance, you can email [Ask SBEAP](mailto:info@nationalsbeap.org) ([info@nationalsbeap.org](mailto:info@nationalsbeap.org)) or call us at 800-578-8898.

**Ask SBEAP**

Feb 2023

***Question:*** What are engineering controls and how do I practice it at my facility?

**Mr. H.S. Guy**

***Answer:***

**Dear Mr. Guy:** Great question! Engineering controls are methods designed to get as close to eliminating the hazard as possible without actually eliminating it. Engineering controls lie in the middle of the [hierarchy of hazard controls](https://en.wikipedia.org/wiki/Hierarchy_of_hazard_control), which orders control strategies by their feasibility and effectiveness. Well-designed engineering controls can be highly effective in protecting workers and will typically be independent of worker interactions to provide this high level of protection. Elimination and substitution, which are most effective at reducing hazards, are also difficult to implement in an existing process. Engineering controls are preferred over administrative controls and personal protective equipment, or PPE, because they are designed to remove the hazard at the source, before it comes in contact with the worker. The U.S. [National Institute for Occupational Safety and Health](https://en.wikipedia.org/wiki/National_Institute_for_Occupational_Safety_and_Health) researches engineering control technologies and provides information on their details and effectiveness in the [NIOSH Engineering Controls Database](https://www.cdc.gov/niosh/engcontrols/ecd/).

The initial cost of engineering controls can be higher than administrative controls or PPE, but the long-term operating costs are frequently lower and can sometimes provide cost savings. Some of the common engineering controls adopted in a small business include: installing guardrails and proper lighting to prevent falls; limiting workers to exposure of hazardous chemicals via proper ventilation and separation of hazardous chemicals into different storage areas; using air conditioners and heaters to combat extreme temperatures; and installing noise absorption panels to dampen high noise levels. Safeguards may also include improved fire detection and suppression systems as well as workplace conditions. If you have questions about engineering controls related to your industrial processes, the state Small Business Environmental Assistance Program or SBEAP can help. Simply go to our [national map](https://nationalsbeap.org/states) and click on your state to find help!

**Ask SBEAP**

Mar 2023

***Question:*** How can I learn about upcoming air quality rules that may impact my small business?

**Ms. Bea Ready**

***Answer:***

**Dear Bea:** Air quality rules can vary significantly for different industry sectors. One quick place to check for a list of upcoming rules that could have potential applicability for small business is the new [Office of Air Quality Planning and Standards](https://www.epa.gov/stationary-sources-air-pollution/office-air-quality-planning-and-standards-oaqps-small-business) page for small businesses.

This new resource, recently published by the EPA, provides a table listing of new and upcoming air quality rules as well as training resources. The [Office of Air Quality Planning and Standards](https://www.epa.gov/stationary-sources-air-pollution/office-air-quality-planning-and-standards-oaqps-small-business), also known as OAQPS, is striving to build strong working relationships with small business partners nationally. Two new rule updates that impact small businesses include the [Dry Cleaning National Emission Standard for Hazardous Air Pollutants](https://www.epa.gov/stationary-sources-air-pollution/dry-cleaning-facilities-national-perchloroethylene-air-emission), which was finalized Dec. 1, 2022 and [Paint Stripping and Surface Coating Operations at Area Sources](https://www.epa.gov/system/files/documents/2022-11/Paint%20Stripping%20Final%20Amendments%20-%20Fact%20Sheet.pdf), also known as the “6H rule,” which was finalized Nov. 1, 2022.

It can be challenging to keep up with new rules and updated guidance on existing rules, but these OAQPS resources as well as your state [Small Business Environmental Assistance Programs](https://nationalsbeap.org/), or SBEAP, are here to assist small businesses with understanding their air quality, waste and water quality compliance obligations. State SBEAPs offer free and confidential assistance, while OAQPS is part of the EPA, a federal enforcement agency. If you have questions or need assistance with compliance, find your state SBEAP contact at [nationalsbeap.org/states](https://nationalsbeap.org/states) or by e-mailing [info@nationalsbeap.org](mailto:info@nationalsbeap.org).

**Ask SBEAP**

April 2023

***Question:*** I operate a small cabinet manufacturing shop and have recently heard that smoke from my burn pit may contribute to respiratory health problems. I don’t want to call my state regulatory office because I am concerned it will tell me not to burn. I currently burn our wood remnants, sawdust, pallets and cardboard. Is my burning practice a regulatory or just a health concern?

**Leif Fyreburne**

***Answer:***

**Dear Leif:** Open burning of industrial waste is both a regulatory and a public health concern! With a few exceptions, the federal regulations, [**40 CFR Part 257-3.7(a)**](http://www.gpo.gov/fdsys/pkg/CFR-2008-title40-vol24/xml/CFR-2008-title40-vol24-part257.xml#seqnum257.3-7)**, prohibit open burning of residential, commercial, institutional or industrial solid waste.** Some states will allow limited types of industrial materials to be burned as a way of disposal using a pit, barrel or homemade incinerator, but you would need written permission or a special permit from the regulatory authority and the fire department to do this. Your [state SBEAP](https://nationalsbeap.org/states) should be able to help you determine if the authority is your state environmental control agency or a local government entity such as the city or county fire marshal.

From a public health perspective, open burning releases harmful chemical and particulate matter that can cause eye, nose, and throat irritation at a minimum and for people with conditions such as asthma, emissions from open burning can result in emergency room visits. Several mid-west state resources provide health and environment information related to open burning including, [Indiana](https://www.in.gov/idem/openburning/health-risks-and-environmental-impacts/), [Kansas](https://www.sbeap.org/air-quality/open-burning) and [Wisconsin](https://dnr.wisconsin.gov/topic/OpenBurning/Impacts.html), to name a few. If you have questions, contact the [National SBEAP](mailto:info@nationalsbeap.org) hotline or your [state SBEAP](https://nationalsbeap.org/states).

**Ask SBEAP**

May 2023

***Question:*** I operate a small business in the rural part of the town, and in spring I see a lot of smoke in the area caused by open burning practices. During good weather I bike to work, but lately, I have been experiencing respiratory and allergy issues due to burning. I wonder if there is a way, I can find the current air quality in my area based on which I can enjoy my outdoors.

**Joy Gardner**

***Answer:***

**Dear Joy:** [AirNow](https://www.airnow.gov/about-airnow/) is a one-stop source for air quality data in your local area and provides current and forecast air quality maps and data for more than 500 cities across the U.S. [AirNow](https://www.airnow.gov/about-airnow/) also informs you about current fire conditions including fire locations, smoke plumes. In short it tells you how clean or unhealthy your air is, and what associated health effects might be a concern.

EPA has established [Air Quality Index (AQI)](https://www.airnow.gov/aqi/) to make information available about the health effects of five major pollutants regulated by the Clean Air Act: ground level ozone, particle pollution, carbon monoxide, and sulfur dioxide and nitrogen dioxide. [AQI](https://www.airnow.gov/aqi/aqi-basics/) is a measure that runs from 0 to 500 and is also divided into six levels of health concern. The higher the [AQI](https://www.airnow.gov/aqi/aqi-basics/) value, the greater the level of air pollution and the greater the health concern. Active people of all age groups who spend more time outdoors are at risk and suffer from coughing, eye, nose, and throat, airway irritation, chest tightness, or chest pain when taking a deep breath. However, people with marginal or compromised cardiovascular and respiratory systems and infants are a greater risk and are more likely to visit emergency rooms.

You can now visit [AirNow](https://www.airnow.gov/about-airnow/) to find out whether [AQI](https://www.airnow.gov/air-quality-and-health/) levels are a concern in your area and take simple steps to reduce your exposure to unhealthy air. For example, you may go for a walk instead of a jog, or plan your outdoor activities for days when the [AQI](https://www.airnow.gov/air-quality-and-health/your-health/) is not concerning.

If you have questions, contact the [National SBEAP](mailto:info@nationalsbeap.org) hotline or your [state SBEAP](https://nationalsbeap.org/states).

**Ask SBEAP**June 2023

***Question:*** I am a small business owner, and my energy costs have been going up for a couple of years now. Are there any resources available to help me manage my energy use and reduce my expenses?

**Meg Watts**

***Answer:***

**Dear Meg:** Managing energy use can sometimes feel daunting, with so many devices, appliances and systems using energy in a building. Thankfully, the EPA’s [ENERGY STAR](https://www.energystar.gov/) program has the tools and resources available to assist business owners in managing energy use and developing a plan to improve energy efficiency. Increasing energy efficiency at your small business is one of the quickest and least expensive solutions to save energy and money while also contributing to cleaner air by reducing greenhouse gas, or GHG, emissions. In 2021, the [U.S. industrial sector accounted for 30% of the total U.S. GHG emissions](https://www.epa.gov/ghgemissions/sources-greenhouse-gas-emissions#electricity-end-use) (including electricity use).

The [ENERGY STAR Action Workbook for Small Business](https://www.energystar.gov/sites/default/files/tools/ENERGYSTAR_Small_Business_AWB_September%202022_508.pdf) will guide you through the process to evaluate the current energy performance, identify low- or no-cost opportunities to increase energy efficiency, and understand your energy consumption’s impact on the climate and environment. One of the first steps to saving energy is to benchmark your facility in [ENERGY STAR’s Portfolio Manager database](https://www.energystar.gov/buildings/benchmark) to understand how your building’s performance compares to similar buildings nationwide. Portfolio Manager makes it easy to assess your building’s energy performance and environmental impact with an ENERGY STAR score (1-100) and a GHG emissions calculator.

If you have the need to purchase new equipment, ensure that it is an [ENERGY STAR Certified product](https://www.energystar.gov/productfinder/?s=mega). Purchasing equipment with the ENERGY STAR label means that product has met strict energy-efficiency specifications set by the EPA helping you reduce energy use and expenses, while simultaneously protecting the environment. When shopping for new equipment, don’t forget to look for [rebates](https://www.energystar.gov/rebate-finder) and [tax incentives](https://www.energystar.gov/about/federal_tax_credits/federal_tax_credit_archives/2022_tax_credit_information) to reduce the purchase cost of implementing energy efficient technology and practices.

Whether you own the facility or are a tenant, ENERGY STAR has the tools and resources to help you improve the energy efficiency of your business and reduce its climate impact.

In addition to regulatory compliance information, you can find similar resources on the [National SBEAP](mailto:info@nationalsbeap.org) website, [Small Business Sustainability](https://nationalsbeap.org/small-businesses/sustainability#Energy) resource page. Your [state SBEAP office](https://nationalsbeap.org/states) maybe able to provide state-specific energy information or incentive programs. As always, feel free to contact at [info@nationalsbeap.org](mailto:info@nationalsbeap.org) or 800-5788898, if you need additional assistance.

**Ask SBEAP**

July 2023

***Question:*** I recently hear that EPA is proposing new restrictions on the use and possibly banning PCE. Our manufacturing plant uses PCE for cleaning and I know the dry cleaner down the street uses it. What exactly is PCE and what is being proposed?

**Patty Perc**

***Answer:***

**Dear Ms. Perc:** You heard correctly! The EPA recently [proposed a ban](https://www.regulations.gov/document/EPA-HQ-OPPT-2020-0720-0024)on all consumer uses and some commercial applications of [perchloroethylene (PCE)](https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/risk-management-perchloroethylene-pce), a chemical known to cause serious health risks such as neurotoxicity and cancer.  PCE is a solvent that is widely used for commercial applications such as dry cleaning and in many industrial settings for cleaning and degreasing.

The EPA is proposing a 24-month phase-out that would:

* Eliminate all consumer PCE manufacturing and uses.
* Prohibit most industrial and commercial uses of PCE.
* Create strict work place protections where PCE is used.
* Require new record keeping and notification actions of manufacturers, processors, and distributors.

EPA proposes a 10-year phaseout for the use of PCE in dry cleaning, with compliance dates depending on the type of dry cleaner machine in which PCE is used. This phaseout period would provide dry cleaners, many of which are small businesses, time to transition to an alternative process, and stakeholders have already noted an overall year-to-year decline in the use of PCE in dry cleaning.

In addition, [President Biden’s Fiscal Year 2024 budget](https://www.epa.gov/planandbudget/cj) request *proposed* funding for new pollution prevention grants that would support small businesses with transitioning to TSCA compliant practices and mitigate economic impacts. If implemented, these grants *may* be used to support small businesses like dry cleaners in their transition away from PCE.

Learn more about this [proposal here](https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/risk-management-perchloroethylene-pce) which include links to stakeholder engagement opportunities and resources. The National Small Business Environmental Assistance Program, or National SBEAP, lists state-specific contact, programs that can provide free on-site assistance to small businesses who need help understanding environmental compliance requirements. The [National SBEAP](https://nationalsbeap.org/) website provide a resources for small businesses and provides s dedicated page for [dry cleaners](https://nationalsbeap.org/compliance/dry_cleaners). Contact National SBEAP at 800-578-8898 or [info@nationalsbeap.org](mailto:info@nationalsbeap.org).

**Ask SBEAP**

August 2023

***Question:*** I opened a new small business about 3 months ago and need help determining whether any state or federal environmental compliance regulations apply to my facility. Our facility processes generate waste paints, solvents and oils. Are there programs that can help small businesses with environmental compliance questions?

**Start-up Sandra**

***Answer:***

**Dear Sandra:** Good news, you have come to the right place to get answers to your questions. It is the business owner’s responsibility to determine which environmental regulations apply to their operations. After identifying which regulations the operation is subject to, the owner may need to secure any necessary permits and then meet specific regulatory performance standards.

Operations, like the one described, that spray paints and coatings, and use solvents, should evaluate their air emissions, hazardous waste generation and the need to notify for stormwater discharges. As a small business, the easiest place to start is by contacting your state Small Business Environmental Assistance Program. These programs are called SBEAP for short, pronounced S-beep, and provide free and confidential environmental compliance assistance. The [map on the National SBEAP website](https://nationalsbeap.org/states) allows you to “click” on the state to find the specific state contact.

Another resource for these regulations and specific industries are the [environmental compliance](https://nationalsbeap.org/compliance) pages on the [nationalsbeap.org](https://nationalsbeap.org/) website. These pages provide a basic overview of air quality, hazardous waste and water quality regulations.

So, stop wondering if any regulations apply to your small business and give your state SBEAP a call or send an email. In addition to answering your questions by phone or email, many state SBEAPs also offer on-site walk-through visits to help them better understand your operations. Again, to contact your state SBEAP, simply go to the [national map](https://nationalsbeap.org/states) and click on your state or you can always call 800-578-8898 for hotline assistance.

**Ask SBEAP**

September 2023

***Question:*** I am a community leader and own a small metal manufacturingbusiness in a medium-sized metropolitan area that is known for its aerospace manufacturing. My shop is considered a job shop that provides small metal parts to larger aerospace manufactures in the same metro area. I have heard from community and university sources that the section of the city my shop (and home) is located in, is an environmentally overburdened, marginalized, or vulnerable community, sometimes referred to as a community with Environmental Justice concerns. Honestly, I don’t understand what this means. Can you explain the concept of a community with environmental justice concerns to me as a small business owner and a community member? Are there any resources I should be aware of?

***Joe Job-shop***

***Answer:***

**Dear Joe:** [According to the EPA](https://www.epa.gov/environmentaljustice), the term “environmental justice” or EJ, is the fair treatment and meaningful involvement of all people regardless of race, color, national origin or income, with respect to the development, implementation and enforcement of environmental laws, regulations and policies. If your business and/or home are located within a community with environmental justice concerns, it often means your area may be historically under resourced and disproportionally impacted by environmental or public health hazards. EJ strives to offer an equal degree of protection from environmental and health hazards as well as equal access to the community decision-making process related to ensuring a healthy environment and access to resources.

[Environmental justice](https://www.epa.gov/environmentaljustice) is rooted in the same basic principles as [Title VI of the Civil Rights Act of 1964](https://www.epa.gov/environmentaljustice/title-vi-and-environmental-justice), that no person should bear an unfair share of harm due to their race or national origin. There are various tools that have helped community leaders [map out](https://www.epa.gov/ejscreen) and identify high risk EJ areas in their communities. This is important because the Biden administration has a renewed commitment to advance Title VI and EJ and congress has authorized funding for [16 Environmental Justice Thriving Community Technical Assistance Centers](https://www.epa.gov/environmentaljustice/environmental-justice-thriving-communities-technical-assistance-centers). These centers are being funded by the EPA and the DOE to provide a variety of capacity building services in communities with EJ concerns. For small businesses, capacity building could include learning how to apply for grants that may fund pollution reduction equipment or access free services that can help you improve workplace and environmental compliance.

An existing resource that small businesses can access is the National Small Business Environmental Assistance Program found at [nationalsbeap.org](http://www.nationalsbeap.org/). This website is packed with compliance information related to air quality permits, hazardous waste management and water quality regulations. So, stop wondering if any regulations apply to your small business and give your [state SBEAP](https://nationalsbeap.org/states) a call or send an email. In addition to answering your questions by phone or email, many state SBEAPs also offer on-site walkthrough visits to help them better understand your operations.

**Ask SBEAP**

October 2023

***Question:*** I am the owner of a small metal fabrication business located in an industrial area, and my shop specializes in custom metal products. We have been hearing concerns about the presence of something called PFAS in our community’s environment. As a responsible business owner, I would like to understand the implications of PFAS contamination and how we can contribute to addressing this issue. Can you shed some light on PFAS and provide guidance on what actions metal fabricators like us can take?

**Stacy Steelworks**

***Answer:***

**Dear Stacy:** We’d be happy to provide you with information about PFAS and their relevance to metal fabricators.

PFAS are commonly referred to as “forever chemicals,” and are a group of synthetic compounds used in a wide range of industrial and consumer products due to their water- and grease-resistance properties. These chemicals can contaminate soil, groundwater and surface water, posing risks to human health and the environment. Exposure to PFAS has been linked to various health issues such as cancer and immune system disorders. Consequently, communities near industrial areas are understandably concerned about PFAS contamination.

Companies like yours can play a decisive role in addressing this issue by implementing responsible practices, including:

**Material selection:** Be vigilant about the materials you utilize. Consider alternatives to products containing PFAS. Common applications in metal fabrication include wetting agents, fume suppressants, dispersion products, coating additives and corrosion inhibitors.

**Waste management:** Ensure that any waste from your fabrication processes is managed and disposed of in accordance with local regulations.

**Water management:** If your operations involve water-based processes, monitor and control the discharge of potentially contaminated water. Implement wastewater treatment systems that can effectively remove PFAS before releasing the water.

I recommend checking out the Minnesota Pollution Control Agency's resource ([pca.state.mn.us/sites/default/files/gp3-05.pdf](https://www.pca.state.mn.us/sites/default/files/gp3-05.pdf)) on PFAS in the metal plating and finishing industry. Additionally, consider engaging with your state's Small Business Environmental Assistance Program, or SBEAP. They offer resources and support to help businesses navigate and comply with environmental regulations, including guidance on PFAS-related regulations tailored to your specific needs. Not sure how to contact your state SBEAP, go to the state contact list (<https://nationalsbeap.org/states>) or contact Nancy via the hotline at 800-5788898.

**Ask SBEAP**

November 2023

***Question:*** We’re trying to plan some sustainability initiatives for our facility but are struggling to find information on projects we know will work for us. What can or should we be recycling? Do you have examples of other sustainability projects that are tested and proven practical for a facility similar to ours?

**Want-to-recycle Ralph**

***Answer:***

**Dear Ralph:** When it comes to industrial recycling opportunities, the [EPA’s Sustainable Materials Management](https://www.epa.gov/smm) or SMM resource is a great starting point. Successful recycling requires commitment from your facility in partnership with a contractor that is able to manage your material sustainably and at a cost benefit that is affordable for both parties. SMM starts with assessing your facility material management. Meaning before considering recycling, always look to minimize or use existing materials more efficiently. November 15th is [America Recycles Day](https://www.epa.gov/circulareconomy/america-recycles-day), so this is a great month to initiate an SMM program.

As far as examples of proven case summaries go, the  [National SBEAP](https://nationalsbeap.org/) has a collection of [sustainability-related case studies](https://nationalsbeap.org/small-businesses/sustainability) for a variety of industry sectors and almost all of them are tailored for projects completed by small businesses. These listings can be applied to a wide range of industries and include energy-efficiency initiatives and recycling programs. You can even find industry-specific strategies such as replacements for cleaning solvents that can reduce your facility’s regulated air emissions.

Remember, in addition to the resources described above, your [state Small Business Environmental Assistance Program, or SBEAP](https://nationalsbeap.org/states), may also be able to identify additional resources. SBEAPs typically provide free, confidential environmental compliance assistance, but many have experience helping small businesses identify efficiencies that can save money and reduce regulatory burden. Find your [state SBEAP](https://nationalsbeap.org/states) contact by clicking on your state or calling 800-578-8898.

**Ask SBEAP**

December 2023

***Question:*** I recently learned that my business resides in what might be termed as an historically overburdened or environmental justice region in my city. What exactly does that mean, and how could it affect my business? Will there be any regulatory changes as part of this environmental justice movement? I manage a machining shop and we operate under both an air and hazardous waste permit.

**Eddie Environmental**

***Answer:***

**Dear Eddie:** According to the EPA, environmental justice, or EJ, is defined as the fair treatment and meaningful involvement of all individuals, regardless of race, color, national origin or income, in relation to the development, implementation and enforcement of environmental laws, regulations and policies. The goal of EJ is to safeguard marginalized communities from experiencing disproportionate exposure to pollution and its detrimental health effects.

Regarding your question, **no**, the regulations are not changing; however, there may be an increase in environmental compliance inspections in your area, thereby raising the likelihood of encountering an air or RCRA inspector.

We recommend visiting the EPA’s [page on enforcement and compliance initiatives](https://www.epa.gov/enforcement/environmental-justice-enforcement-and-compliance-assurance), which provides details on how the Office of Enforcement and Compliance Assurance is actively working to strengthen enforcement in regions that have EJ concerns. These inspections will primarily focus on six [national compliance initiatives](https://www.epa.gov/enforcement/national-enforcement-and-compliance-initiatives) related to air permits, hazardous waste generation, as well as water and stormwater permits and discharges. This may involve conducting thorough environmental impact assessments, implementing pollution control measures or reevaluating permits.

The [National SBEAP website Environmental Justice page](https://nationalsbeap.org/node/454) contains resources, including an [informational flyer](https://nationalsbeap.org/sites/nationalsbeap/files/small-business/NSBEAP-EJ23.pdf), that are tailored to small businesses related to compliance and enforcement. Taking proactive steps to protect your community can benefit your business by saving money on compliance costs, improving your reputation, and attracting and retaining customers.

We encourage you to reach out to your [state SBEAP](https://nationalsbeap.org/states) and the [National SBEAP](mailto:info@nationalsbeap.org%20%3cinfo@nationalsbeap.org%3e;), both of which are committed to empowering small businesses through free, confidential technical assistance needed to seamlessly meet environmental compliance requirements and contribute positively to their communities.

**Ask SBEAP**

January 2024

***Question:*** As a small business owner, I am concerned about the impact my business has on the environment. How can I effectively reduce my facility’s carbon footprint and help mitigate climate change?

**Climate Clarence**

***Answer:***

**Dear Clarence:** There are many steps you can take to reduce your facility’s climate footprint. The first step is to identify what your facility’s current climate footprint looks like by performing internal audits or by hiring a contractor to calculate your footprint for you. Performing audits or hiring a contractor can help you pinpoint specific processes or equipment that make up the majority of your facility’s climate impact, allowing you to target your efforts effectively. Two common audits are energy audits and waste audits. Energy audits specifically help identify areas where energy efficiencies can be improved, and waste audits help identify areas where materials handling can be improved.

Your next steps depend on your specific circumstances, but there are several common actions businesses can take. Common energy measures include upgrading to energy-efficient lighting and appliances, improving insulation and HVAC systems, and optimizing production processes to reduce energy waste. You can also consider shifting to renewable energy sources, such as solar or wind power, either by installing on-site renewable energy systems or purchasing green power from your utility provider. Common waste measures include optimizing production processes to reduce waste, changing from disposable materials to reusable ones, and reusing or recycling waste materials internally or externally via third parties.

Beyond these technical measures, fostering a culture of sustainability within your organization can have a significant impact. Encourage employees to engage in energy-saving practices, like turning off equipment when not in use and optimizing the use of natural light. Implementing a recycling program and reducing waste, particularly in areas like packaging and transportation, can further decrease your environmental impact. These changes not only reduce your carbon footprint but often result in cost savings, making your business more sustainable both environmentally and economically. Remember, every step towards sustainability, no matter how small, contributes to the broader effort of climate change mitigation. Your state SBEAP can help. Find your SBEAP on the [National SBEAP state contact map](https://nationalsbeap.org/states) or reach out to National SBEAP directly at [info@nationalsbeap.org](mailto:info@nationalsbeap.org) or 800-578-8898.

**Ask SBEAP**

February 2024

***Question:*** My business set a new goal this year to reduce its impact on the climate, but several of the sustainability projects we have in mind are too expensive to implement. Are there any funding opportunities that could help us out? How can we find funding opportunities ourselves?

**Funding Francesca**

***Answer:***

**Dear Francesca:**Many businesses, both large and small, face financial challenges when aiming to implement sustainability projects. Fortunately, there are numerous funding opportunities designed to support these businesses.

Federal and state agencies often offer grants, low-interest loans and tax incentives specifically for projects that reduce environmental impacts, such as renewable energy installations, energy efficiency upgrades and waste-reduction initiatives. You can find a list of federal grant opportunities, such as those from the Small Business Administration and the Environmental Protection Agency, through [grants.gov](https://www.grants.gov/). Click “Search Grants” and then make sure to select “Small Businesses” under the “Eligibility” tab. To find climate-related funding, select “Environment,” “Energy,” or any other relevant criteria under the “Category” tab.

Private foundations and environmental organizations also provide grants for sustainability projects, particularly those with a strong community impact or those that use innovative approaches. A good way to find these funding opportunities is through your state's environmental protection agency, energy office, or [Small Business Development Center](https://www.sba.gov/local-assistance/resource-partners/small-business-development-centers-sbdc). Networking with industry associations and participating in environmental workshops and seminars can also be valuable, as these forums often provide insights into new funding sources and best practices for successful applications.

In addition to offering environmental technical assistance, your state’s SBEAP can help you navigate through possible funding opportunities. You can find your SBEAP on the [National SBEAP state contact map](https://nationalsbeap.org/states). You can also reach out to National SBEAP directly for assistance at [info@nationalsbeap.org](mailto:info@nationalsbeap.org) or 800-578-8898.

**Ask SBEAP**

March 2024

***Question:*** My business is expanding into a new market and will soon start generating hazardous waste. Do my employees need to be trained or certified to some standard before they can manage this new waste?

**Haz Waste Harold**

***Answer:***

**Dear Haz Waste Harold:**Federally, the management of hazardous waste at a hazardous waste generator’s facility is regulated by the EPA’s Resource Conservation and Recovery Act, or RCRA. Under RCRA, training is required for employees expected to handle or oversee the management of hazardous waste at facilities generating more than 100 kilograms or 220 pounds of hazardous waste a month (these facilities are called Small Quantity Generators or Large Quantity Generators).

If you have employees that handle hazardous waste, such as in the paint room or booth or on a processing line, you must provide them with hazardous waste training within six months of hire or position change and at least once per year thereafter. Until initial training, untrained employees must work under the supervision of a trained individual. Training can come from many different sources, such as state environmental agencies, industry associations and private consultants. Whichever provider you choose, training must be comprehensive enough that employees are “thoroughly familiar” with proper waste handling and emergency response procedures relevant to their job duties. Employees expected to sign hazardous waste manifests for shipment off-site need additional training under DOT’s hazardous materials transportation regulations, [49 CFR 172.704](https://www.ecfr.gov/current/title-49/subtitle-B/chapter-I/subchapter-C/part-172/subpart-H/section-172.704).

It is important to note that some state governments enforce stricter hazardous waste regulations than the EPA, such as in Kansas and Minnesota, so contact your state SBEAP for personalized compliance assistance. To find your state SBEAP, [use this map](https://nationalsbeap.org/states). As always, if you need additional assistance, you can email [Ask SBEAP](mailto:info@nationalsbeap.org) ([info@nationalsbeap.org](mailto:info@nationalsbeap.org)) or call us at 800-578-8898.

**Ask SBEAP**

April 2024

***Question:*** I operate a business in a heavily regulated industry and each year my state’s SBEAP sends me a compliance calendar. How can a compliance calendar assist me in preparing for environmental audits and inspections?

**Compliance Calendar Calandra**

***Answer***:

**Dear Compliance Calendar Calandra:** Compliance calendars serve as a tool to help regulated businesses maintain their compliance status and to keep up with regulatory recordkeeping requirements. For instance, many businesses use their compliance calendars to track periodic inspections, trainings and inventories and to store documents like hazardous waste manifests. Additionally, by using these calendars, businesses can stay aware of key dates, like reporting deadlines and permit renewals, which can help them avoid last-minute rushes and potential noncompliance issues. A well-used calendar can be invaluable, especially during audits and inspections, as it can demonstrate that your business is proactive and committed to maintaining regulatory compliance. You can find many different compliance calendars, such as those specific to dry cleaners and gasoline dispensing facilities, on National SBEAP’s [compliance calendars webpage](https://nationalsbeap.org/compliance/calendars). If you can’t find what you’re looking for or need dedicated help, you can email [Ask SBEAP](mailto:info@nationalsbeap.org) ([info@nationalsbeap.org](mailto:info@nationalsbeap.org)) or call us at 800-578-8898.

**Ask SBEAP**

May 2024

***Question:*** I operate a kitchen countertop and cabinet manufacturing small business, and I recently heard about EPA’s stricter air quality rules for particulate matter. How will this new change in EPA rule impact my business?

**Mr. Chuck Wood**

***Answer***:

**Dear Chuck:** In February 2024, the Environmental Protection Agency (EPA) implemented a significant rule to improve air quality. EPA strengthened the [National Ambient Air Quality Standards (NAAQS) for fine particulate matter](https://www.epa.gov/pm-pollution/final-reconsideration-national-ambient-air-quality-standards-particulate-matter-pm), also known as PM2.5. PM2.5 is a dangerous air pollutant linked to respiratory problems and heart disease. The EPA lowered the acceptable annual average level of PM2.5 from 12 to 9 micrograms per cubic meter (µg/m3) to better protect public health.

While these regulations don't directly target businesses, they may lead to stricter permitting requirements down the line. States will be working with the EPA to implement the new standard. The first impact happens 60 days after the final rule is published. Therefore, the permits issued before the new rule will not need adjustments. However, new or modified facilities applying for permits will need to consider the stricter limits. They may need to adjust their plans or install additional controls to meet the new standards for cleaner air.

It should be noted that EPA is also finalizing revisions to other key aspects related to the PM NAAQS. This includes placing monitors in areas with environmental justice concerns and updating the Air Quality Index to better reflect health risks.

If you have questions, your state or National Small Business Environmental Assistance Program, known as SBEAP can help. Contact the [National SBEAP](mailto:info@nationalsbeap.org) hotline or your [state SBEAP](https://nationalsbeap.org/states).

**Ask SBEAP**

July 2024

***Question:*** I opened a new small business about 10 months ago and need help determining whether any state or federal environmental compliance regulations apply to my facility. The facility does some paint and coating and generates small amounts of waste solvent from spray gun cleaning. How do I get started?

**Budding Small Business Owner**

***Answer***:

**Dear Budding:** Good news, you have come to the right place to get answers to your questions. It is the business owner’s responsibility to determine which environmental regulations apply to their operations. After identifying which regulations, the operation is subject to, the owner may need to secure any necessary permits and then meet specific regulatory performance standards.

Operations, like the one described, that spray paints and coatings, and use solvents, should evaluate their air emissions, hazardous waste generation and the need to notify stormwater discharges. As a small business, the easiest place to start is by contacting your state Small Business Environmental Assistance Program. These programs are called SBEAP for short, pronounced S-beep, and provide free and confidential environmental compliance assistance. The [map on the National SBEAP website](https://nationalsbeap.org/states) allows you to “click” on the state to find the specific state contact.

Another resource for these regulations and specific industries are the [environmental compliance](https://nationalsbeap.org/compliance) pages on the [nationalsbeap.org](https://nationalsbeap.org/) website. These pages provide a basic overview of air quality, hazardous waste and water quality regulations.

So, stop wondering if any regulations apply to your small business and give your state SBEAP a call or send an email. In addition to answering your questions by phone or email, many state SBEAPs also offer on-site walk-through visits to help them better understand your operations. Again, to contact your state SBEAP, simply go to the [national map](https://nationalsbeap.org/states) and click on your state.

**Ask SBEAP**

August 2024

***Question:*** My business uses an emergency generator, which draws fuel from an underground storage tank. Though I have always kept up on my inventory control, I didn’t think I was required to document monthly release monitoring. Has that changed? If yes, what do I need to do to keep up on release detection?

**Jenny Rater**

***Answer***:

**Dear Jenny:**In 2015, the EPA [updated the regulations for underground storage tanks](https://www.epa.gov/ust/revising-underground-storage-tank-regulation-revisions-existing-requirements-and-new), or USTs ([40 CFR 280](https://www.ecfr.gov/current/title-40/chapter-I/subchapter-I/part-280)). This new regulation explains “emergency generator tanks are no longer deferred from release detection requirements in [40 CFR part 280](https://www.ecfr.gov/current/title-40/chapter-I/subchapter-I/part-280), subpart D and are subject to all UST requirements”. Under federal regulations, (1) standby or emergency generator UST systems installed on or before Oct. 13, 2015, must use an approved method of release detection no later than Oc. 13, 2018 and (2) New standby or emergency generator UST systems installed after Oct. 13, 2015, must meet release detection requirements when they are installed.

From the new EPA regulation, “since 1988 UST regulation federal regulations for standby or emergency generators have matured greatly for inventory control. Whereas technology development and upgradation of most of UST in the US can now be monitored for release with use of any EPA authorized leak detection methods”. Specific to your question, standby or emergency generator tanks required monthly monitoring but not inventory control.

Note that I’ve been saying “under federal regulations” up to this point. Most states have their own implementing agency, typically their state environmental agency. Those states write their own regulations, which must be at least as stringent as the federal regulations, and if they meet that requirement, they can be different from the federal regulations. You should check with your state’s environmental agency to determine the requirements in your state. Except for safe suction piping systems, UST systems installed after April 11, 2016, must have secondary containment with interstitial monitoring according to federal regulations, which satisfies the requirement for release detection. Otherwise, the EPA allows any of the following, though again, not all of these are allowed in all states:

* Automatic tank gauge
* Interstitial monitoring in a system with secondary containment
* Statistical Inventory Reconciliation
* Ground water monitoring
* Vapor monitoring
* Tank tightness testing (if the system meets other performance standards and inventory control is kept up)
* Manual tank gauging (for tanks with a capacity of 550 gallons or less)
* Any other method approved by your state agency based on demonstration that it is adequate and comparable to other accepted methods

It is also important to ensure that your release detection equipment is functioning properly. Under the new regulations, walkthrough inspections are required every 30 days that include checking release detection equipment, among other things. This may entail checking that any automatic components are working and not indicating any errors or alarms, checking that a stick used for manual tank gauging is in good condition, etc. As of Oct. 13, 2018, any release detection equipment, such as automatic tank gauges and monitoring sensors, must be tested at least annually in accordance with the manufacturer’s instructions, a nationally recognized code of practice or other such standard approved by the applicable environmental agency. You may be required to have this testing done by a contractor licensed in your state. If this is the case, be sure to book your testing well in advance, as contractors may be harder to schedule or more expensive closer to testing deadlines.

If you need help navigating environmental regulations, SBEAP is here to assist you. You can find contact information for your state SBEAP on the [State Contact map](https://nationalsbeap.org/states) on the [National SBEAP website](https://nationalsbeap.org/), or you can contact National SBEAP at 800-578-8898.

**Ask SBEAP**

September 2024

***Question:*** I am new to the auto body business and need help communicating the regulations to my employees that speak Spanish. Do you know where I can find compliance information for my small business in various languages other than English?

**Auto Body Bob**

***Answer:***

**Dear Bob:** It can be a challenge to find translated environmental compliance information in various languages, but as an auto body shop, you are in luck! The EPA and a few states have published compliance resources for both auto body and auto repair shops. At National SBEAP, we have linked to a listing of these auto body [foreign language resources](https://nationalsbeap.org/compliance/autobody/foreign-language). These sector-specific resources include guidance for surface coating regulations, often known as the “6H rule,” as well as spray-painting efficiency training and guidance for managing hazardous waste and stormwater.

In addition to foreign language guidance for auto body shops, National SBEAP has also collected resources for dry cleaners, nail salons, housing contractors and agricultural workers. To find these sector-specific and general resources, check out the [foreign language webpage](https://nationalsbeap.org/compliance/foreign-language). You may also want to check out the EPA’s [portal for individuals with limited English proficiency](https://www.epa.gov/lep).

The [National SBEAP home page](https://nationalsbeap.org/) allows all users to select a language, which then uses Google Translate to auto-translate our pages to the selected foreign language. To select a language translation, simply go to the drop-down box at the top right of the home page. Please feel free to reach out to [info@nationalsbeap.org](mailto:info@nationalsbeap.org) or 800-578-8898 if you identify additional compliance resources that should be posted or if you have a question. Many times, the best resource is to contact your state SBEAP, so make sure you have checked the [SBEAP state contact](https://nationalsbeap.org/states) list. State SBEAPs can speak with you about state-specific requirements and in many cases, provide a free, confidential on-site visit.

**Ask SBEAP**

October 2024

***Question:*** I recently learned that my small electroplating business may be located in an underserved community or environmental justice area. However, I am curious about how the EPA defines overburdened communities and whether there have been any changes to compliance policies from the EPA for small businesses specifically located in these burdened communities. What resources are available to help small businesses pursue environmental justice initiatives?

**John Miller**

***Answer:***

**Dear John:** Recently, the EPA redefined and stated a clear explanation about [Environmental Justice](https://www.epa.gov/environmentaljustice) (EJ) as “Environmental justice” means the just treatment and meaningful involvement of all people, regardless of income, race, color, national origin, Tribal affiliation or disability, in agency decision-making and other federal activities that affect human health and the environment so that people:

* Are fully protected from disproportionate and adverse human health and environmental effects (including risks) and hazards, including those related to climate change, the cumulative impacts of environmental and other burdens, and the legacy of racism or other structural or systemic barriers.
* Have equitable access to a healthy, sustainable and resilient environment in which to live, play, work, learn, grow, worship and engage in cultural and subsistence practices.

To confirm whether your business is located under the EJ area, please use the most recently updated [EPA EJ Screen](https://ejscreen.epa.gov/mapper/) or other EJ identification mapping tools available through our [Small Business Environmental Assistance Program,](https://nationalsbeap.org/committees/environmental-justice) or SBEAP.

So far, the EPA hasn’t made any changes to compliance policies for small businesses specific to EJ areas. Fortunately, the [SBEAP](https://nationalsbeap.org/committees/environmental-justice) continuously supports small businesses with enforcement and environmental compliance in regions with EJ concerns. Please visit our SBEAP [Environmental Justice](https://nationalsbeap.org/node/454) page to learn more about SBEAP services, including a brief [informational flyer](https://nationalsbeap.org/sites/nationalsbeap/files/small-business/NSBEAP-EJ-1223.pdf) about the [EPA’s National Enforcement and Compliance Initiatives](https://www.epa.gov/enforcement/national-enforcement-and-compliance-initiatives) for fiscal years 2024-2027. The majority of electroplating units could release 'forever chemicals,' known as Per- and Polyfluoroalkyl Substances, or PFAS. Therefore, the EPA has initiated compliance and enforcement activities to address PFAS contamination and control under the [EPA's PFAS](https://www.epa.gov/enforcement/national-enforcement-and-compliance-initiatives) Strategic Roadmap.

For additional resources to empower communities with EJ concerns, please reach out to your state’s regional Environmental Justice Thriving Communities Technical Assistance Centers, or [EJ TCTACs](https://www.epa.gov/environmentaljustice/environmental-justice-thriving-communities-technical-assistance-centers), or Technical assistance to Brownfield, or [TAB](https://www.ksutab.org/).

If you need assistance with navigating environmental regulations, SBEAP provides free and confidential technical support to help your business meet compliance requirements smoothly. You can find contact information for your state SBEAP on the [state contact map](https://nationalsbeap.org/states) available on the [National SBEAP](https://nationalsbeap.org/states) website, or reach out to the National SBEAP directly at 800-578-8898.

**Ask SBEAP**

November 2024

***Question:*** As the environmental compliance manager at a miscellaneous coating manufacturing facility, I've recently become aware of the EPA's updated regulations regarding the “Once In, Always In” policy. I'd like to inquire about the eligibility of my facility for reclassification under these new guidelines.

**Greg Thomas**

***Answer:***

**Dear Greg:** According to the Federal Registry:

“The EPA is finalizing requirements for sources that reclassify from major source status to area source status under the National Emission Standards for Hazardous Air Pollutants (NESHAP) program. The requirements of this [final rule](https://www.federalregister.gov/documents/2024/09/10/2024-20074/review-of-final-rule-reclassification-of-major-sources-as-area-sources-under-section-112-of-the) apply to all sources that choose to reclassify after September 10, 2024. The final amendments include a requirement that sources subject to certain major source NESHAP used to meet the Agency's obligations under the Clean Air Act (CAA) for seven specific persistent and bioaccumulative pollutants must remain subject to those NESHAP even if the sources reclassify to area source status. This requirement is based on the EPA's analysis of the statute and of comments received on the EPA's 2023 proposal to amend requirements for NESHAP-regulated sources that choose to reclassify from major to area source status.”

The rule formalized the withdrawal of the OIAI (Once In, Always In) policy and codified that a major source can reclassify to area source status at any time upon reducing its emissions and potential to emit HAPs to below the [CAA section 112 major source thresholds](https://www.govinfo.gov/content/pkg/USCODE-2023-title42/pdf/USCODE-2023-title42-chap85-subchapI-partA-sec7412.pdf) (10 tons per year of any one HAP or 25 tons per year of total HAP.

The rule also clarifies notification and reporting requirements. The EPA states:

“If a source voluntarily chooses to reclassify to area source status, it will no longer be subject to previously applicable major source NESHAP, which may result in compliance cost savings for the source. However, the source will be required to comply with any applicable area source NESHAP in response to reclassification, which could result in some compliance costs. Facilities will also have costs associated with applying to modify the facility's operating permit when they reclassify from major to area source status.”

Industries that may consider reclassification include facilities that have modified their processes or products since becoming major sources, accepted operational limits after attaining major source status, or whose actual emissions are significantly below the major threshold as mentioned in [40 CFR 63.1(c)(6)](#p-63.1(c)(6)). Small businesses contemplating reclassification should contact their state representatives through the [SBEAP state contact](https://nationalsbeap.org/states) list or reach out to the [National SBEAP](https://nationalsbeap.org/) directly at 800-578-8898. State SBEAPs can provide information on state-specific requirements and, in many cases, offer free, confidential assistance and support in making decisions.

**Ask SBEAP**

December 2024

***Question:*** We’re trying to plan some sustainability initiatives for our facility but are struggling to find information on projects we know will work for us. We’d be more comfortable investing the time, effort and money into something tested and proven practical for a facility similar to ours, but so many resources seem to be aimed at larger companies. Can you recommend anything for smaller operations?

**Samuel Sustainability**

***Answer:***

**Dear Samuel:** The EPA has just published “[Smart Steps to Sustainability](https://www.epa.gov/resources-small-businesses/smart-steps-sustainability)” This updated sustainability guide uses a streamlined approach to help small businesses identify steps and resources to green their business. In addition to EPA’s new resources, the [National SBEAP](https://nationalsbeap.org/) have a collection of [sustainability-related case studies](https://nationalsbeap.org/small-businesses/sustainability) for a variety of industry sectors and most of them are tailored for projects completed by small businesses. These listings can be applied to a wide range of industries and include energy-efficiency initiatives and recycling programs. You can even find industry-specific strategies such as replacements for cleaning solvents that can reduce your facility’s regulated air emissions.

Remember, in addition to the resources described above, your [state Small Business Environmental Assistance Program, or SBEAP](https://nationalsbeap.org/states), may also be able to identify additional resources. SBEAPs typically provide free, confidential environmental compliance assistance, but many have experience helping small businesses identify efficiencies that can save money and reduce regulatory burden. In some states, funds to implement sustainable measures and processes may also be available. So, reach out to your [state SBEAP](https://nationalsbeap.org/states) contact by clicking on your state or calling 800-578-8898.

**Ask SBEAP**

January 2025

***Question:*** As a small metal fabricating business, our facility is subject to a national emissions standard for hazardous air pollutants, or NESHAP, informally known as the “6X rule.” We filed our initial notification and notification of compliance, but do we also need to file an “annual certification and compliance report?”

**Annual reporting Adiline**

***Answer:***

**Dear Adiline:**As we close out 2024 and turn the calendar to 2025, industries subject to air-quality rules and regulations, such as NESHAPs, need to review and possibly report on their compliance status.The end of the year or beginning of a new year is a good time to go over your facility’s requirements and plan for the new year of recordkeeping and reporting.

Your first step should be to review your permits and note the specific recordkeeping and reporting requirements, as well as dates any reports are due. If you do not have a copy of the air permits for your facility, you should contact the permitting agency in your state for a copy.

The 6X rule **does** require an annual compliance report which are due by Jan. 31 each year and, depending on your requirement for visual emissions reporting, there are [different forms](https://www.epa.gov/stationary-sources-air-pollution/example-annual-certification-compliance-reports-sources-and). The purpose of these forms is to certify your compliance and allow you to report any deviations and associated corrections. Your regulatory agency understands deviations sometimes occur. The important thing is that you identify and correct them.

Please note, not all NESHAPs require annual compliance reporting, and many do have a different January reporting due date.

Below are a few NESHAPs that require annual compliance certification reports of one kind or another, due in January each year.

* [Stationary Reciprocating Internal Combustion Engines RICE MACT ZZZZ (MACT 4Z rule)](https://www.epa.gov/stationary-engines/national-emission-standards-hazardous-air-pollutants-reciprocating-internal-0)
* [Major source boiler MACT DDDDD (Boiler MACT 5D rule)](https://www.epa.gov/stationary-sources-air-pollution/industrial-commercial-and-institutional-boilers-and-process-heaters)
* [Plating and polishing NESHAP WWWWWW (6W rule)](https://www.epa.gov/stationary-sources-air-pollution/plating-and-polishing-national-emission-standards-hazardous-air)
* [Prepared feeds manufacturing NESHAP DDDDDDD (7D rule)](https://www.epa.gov/stationary-sources-air-pollution/prepared-feeds-manufacturing-national-emission-standards-hazardous)

Because environmental regulations can vary from state to state, *Ask SBEAP* recommends you contact your state SBEAP, which is there to provide environmental compliance technical assistance personalized to your small business. To find your state SBEAP, [click on this map](https://nationalsbeap.org/states). As always, if you need additional assistance, you can email [info@nationalsbeap.org](mailto:info@nationalsbeap.org) or call us at 800-578-8898.

**Ask SBEAP**

March 2025

***Question:*** As the owner of a small cabinet manufacturing shop, I’ve become aware of potential respiratory health issues related to smoke from my burn pit. I’m hesitant to contact the state regulatory office due to concerns about being prohibited from burning. In the past, I have used my burn pit to dispose of wood remnants, sawdust, pallets, and cardboard. I’m trying to determine whether my burning practices pose a regulatory issue, a health concern, or both.

**Sincerely, Robert Woodruff**

***Answer:***

Dear Mr. Woodruff:

Open burning of industrial waste is both a regulatory and a public health concern! The open burning of "industrial solid waste" is generally prohibited. Materials like wood remnants, sawdust, pallets, and cardboard are likely classified as industrial solid waste. With a few exceptions, the federal regulation, [40 CFR Part 257-3.7(a),](https://www.ecfr.gov/current/title-40/section-257.3-7) cites “facility or practice shall not engage in open burning of residential, commercial, institutional or industrial solid waste. This requirement does not apply to infrequent burning of agricultural wastes in the field, silvicultural wastes for forest management purposes, land-clearing debris, diseased trees, debris from emergency clean-up operations, and ordnance.”

While certain states may permit the limited burning of specific industrial materials for disposal in pits, barrels, or homemade incinerators, this practice necessitates obtaining explicit written authorization or a specialized permit from the relevant regulatory authority. Your state's [SBEAP](https://nationalsbeap.org/states) can provide valuable assistance in navigating this process.

From a public health perspective, open burning releases harmful chemical and particulate matter that can cause eye, nose, and throat irritation at a minimum and for people with conditions such as asthma, emissions from open burning can result in emergency room visits. Your [state SBEAP](https://nationalsbeap.org/states) can also assist in identifying the appropriate regulatory body, which may be your state environmental control agency or a local government entity, such as the city or county fire marshal.

**Ask SBEAP**

April 2025

***Question:*** I am a small business owner, and I’m planning to undertake a significant remodel of the commercial building from which my business operates. The building was constructed in the mid-20th century, and I am concerned that it may contain asbestos. What are my responsibilities, and what precautions should I take as a small business owner before starting the renovation to ensure I comply with EPA regulations and protect the health of my workers?

**Sincerely, Augustus Handler**

***Answer:***

Dear Mr. Handler, Thank you for reaching out with your question. It's wise to be proactive about potential asbestos-containing materials, or ACM, before starting your renovation project. The EPA provides information and regulations concerning asbestos in buildings.

Firstly, it's important to understand that the [National Emission Standards for Hazardous Air Pollutants (NESHAP)](https://www.epa.gov/asbestos/overview-asbestos-national-emission-standards-hazardous-air-pollutants-neshap#ins) under the Clean Air Act specify work practices for asbestos during renovations of all structures, installations and buildings, excluding residential buildings that have four or fewer dwelling units. Since you mentioned a commercial building, these regulations likely apply to your situation. The regulations require the owner of the building or the operator to notify the appropriate state agency before any demolition, or before any renovations of buildings that could contain a certain threshold amount of asbestos or asbestos-containing material. Contact an asbestos professional to test your building for any ACMs before proceeding.

Furthermore, the [Asbestos Hazard Emergency Response Act (AHERA)’s Model Accreditation Plan (MAP)](https://www.govinfo.gov/content/pkg/CFR-2011-title40-vol31/pdf/CFR-2011-title40-vol31-part763-subpartE-appC.pdf) requires that asbestos professionals (including any worker, contractor or supervisor, inspector, management planner or project designer) working with asbestos-containing building materials in a school, public or commercial building be accredited under a training program that is at least as stringent as the EPA Model Accreditation Plan (MAP). This highlights the importance of using qualified and accredited professionals if you suspect the presence of asbestos.

The EPA also provides guidance on developing and maintaining an [Operations and Maintenance (O&M) program](https://www.govinfo.gov/content/pkg/USCODE-2011-title15/pdf/USCODE-2011-title15-chap53-subchapII.pdf) to manage ACMs in buildings. An O&M program is a formulated plan of training, cleaning, work practices and surveillance to maintain ACMs in good condition within buildings. The goal is to minimize exposure of all building occupants to asbestos fibers.

Keep in mind that contacting your state and local environmental agencies is essential to ensure full compliance. You can reach out to your [Small Business Environmental Assistance Program (SBEAP)](https://nationalsbeap.org/states) state contact or reach out to the [National SBEAP](https://nationalsbeap.org/) directly at 800-578-8898. State SBEAPs can provide information on state-specific requirements and, in many cases, offer free, confidential assistance and support in making decisions. The EPA's Asbestos and Small Business Ombudsman (ASBO) may also be a good resource should you need additional support with asbestos or regulatory compliance. You can contact the ASBO hotline at 1-800-368-5888 or by email ([asbo@epa.gov](mailto:asbo@epa.gov)) to address small business and asbestos questions or complaints. [View ASBO's Frequently Asked Questions for more information.](https://www.epa.gov/resources-small-businesses/epas-asbestos-and-small-business-ombudsman-asbo-frequently-asked)

**Ask SBEAP**

May 2025

***Question:*** Our nonprofit community is considering acquiring donated industrial space for career advancement and resilience training. We’ve just learned that the property previously stored industrial chemicals, potentially classifying it as a brownfield. Could you outline the recommended steps for assessment and any potential complications our community should consider before acquisition?

**Sincerely, Barron Brown**

***Answer:***

Dear Mr. Handler,

Thank you for reaching out with your question. It's wise to be proactive about potential asbestos-containing materials, or ACM, before starting your renovation project. The EPA provides information and regulations concerning asbestos in buildings.

Firstly, it's important to understand that the [National Emission Standards for Hazardous Air Pollutants (NESHAP)](https://www.epa.gov/asbestos/overview-asbestos-national-emission-standards-hazardous-air-pollutants-neshap#ins) under the Clean Air Act specify work practices for asbestos during renovations of all structures, installations and buildings, excluding residential buildings that have four or fewer dwelling units. Since you mentioned a commercial building, these regulations likely apply to your situation. The regulations require the owner of the building or the operator to notify the appropriate state agency before any demolition, or before any renovations of buildings that could contain a certain threshold amount of asbestos or asbestos-containing material. Contact an asbestos professional to test your building for any ACMs before proceeding.

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Keep in mind that contacting your state and local environmental agencies is essential to ensure full compliance. You can reach out to your [Small Business Environmental Assistance Program (SBEAP)](https://nationalsbeap.org/states) state contact or reach out to the [National SBEAP](https://nationalsbeap.org/) directly at 800-578-8898. State SBEAPs can provide information on state-specific requirements and, in many cases, offer free, confidential assistance and support in making decisions. The EPA's Asbestos and Small Business Ombudsman (ASBO) may also be a good resource should you need additional support with asbestos or regulatory compliance. You can contact the ASBO hotline at 1-800-368-5888 or by email ([asbo@epa.gov](mailto:asbo@epa.gov)) to address small business and asbestos questions or complaints. [View ASBO's Frequently Asked Questions for more information.](https://www.epa.gov/resources-small-businesses/epas-asbestos-and-small-business-ombudsman-asbo-frequently-asked)

**Ask SBEAP**

June 2025

***Question:*** Our small business uses and replaces rechargeable lithium-ion batteries in powert tools, lighting and handheld equipment. We’ve heard these batteries are considered hazardous waste when disposed. Is this true?

**Sincerely, Battery Bill**

***Answer:***

Dear Bill,

It depends. Lithium batteries can be dangerous when damaged or mishandled due to their high energy density and chemical content, and as a result, the EPA states in its [RCRA Online Document #14957](https://rcrapublic.epa.gov/rcraonline/details.xhtml?rcra=14957) that “most lithium-ion (secondary batteries) and lithium primary batteries in use today are likely to be hazardous waste due to ignitability and reactivity (D001 and D003).” Note that the EPA states “most” lithium batteries are “likely” hazardous waste. As the waste generator, it is ultimately your responsibility to determine which of your wastes are hazardous waste. This is done via the [waste determination process](https://www.epa.gov/hw/learn-basics-hazardous-waste#hwid) (see [40 CFR 261](https://www.ecfr.gov/current/title-40/chapter-I/subchapter-I/part-261) and [40 CFR 262.11](https://www.ecfr.gov/current/title-40/chapter-I/subchapter-I/part-262/subpart-A/section-262.11)), which asks:

* Is the material in question a solid waste?
* Is the material excluded from the definition of solid waste or hazardous waste?
* Is the waste a listed or characteristic hazardous waste?
* Is the waste delisted?

This process can be relatively straightforward for certain waste streams but challenging and costly for others. The EPA recognizes this concern, stating that “it can be difficult for a generator to identify which of its used lithium batteries are hazardous waste when disposed. Therefore, the EPA recommends that businesses consider managing all of their used lithium batteries as hazardous waste under the federal ‘universal waste’ regulations in [Title 40 of the Code of Federal Regulations (CFR) part 273](https://www.ecfr.gov/current/title-40/chapter-I/subchapter-I/part-273).”

Waste that meets the definition of hazardous waste must be managed as hazardous waste, while waste that does not meet the definition of hazardous waste does not need to be managed as hazardous waste unless declared to be hazardous waste by the waste generator.

See the EPA’s used [lithium-ion batteries webpage](https://www.epa.gov/recycle/used-lithium-ion-batteries#businesses) and [lithium-ion battery recycling FAQ](https://www.epa.gov/hw/lithium-ion-battery-recycling-frequently-asked-questions) for additional information and remember to consult your state-specific regulations as some may be stricter than federal RCRA requirements. Your state Small Business Environmental Assistance Program (SBEAP) may be able to help. To find your SBEAP, visit the [National SBEAP state contact map](https://nationalsbeap.org/states) or call 800-578-8898.

**Ask SBEAP**

July 2025

***Question:*** I work in the facilities department at a small school, and I was recently asked to dispose of several confiscated vape devices. Could you tell me how to properly manage dispose of these items?

**Sincerely, Velma Vapor**

***Answer:***

Dear Ms. Vapor:

Vape devices, or e-cigarettes, may contain a lithium-ion battery and/or liquid nicotine. Both of these components are commonly considered a hazardous waste when being disposed.

In regard to lithium-ion batteries, the EPA states in its RCRA Online Document #14957: “When they are disposed, most lithium-ion (secondary batteries) and lithium primary batteries in use today are likely to be hazardous waste due to ignitability and reactivity (D001 and D003). With the exception of households, generators of lithium battery hazardous waste are responsible for determining whether the spent lithium batteries they generate are hazardous waste and, if they are, the generators need to manage the batteries accordingly under hazardous waste requirements.”

In regard to liquid nicotine, the EPA states in its description to [RCRA Online Document #14850:](https://rcrapublic.epa.gov/rcraonline/details.xhtml?rcra=14850) “Nicotine is a commercial chemical product listed in 40 CFR 261.33(e) and is an acute hazardous waste (EPA waste code P075) when disposed. EPA has concluded that nicotine is the sole active ingredient of the e-liquid in e-cigarettes and thus a commercial chemical product, e-cigarettes are not manufactured articles, and e- cigarette cartridges are considered containers of nicotine. Therefore, e-cigarettes may be regulated as acute hazardous waste P075 when disposed.”

Vape devices that contain both a D001 and D003 lithium-ion battery and P075 liquid nicotine would ultimately carry the D001, D003 and P075 waste codes. To reduce the total amount of waste that needs to be managed, it is acceptable to remove and independently manage any lithium-ion batteries that are designed to be removed. For additional information, see the EPA’s webpage on [vape waste management for schools and small businesses](https://www.epa.gov/hw/how-safely-dispose-e-cigarettes-information-schools-and-small-businesses). Your state Small Business Environmental Assistance Program (SBEAP) may be able to help. To find your SBEAP, visit the National SBEAP state contact map or call 800-578-8898.