The
Alaska Air Quality
Small Business Assistance Program
State Air Quality Control Plan
Amendment

Helping Small Businesses Comply
with
Air Quality Laws

April, 1994

State of Alaska
Department of Environmental Conservation
Division of Environmental Quality
Air Quality Management Section
Small Business Assistance Program

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Executive Summary

Concurrent with the revision to Alaska's air quality regulations, the department is developing a Small Business Assistance Program. This program will help Alaska's small businesses comply with state and federal air quality laws. The main focus of this program will be to help small businesses obtain air quality operating permits, if they are required.

The Small Business Assistance Program will be comprised of three elements: a Small Business Advocate will promote the rights and concerns of small businesses in air quality related matters, including regulation development and permitting; a Small Business Technical Assistance Program will provide small businesses with technical and compliance assistance on air quality related matters, including permitting; and a Compliance Advisory Panel will monitor the activities of the Small Business Technical Assistance Program.

Several types of assistance will be provided to eligible small businesses. An eligible small business is a business that is owned or operated by a person who employs 100 or fewer full-time employees annually, has actual pollutant emissions less than 100 tons per year of regulated air contaminants, and is a small business concern within the meaning of the Small Business Act. Preapplication consultation and completeness review services will be provided to eligible small businesses at no direct cost. Other program elements include compliance assistance, pollution prevention, and voluntary on-site evaluations.

The Small Business Assistance Program will be funded primarily from the emission fees collected from businesses within Alaska needing air quality permits. The approximate annual budget, including the costs of the Compliance Advisory Panel, will be $215,000. The Small Business Assistance Program will be centered in Anchorage so that costs will be minimized and the access to Alaska's small business community will be maximized.

I. Introduction

The Clean Air Act is a very complicated environmental law. It will affect people in every corner of the United States and many small businesses will feel its effects. Knowing that most small businesses do not have the money or the staff to deal with another environmental program, Congress created a Small Business Assistance Program (SBAP). The SBAP will provide small businesses with technical information and help in understanding air quality laws. Most importantly, the SBAP will help small businesses obtain air quality operating permits, if needed. The hope is that these services will make it easier for small businesses to comply with the laws.

This document describes Alaska's Small Business Assistance Program and will be added to the State Air Quality Control Plan, which describes how Alaska manages its air quality. The SBAP will become "official" after this document and other regulatory documentation are approved by the Environmental Protection Agency (EPA).

II. Requirements for State Implementation Plan (SIP) Approval

In order for the EPA to approve Alaska's Small Business Assistance Program (SBAP), the following items must be addressed:

(1) Designate a state office to serve as an advocate for small businesses;

(2) Set-up a state Compliance Advisory Panel (CAP) to oversee the activities of the Small Business Technical Assistance Program;

(3) Create a Small Business Technical Assistance Program that will:

- Provide technical and compliance information to small businesses;
- Help small businesses on methods of pollution prevention and accidental release prevention and detection;
- Help small businesses understand the permitting requirements, and help small businesses get permits, if needed;
- Notify small businesses of their rights and obligations in a timely manner;
- Set-up a voluntary audit program; and
- Review requests from small businesses for work practice modifications.

III. Source Eligibility

The Small Business Assistance Program (SBAP) is intended to help small businesses comply with air quality laws. State and federal laws restrict the SBAP from helping businesses that are not "small." So, the definition of a "small business" is important. A small business is a business that[1]

(A) is owned or operated by a person who employs 100 or fewer full-time employees annually;

(B) has actual pollutant emissions less than 100 tons per year of regulated air contaminants[2]; and

(C) is a small business concern within the meaning of the Small Business Act.

By "100 or fewer full-time employees annually" we mean that the annual average payroll consists of 100 persons or less. An owner or operator who employs more than 100 people but only on a part-time basis should contact the Small Business Advocate for assistance in determining eligibility.

In calculating emissions to determine if a business emits less than 100 tons per year of regulated air contaminants, each facility owned or operated by the business will be considered independently. A business may have more than one facility, each with regulated air contaminant emissions less than 100 tons per year, and still be considered a small business.

As a general rule, a small business concern is "one which is independently owned and operated and which is not dominant in its field of operation." 15 U.S.C. § 632. A business is "independently owned" if it is not directly affiliated with a large business or with other small businesses that, in combination, create a large business. While the cut-off point between large and small varies between types of businesses, and each decision must be made on a case-by-case basis, a business owner can make a preliminary determination of eligibility by referring to the regulations of the Federal Small Business Administration, which can be found in title 13 of the Code of Federal Regulations (C.F.R) Part 121. The C.F.R is available in most public libraries and all law libraries. It is also available to the Small Business Advocate who may assist you in your determination of eligibility.

Examples of business types that may be eligible for SBAP assistance include dry cleaners, rural electric facilities, sand and gravel operations, mining operations, hospitals, asphalt plants, seafood processors, and chrome plating operations. This list is not all-inclusive, so all businesses should ask if they are eligible.

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[1] The definition of "small business" presented here is based on the definition of "small business facility" set out in AS 46.14.990(22). A copy of this definition is contained in Appendix A.

SBAP services may be available to more businesses if the Alaska legislature provides additional funding. Appendix B gives information on expanded eligibility for SBAP services.

[2] The definition of "regulated air contaminant" is located in Appendix A.

Keep in mind that all material and information developed by the SBAP must, and will, be available to anyone and everyone!

IV. Small Business Assistance Program (SBAP) Development

A. Small Business Advocate

An advocate promoting the rights and concerns of small businesses will be designated in the department. This Small Business Advocate will report directly to the chief of the air quality management program. The Small Business Advocate will be independent of the permitting, enforcement, and regulation development portions of the agency, but will have direct access to individuals and other government units to ensure the views and needs of small businesses are understood. The Small Business Advocate will be provided with the resources necessary to effectively fulfill the responsibilities of the position.

The Small Business Advocate will have the authority to identify problems and propose solutions to problems encountered by small businesses. It will be the responsibility of the Small Business Advocate to comment on proposed state and federal regulations that may affect Alaska's small businesses. The Small Business Advocate must ensure that proposed regulations consider the environmental and economic conditions within Alaska.

In order to help the Small Business Advocate understand the concerns of small businesses, the position of Assistant Advocate may be established. The Assistant Advocate position would be established outside the department and would provide small businesses with an independent, non-regulatory "ear" to voice concerns.

Small businesses may contact either the Small Business Advocate or the Assistant Advocate. Both will have toll-free telephone numbers. The only difference between contacting the Small Business Advocate and the Assistant Advocate is whether the small business prefers the added anonymity of the Assistant Advocate, or the direct technical and compliance expertise of the Small Business Advocate. All permitting questions, however, should be directed to the Small Business Advocate, who will have direct access to the department's air quality permitting staff.

Assistant Advocate services would be provided via contract with a consultant, institution or agency outside the department. The Compliance Advisory Panel (CAP) would help develop the contract, and would help select the contractor. However, the contract would be administered by the Small Business Advocate. Working as a team, the Small Business

Advocate and the Assistant Advocate would provide small businesses with a strong voice in, and a working knowledge of, Alaska's air quality management program.[3]

In order to effectively serve Alaska's small business community, the Small Business Advocate will be charged with the following duties:

- Review and provide comments and recommendations to the EPA and Alaska's air quality management staff about new or proposed air quality laws that affect small businesses.
- Promote participation by small businesses in the development of new air quality laws that impact small businesses.
- Help in providing reports to higher authorities and the public about the applicability of air quality laws to small businesses.
- Develop, collect, and distribute information to small businesses and other interested parties.
- Participate in, and sponsor meetings with, state and local regulatory officials, industry groups, and small business representatives.
- Periodically review the work and services provided by the Small Business Technical Assistance Program with trade associations and small business representatives.
- Operate a toll-free telephone hotline to provide small businesses with an inexpensive means to contact program staff.
- Refer small businesses to specialists who can provide information on affordable alternative technologies, process changes, products or operational methods to help reduce air pollution and accidental releases.
- Facilitate communications between the department and persons seeking to implement special work practices or technologies to achieve or enhance compliance with state and federal air quality laws.
- Work with trade associations and individual small businesses to encourage voluntary compliance with the air quality laws.
- Work with other governmental and non-governmental agencies that may have programs to financially assist small businesses in need of funds to comply with environmental regulations.
- Coordinate with existing technical assistance service delivery systems, including the department's non-regulatory pollution prevention office, the department's solid and hazardous waste management technical assistance program, the Pacific Northwest Pollution Prevention Research Center, and the University of Alaska Small Business Development Center.

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[3] The department will not unnecessarily restrict the Small Business Advocate's ability to contact individuals outside the department, or to represent the views of small business before the department. Likewise, the department will actively assist the Small Business Advocate whenever barriers are erected outside the department.

B. Small Business Technical Assistance Program

A Small Business Technical Assistance Program will be created to provide technical and compliance assistance support to Alaska's small business community. The Small Business Technical Assistance Program will be an independent identifiable unit within the air quality management program. It will be centered in Anchorage, but will be under the direct management supervision of the chief of the air quality management program. The Small Business Technical Assistance Program will provide the following types of help to small businesses:

1. Technical and Compliance Information for Small Businesses

The Small Business Technical Assistance Program will develop and collect information on compliance methods and control technologies and then distribute that information to small businesses to encourage lawful cooperation and further compliance with the air quality laws. This effort will involve a **proactive** element and a **reactive** element. The proactive element will use aggressive outreach techniques to develop and distribute compliance and technical information to small businesses. This information will include: details on the rights and obligations of small businesses; alternative control technologies; and information on methods of compliance. The distribution techniques may include the development of mail-out material and information packets, public service announcements, and presentations to local trade and small business organizations. In addition, the Small Business Technical Assistance Program will coordinate with the department's non-regulatory pollution prevention office to provide pollution prevention assistance and alternative control technology information to the small business community.

The reactive element will provide small businesses with answers to questions directed at the Small Business Technical Assistance Program. The Small Business Technical Assistance Program will maintain a clearinghouse of information, in the form of a library of documents and computer files, relevant to the compliance alternatives available to small businesses. This information will be available to the small business community, as well as other interested parties.

Also, a toll-free telephone hotline will be available for small businesses to use to contact Small Business Technical Assistance Program staff. If Small Business Technical Assistance Program staff cannot provide answers to specific requests, callers will be directed to the staff person within the air quality management program best suited to answer their questions. If existing program staff are unable to provide adequate answers, Small Business Technical Assistance Program staff will research the topic and provide the callers with the results of that research.

Additional information may be obtained from EPA's Control Technology Center, the Emissions Measurement Technical Information Center, the Emergency Planning and

Community Right-to-Know Hotline, and the Pollution Prevention Information Clearinghouse. Other sources of information may be used as they are identified.

2. Methods of Pollution Prevention and Accidental Release Prevention and Detection

The Small Business Technical Assistance Program will help small businesses understand and implement methods of pollution prevention and accidental release prevention and detection. This will include information on different technologies, process changes, products, or methods of operation that help reduce air pollution. The department's non-regulatory pollution prevention office, the Pollution Prevention Roundtable, and the Pollution Prevention Information Clearinghouse will be consulted regarding pollution prevention methods. The non-regulatory pollution prevention office has established contacts with business and industry, and has successfully completed several pilot projects. The Pollution Prevention Roundtable, which is a consortium of pollution prevention programs within the region, has access to a wealth of pollution prevention information. The Pollution Prevention Information Clearinghouse, which also maintains information on pollution prevention methods for small businesses, will be used as the need surfaces. In addition, the Small Business Technical Assistance Program clearinghouse will contain information concerning various technologies, process changes, products, and methods of operation that will help reduce air pollution.

The Small Business Technical Assistance Program will also provide small businesses with information on accidental release prevention and detection. Information may include requirements under the accidental release provisions of the Clean Air Act, requirements of the Superfund Amendments and Reauthorization Act Title III. Occupational Safety and Health Administration process safety standards, as well as general information on prevention practices and technologies. In addition to contacts within the department, the Small Business Technical Assistance Program may use the expertise of EPA's Right-to-Know hotline, specialists with Chemical Emergency Preparedness Prevention Offices, the Occupational Safety and Health Administration, the state emergency response commission, local emergency planning committees, and local emergency service agencies.

3. Compliance Assistance

The main emphasis of Alaska's Small Business Technical Assistance Program will be helping small businesses obtain air quality operating permits, if needed. The Small Business Technical Assistance Program will be the crucial link between individual small businesses and the permitting section of the air quality management program. The Small Business Technical Assistance Program will work directly with air quality permit program staff during the review of operating permit applications from small businesses.

Alaska law requires many services be provided to qualifying small businesses at no direct cost. These services include preapplication consultation, assistance, and completeness review of applications for a permit, permit amendment, permit modification or renewal, and reviewing or assisting in preparation of facility specific support documents, including on-site evaluations. AS 46.14.240. Some of these services will be provided by air quality permit

program staff. Workshops will be held around the state in which small businesses will be guided through each part of the air quality operating permit applications. Sample permit applications will be developed for each specific small business category (such as dry cleaners or sand and gravel operations) and will be distributed to Alaska's small business community. Other permit application assistance methods will be used as necessary. All small businesses are encouraged to contact the Small Business Advocate and the Small Business Technical Assistance Program to let them know what assistance methods will work best.

The Small Business Technical Assistance Program will develop source specific outreach materials with specific information on existing and future air quality laws. Other materials will describe the permitting procedures including fees, application procedures, time requirements, and consequences of violation. The Small Business Technical Assistance Program will also provide assistance in determining permit applicability and alternative products, process changes, and technologies that may reduce or eliminate emissions or negate the requirement to obtain a permit.

General permits will also be developed for many small business categories. A general permit is an air quality operating permit which is applicable to more than one facility. General permits will be developed for small businesses with similar source structure, such as dry cleaners or sand and gravel operations. The costs associated with developing general permits will be distributed equally among all the sources applying for the general permit. It will be much less expensive to apply for a general permit (if one exists) than for a standard operating permit.

4. Notify Small Businesses of Their Rights & Obligations

The Small Business Technical Assistance Program will ensure that small businesses are timely notified of their rights and obligations under the air quality laws. This will include information on the various compliance options available under new and existing air quality laws, and a business's legal recourse should it be found in violation of these laws. Information distribution methods may include easy-to-read pamphlets, public service announcements, presentations at trade associations and chamber of commerce meetings, or direct mailings to small businesses.

5. Voluntary On-Site Evaluation Program

The Small Business Technical Assistance Program will establish a voluntary on-site evaluation program to help small businesses determine if their operations comply with the air quality laws. These evaluations may include technical assistance on pollution prevention opportunities and control options, a review of work practices, recommendations on whether compliance monitoring procedures are being correctly followed, and recommendations for making records orderly and accessible. The Small Business Technical Assistance Program can provide these auditing services at no direct cost to the small business.

The Small Business Technical Assistance Program will also develop a list of qualified auditors outside the agency. This list will be available to all businesses as a means of providing an independent review of their operations.

6. Work Practices Modifications

The Small Business Technical Assistance Program will develop procedures to respond to requests from small businesses for work practice modifications. These procedures will be developed concurrently with the revisions to Alaska's air quality regulations, and will follo the requirements of Alaska's Administrative Procedure Act. No request will be granted if t proposed modification will cause a violation of state or federal law or the federally approve State Air Quality Control Plan.

C. Compliance Advisory Panel (CAP)

The Compliance Advisory Panel will be established to monitor the activities of the Small Business Technical Assistance Program.[4] The CAP will review all information distributed small businesses by the Small Business Technical Assistance Program to ensure each item understandable by the public. The CAP will comment on this information as necessary. T CAP will prepare advisory opinions regarding the effectiveness of the Small Business Technical Assistance Program, any difficulties encountered, and the degree of enforcement and severity of air pollution offenses. The CAP will also periodically report to the EPA Administrator on the Small Business Technical Assistance Program's compliance with the Paperwork Reduction Act, the Regulatory Flexibility Act, and the Equal Access to Justice Act.

The CAP will consist of seven members, serving staggered terms to preserve the group's "collective memory." Two members will be appointed by the governor, one member will b selected by the commissioner of the Department of Environmental Conservation, and the remaining four members will be appointed by the state legislature.

The CAP will meet annually, with additional meetings possible at the call of the chair. Public notice will be given before each meeting. Members of Alaska's small business community and the public will be encouraged to attend.

[4] More information on the Compliance Advisory Panel may be found in Alaska Statute 46.14.320 set out in Appendix A.

V. Fee Reduction Authority

The Clean Air Act allows states to develop procedures to reduce the fees paid by small businesses, taking into account their financial resources. Alaska law requires many services be provided to small businesses at no direct cost. These services include preapplication consultation, assistance, and completeness review of applications for a permit, permit amendment, permit modification or renewal, and reviewing or assisting in preparation of facility specific support documents, including on-site evaluations. AS 46.14.240.

VI. Legal Authority

The State of Alaska has the legal authority necessary to implement this program under the provisions of Title 46, Chapter 14, Article 3 of the Alaska Statutes, a copy of which is set out in Appendix A.

VII. Organizational Structure & Budget

The Small Business Assistance Program, including the Small Business Advocate, the Small Business Technical Assistance Program, and the Compliance Advisory Panel, will be funded from the emission fees collected from Alaska businesses required to obtain air quality permits. The approximate annual budget, including the costs of the Compliance Advisory Panel, will be $215,000. The Small Business Advocate and the Small Business Technical Assistance Program will be centered in Anchorage so that costs will be minimized and the access to Alaska's small businesses will be maximized.

The air quality management program organizational structure is presented below in Figure 1.

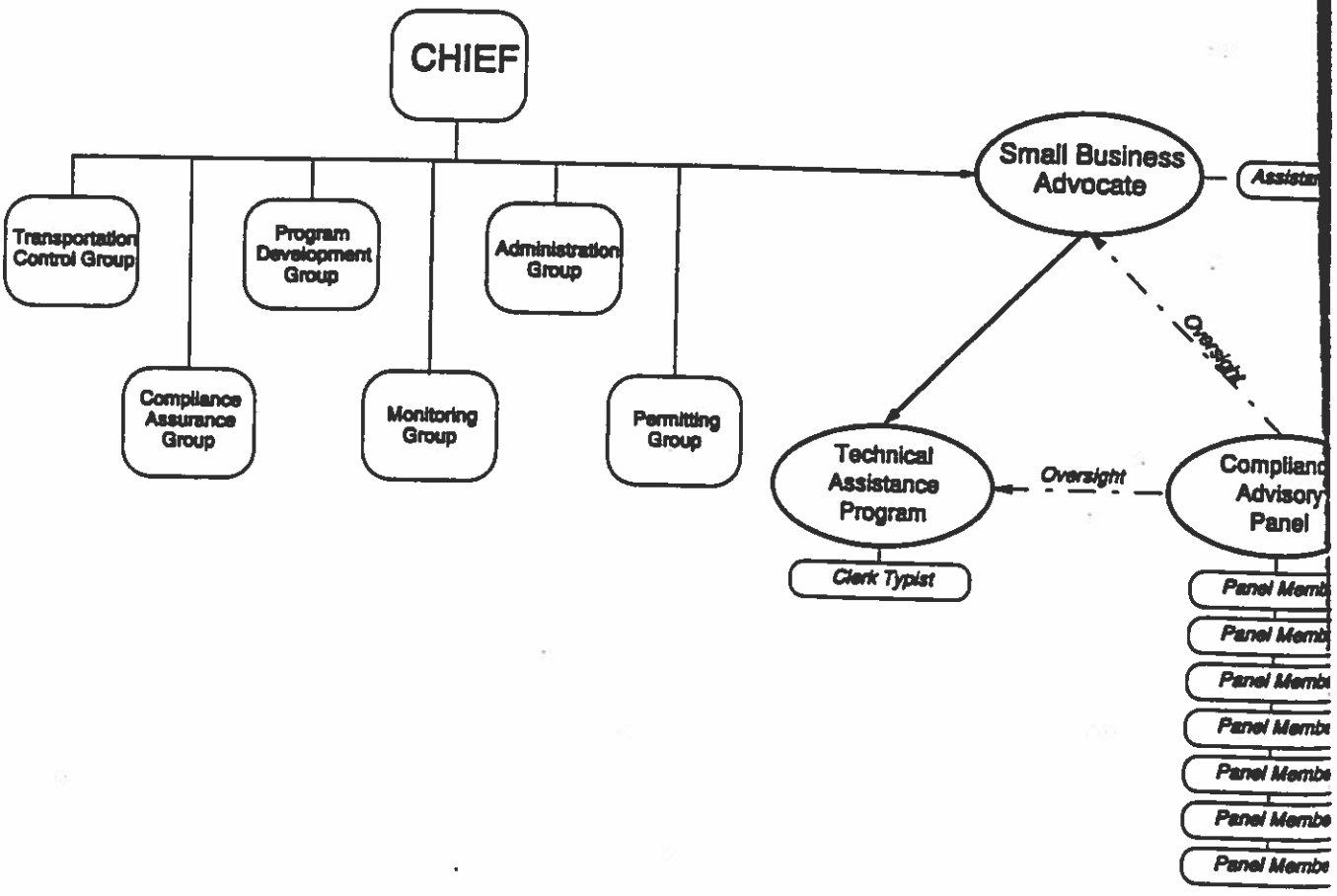

Figure 1 - Air Quality Management Organizational Structure

VIII. Program Development Schedule

Task	Description	Deadline
1.	Revisions to Alaska Air Quality Laws Effective	7/93
2.	SBAP Public Comment Period	12/13/93 - 1/28/94
3.	Anchorage SBAP Public Hearing	1/19/94
4.	Fairbanks SBAP Public Hearing	1/20/94
5.	Submit Final SBAP SIP to EPA	4/94
6.	Submit Operating Permit Program to EPA	11/94
7.	Designate Small Business Advocate	1/95
8.	Establish Small Business Technical Assistance Program	1/95
9.	Submit Request to Commissioner to Appointment CAP Member	1/95
10.	Submit Request to Governor to Appointment CAP Members	2/95
11.	Submit Request to Legislature to Appointment CAP Members	2/95
12.	Begin Full Program Implementation	prior to 11/95
13.	Projected EPA Approval of Operating Permit Program	11/95

APPENDICES

Appendix A. - Relevant Portions of the Alaska Statutes

Title 46, Chapter 14, Article 3

ARTICLE 3. SMALL BUSINESS ASSISTANCE PROGRAM

Sec. 46.14.300. SMALL BUSINESS ASSISTANCE PROGRAM. (a) A small business assistance program is established in the department. The department shall include the program in the state air quality control plan developed under 42 U.S.C. 7401 - 7671q (Clean Air Act).

(b) The small business assistance program shall, by regulation, meet the requirements of 42 U.S.C. 7661f(a) (Clean Air Act, sec. 507(a)), including the requirement that a small business advocate be designated.

(c) Except as provided in AS 46.14.310(b), the department shall provide assistance as described in (b) of this section to a requesting facility that is not a small business concern as defined in 15 U.S.C. 631 but that is subject to the requirements of this chapter if the legislature appropriates money from the general fund for this purpose.

Sec. 46.14.310 POWER TO LIMIT SMALL BUSINESS ASSISTANCE PROGRAM. (a) After consultation with the federal administrator and the administrator of the United States Small Business Administration and after providing notice and opportunity for public hearing, the department may exclude from the scope of the small business assistance program established in AS 46.14.300 a category or subcategory of small business facilities that the department finds to have sufficient technical and financial capabilities to meet the requirements of this chapter and federal law without the assistance provided under AS 46.14.300 - 46.14.320.

(b) Nothing in AS 46.14.300(c) precludes the department from excluding a business facility or category of business facilities that the department finds to have sufficient technical and financial capabilities to meet the requirements of this chapter without assistance from the department.

Sec. 46.14.320. COMPLIANCE ADVISORY PANEL. (a) There is established in the department a compliance advisory panel whose members shall serve staggered three-year terms. A member may not serve more than two three-year terms consecutively.

(b) The panel consists of

(1) two members who are not owners or representatives of owners of small business facilities, selected by the governor to represent the general public;

(2) one member selected by the commissioner to represent the department; and

(3) four members who are owners or representatives of owners of small business facilities, selected as follows:

(A) one shall be selected by the president of the senate and one shall be selected by the speaker of the house;

(B) if there are members of the senate who are not part of the majority caucus of the senate, the leader of the largest nonmajority group shall select a panel member; if all members of the senate are in the majority caucus, then the president of the senate shall select a second panel member in addition to the selection authorized under (A) of this paragraph;

(C) if there are members of the house who are not part of the majority caucus of the house, the leader of the largest nonmajority group shall select a panel member; if all members of the house are in the majority caucus, then the speaker of the house shall select a second panel member in addition to the selection authorized under (A) of this paragraph.

(c) The panel members shall serve without compensation but are entitled to transportation expenses and per diem as authorized for members of boards and commissions under AS 39.20.180.

(d) The compliance advisory panel shall

(1) elect a chair and agree upon procedures by which the panel will function;

(2) meet annually and at the call of the chair and give public notice of panel meetings as required under AS 44.62.310 - 44.62.312;

(3) prepare advisory opinions concerning the effectiveness of the small business assistance program, difficulties encountered in making the program efficient and effective, and degree of enforcement and severity of air pollution offenses;

(4) make periodic reports to the administrator concerning the compliance of the small business assistance program with requirements of 44 U.S.C. 3501 (Paperwork Reduction Act), 5 U.S.C. 601 (Regulatory Flexibility Act), and 5 U.S.C. 504 (Equal Access to Justice Act);

(5) review information designed to assist small business facilities in complying with this chapter to ensure that the information is understandable by the public; and

(6) use the assistance of the small business advocate designated under AS 46.14.300(b) in the development and dissemination of panel reports and advisory opinions.

Relevant Definitions of Title 46, Chapter 14

Sec. 46.14.990. DEFINITIONS. In this chapter...

(21) "regulated air contaminant" means

(A) a material, compound, or element for which a national or state ambient air qua standard has been adopted;

(B) oxides of nitrogen;

(C) a volatile organic compound;

(D) a pollutant that is addressed by a

(i) standard adopted under 42 U.S.C. 7411 - 7412 (Clean Air Act, sec. 11 112);

(ii) permit authorized under 42 U.S.C. 7412(g) or (j) (Clean Air Act, sec. 112 or (j)); or

(iii) regulation adopted under AS 46.14.010(b)(3); and

(E) a substance regulated under 42 U.S.C. 7671a (Clean Air Act, sec. 602);

(22) "small business facility" means a facility that

(A) is owned or operated by a person who employs 100 or fewer individuals;

(B) is a small business concern as defined in 15 U.S.C. 631 (Small Business Act); a

(C) emits less than 100 TPY of regulated air contaminants;

Appendix B. - Optional Services

Expanded Eligibility for SBAP Services

Alaska law allows the services of the Small Business Technical Assistance Program to be provided to a business that is not a "small business concern" as defined in the Small Business Act if the state legislature provides additional money for this service. This expanded eligibility would provide SBAP services to many more of Alaska's businesses. For instance, many rural electric power providers, seafood processors, and public schools will be eligible for the preapplication assistance and completeness review to be provided free-of-charge.

Enforceable Limitations

The department is developing a system that may negate the need for an operating permit for many businesses. Your business may qualify for this system if an air quality operating permit is required solely because your potential air contaminant emissions (all equipment operating continuously at maximum capacity) exceed 100 tons per year, but your actual emissions are less than 100 tons per year. If you are willing to agree to limitations that assure your air contaminant emissions do not exceed 100 tons per year, you can participate in this system. Please contact the air quality management program for more information on enforceable limitations.

Appendix C. - Section 507 of the Clean Air Act

SMALL BUSINESS STATIONARY SOURCE TECHNICAL AND ENVIRONMENTAL COMPLIANCE ASSISTANCE PROGRAM

Sec. 507.(a) Plan Revisions.—Consistent with sections 110 and 112, each State shall, after reasonable notice and public hearings, adopt and submit to the Administrator as part of the State implementation plan for such State or as a revision to such State implementation plan under section 110, plans for establishing a small business stationary source technical and environmental compliance assistance program. Such submission shall be made within 24 months after the date of the enactment of the Clean Air Act Amendments of 1990. The Administrator shall approve such program if it includes each of the following:

(1) Adequate mechanisms for developing, collecting, and coordinating information concerning compliance methods and technologies for small business stationary sources, and programs to encourage lawful cooperation among such sources and other persons to further compliance with this Act.

(2) Adequate mechanisms for assisting small business stationary sources with pollution prevention and accidental release detection and prevention, including providing information concerning alternative technologies, process changes, products, and methods of operation that help reduce air pollution.

(3) A designated State office within the relevant State agency to serve as ombudsman for small business stationary sources in connection with the implementation of this Act.

(4) A compliance assistance program for small business stationary sources which assists small business stationary sources in determining applicable requirements and in receiving permits under this Act in a timely and efficient manner.

(5) Adequate mechanisms to assure that small business stationary sources receive notice of their rights under this Act

in such manner and form as to assure reasonably adequate time for such sources to evaluate compliance methods and any relevant or applicable proposed or final regulation or standard issued under this Act.

(6) Adequate mechanisms for informing small business stationary sources of their obligations under this Act, including mechanisms for referring such sources to qualified auditors or, at the option of the State, for providing audits of the operations of such sources to determine compliance with this Act.

(7) Procedures for consideration of requests from a small business stationary source for modification of—

(A) any work practice or technological method of compliance, or

(B) the schedule of milestones for implementing such work practice or method of compliance preceding any applicable compliance date,

based on the technological and financial capability of any such small business stationary source. No such modification may be granted unless it is in compliance with the applicable requirements of this Act, including the requirements of the applicable implementation plan. Where such applicable requirements are set forth in Federal regulations, only modifications authorized in such regulations may be allowed.

(b) Program.—The Administrator shall establish within 9 months after the date of the enactment of the Clean Air Act Amendments of 1990 a small business stationary source technical and environmental compliance assistance program. Such program shall—

(1) assist the States in the development of the program required under subsection (a) (relating to assistance for small business stationary sources);

(2) issue guidance for the use of the States in the implementation of these programs that includes alternative control technologies and pollution prevention methods applicable to small business stationary sources; and

(3) provide for implementation of the program provisions required under subsection (a)(4) in any State that fails to submit such a program under that subsection.

(c) Eligibility.—(1) Except as provided in paragraphs (2) and (3), for purposes of this section, the term "small business stationary source" means a stationary source that—

(A) is owned or operated by a person that employs 100 or fewer individuals;

(B) is a small business concern as defined in the Small Business Act;

(C) is not a major stationary source;

(D) does not emit 50 tons or more per year of any regulated pollutant; and

(E) emits less than 75 tons per year of all regulated pollutants.

(2) Upon petition by a source, the State may, after notice and opportunity for public comment, include as a small business stationary source for purposes of this section any stationary source which does not meet the criteria of subparagraphs (C), (D), or (E) of paragraph (1) but which does not emit more than 100 tons per year of all regulated pollutants.

(3)(A) The Administrator, in consultation with the Administrator of the Small Business Administration and after providing notice and opportunity for public comment, may exclude from the small business stationary source definition under this section any category or subcategory of sources that the Administrator determines to have sufficient technical and financial capabilities to meet the requirements of this Act without the application of this subsection.

(B) The State, in consultation with the Administrator and the Administrator of the Small Business Administration and after providing notice and opportunity for public hearing, may exclude from the small business stationary source definition under this section any category or subcategory of sources that the State determines to have sufficient technical and financial capabilities to meet the requirements of this Act without the application of this subsection.

(d) Monitoring.—The Administrator shall direct the Agency's Office of Small and Disadvantaged Business Utilization through the Small Business Ombudsman (hereinafter in this section referred to as the "Ombudsman") to monitor the small business stationary source technical and environmental compliance assistance program under this section. In carrying out such monitoring activities, the Ombudsman shall—

(1) render advisory opinions on the overall effectiveness of the Small Business Stationary Source Technical and Environmental Compliance Assistance Progra difficulties encountered, and degree severity of enforcement;

(2) make periodic reports to the C gress on the compliance of the Small B ness Stationary Source Technical and vironmental Compliance Assistan Program with the requirements of the perwork Reduction Act, the Regulat Flexibility Act, and the Equal Access Justice Act;

(3) review information to be issued the Small Business Stationary Sou Technical and Environmental Complia Assistance Program for small business tionary sources to ensure that the inform tion is understandable by the laypers and

(4) have the Small Business Station Source Technical and Environmen Compliance Assistance Program serve the secretariat for the development dissemination of such reports and advis opinions.

(e) Compliance Advisory Panel.— There shall be created a Compliance Ad sory Panel (hereinafter referred to as "Panel") on the State level of not less th 7 individuals. This Panel shall—

(A) render advisory opinions concern the effectiveness of the small business tionary source technical and environm tal compliance assistance program, d culties encountered, and degree severity of enforcement;

(B) make periodic reports to the ministrator concerning the compliance the State Small Business Station Source Technical and Environmen Compliance Assistance Program with requirements of the Paperwork Reduct Act, the Regulatory Flexibility Act, the Equal Access to Justice Act;

(C) review information for small b ness stationary sources to assure such formation is understandable by the lay son; and

(D) have the Small Business Station Source Technical and Environmen Compliance Assistance Program serve the secretariat for the development dissemination of such reports and advis opinions.

(2) The Panel shall consist of—

(A) 2 members, who are not owners representatives of owners, of small b ness stationary sources, selected by Governor to represent the general pub

(B) 2 members selected by the State legislature who are owners, or who represent owners, of small business stationary sources (1 member each by the majority and minority leadership of the lower house, or in the case of a unicameral State legislature, 2 members each shall be selected by the majority leadership and the minority leadership, respectively, of such legislature, and subparagraph (C) shall not apply);

(C) 2 members selected by the State legislature who are owners, or who represent owners, of small business stationary sources (1 member each by the majority and minority leadership of the upper house, or the equivalent State entity); and

(D) 1 member selected by the head of the department or agency of the State responsible for air pollution permit programs to represent that agency.

(f) Fees.—The State (or the Administrator) may reduce any fee required under this Act to take into account the financial resources of small business stationary sources.

(g) Continuous Emission Monitors.—In developing regulations and CTGs under this Act that contain continuous emission monitoring requirements, the Administrator, consistent with the requirements of this Act, before applying such requirements to small business stationary sources, shall consider the necessity and appropriateness of such requirements for such sources. Nothing in this subsection shall affect the applicability of title IV provisions relating to continuous emissions monitoring.

(h) Control Technique Guidelines.—The Administrator shall consider, consistent with the requirements of this Act, the size, type, and technical capabilities of small business stationary sources (and sources which are eligible under subsection (c)(2) to be treated as small business stationary sources) in developing CTGs applicable to such sources under this Act.

AND THE STATE AIR QUALITY CONTROL PLAN

NOTICE IS GIVEN that the Department of Environmental Conservation (DEC), Air Quality Management Section, under the authority of AS 46.14.030 and 46.14.300, proposes to amend regulations in Title 18 of the Alaska Administrative Code, Chapter 50 (18 AAC 50), and to amend the State Air Quality Control Plan, dealing with the Small Business Assistance Program, to implement and make specific AS 46.14.030 and 46.14.300, as follows:

DEC is developing a Small Business Assistance Program to help Alaska's small businesses comply with state and federal air quality laws. The main focus of this program will be to help small businesses obtain air quality operating permits. The program will include a Small Business Advocate to promote the rights and concerns of small businesses in air quality related matters, including regulation development and permitting, a Small Business Technical Assistance Program to provide small businesses with technical and compliance assistance on air quality related matters, including permitting, and a Compliance Advisory Panel to monitor the activities of the Small Business Technical Assistance Program. To qualify for assistance, a business must employ 100 or fewer people, emit less than 100 tons per year of air pollutants, and be a small business concern as defined in the Small Business Act.

NOTICE IS ALSO GIVEN that any person interested may present written statements or arguments relevant to the proposed action by writing to: Leonard Verrelli, Alaska Department of Environmental Conservation, Air Quality Management Section, 410 Willoughby Ave. # 105, Juneau, AK 99801-1795, Attn: Small Business Assistance Program. **Comments must be received by 5:00 pm on January 28, 1994.** Additionally, any interested person may present oral or written statements or arguments relevant to the proposed action at a public hearing to be held as follows:

City	Date	Time	Location
Anchorage	January 19, 1994	2 - 4 pm	Public Conference Room Loussac Library, 3600 Denali
Fairbanks	January 20, 1994	9 - 11 am	Ester Conference Room Fairbanks North Star Borough Administrative Center, 809 Pioneer Road

The hearings might be extended to accommodate any person who is present within one-half hour before the scheduled closure so that all persons who wish to testify may do so.

If you are a person with a disability who may need specialized assistance to comment on the proposed regulations, please contact Geri Fudge at 1-800-770-8818 no later than January 14, 1994 to make any necessary arrangements.

This action will require an increased appropriation which will be generated from program receipts

Copies of the proposal, including the proposed amendment to the State Air Quality Control Plan setting out details of the Small Business Assistance Program, are available at DEC regional offices Questions about the proposal should be directed to Bob Hughes at 1-800-770-8818.

The department, after the deadline stated above, will either adopt these or other proposals dealing with the same subject, without further notice, or may decide to take no action on them.

DATE: December 13, 1993

John A. Sandor -- Commissioner
Department of Environmental Conservation

1841643
$266.00

AFFIDAVIT OF PUBLICATION

STATE OF ALASKA,)
THIRD JUDICIAL DISTRICT.)

Eva M. Kaufmann
being first duly sworn on oath deposes and says that he/she is an advertising representative of the Anchorage Daily News, a daily newspaper. That said newspaper has been approved by the Third Judicial Court, Anchorage, Alaska, and it now and has been published in the English language continually as a daily newspaper in Anchorage, Alaska, and it is now and during all said time was printed in an office maintained at the aforesaid place of publication of said newspaper. That the annexed is a copy of an advertisement as it was published in regular issues (and not in supplemental form) of said newspaper on

Dec 15 & 16, 1993

and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is not in excess of the rate charged private individuals.

signed Eva M. Kaufmann

Subscribed and sworn to before me this 17 day of Dec
1993

Maria L. Eschumacher

Notary Public in and for
the State of Alaska,
Third Division,
Anchorage, Alaska
MY COMMISSION EXPIRES
My Commission Expires:
October 14, 1997
19

NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION AND THE STATE AIR QUALITY CONTROL PLAN

NOTICE IS GIVEN that the Department of Environmental Conservation (DEC), Air Quality Management Section, under the authority of AS 46.14.030 and 46.14.300, proposes to amend regulations in Title 18 of the Alaska Administrative Code, Chapter 50 (18 AAC 50), and to amend the State Air Quality Control Plan, dealing with the Small Business Assistance Program, to implement and make specific AS 46.14.030 and 46.14.300, as follows:

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If you are a person with a disability who may need specialized assistance to comment on the proposed regulations, please contact Geri Fudge at 1-800-770-8818 no later than January 14, 1994 to make any necessary arrangements.

This action will require an increased appropriation which will be generated from program receipts.

Copies of the proposal, including the proposed amendment to the State Air Quality Control Plan setting out details of the Small Business Assistance Program, are available at DEC regional offices. Questions about the proposal should be directed to Bob Hughes at 1-800-770-8818.

The department, after the deadline stated above, will either adopt these or other proposals dealing with the same subject, without further notice, or may decide to take no action on them.

DATE: December 13, 1993
/s/John A. Sanger,
Commissioner
Department of Environmental Conservation
AO-1841643
Pub: Dec. 15, 16, 1993

DEC 2 - 1993

ENVIRONMENTAL

AFFIDAVIT OF PUBLICATION

UNITED STATES OF AMERICA
STATE OF ALASKA
FOURTH DISTRICT
} ss

[redacted]

Before me, the undersigned a notary public this

duly appeared

first duly sworn, according to law says that he

Advertising Clerk of the Fairbanks Daily News-Miner

published at Fairbanks, in said Fourth District

and that the advertisement, of which the annexed is a

was published in said paper on the following day(s)

and that the rate charged thereon is not in exc

rate charged private individuals, with the usual disco

Margaret Burk

Subscribed and sworn to before me this

day of 19

Notary Public in and for the State

My commission expires

STATE OF ALASKA)
: ss.
FIRST JUDICIAL DISTRICT)

AFFIDAVIT OF ORAL HEARING

I, Robert W. Hughes, Environmental Engineer, Department of Environmental Conservation, being sworn, state the following:

I am the person responsible for the promulgation of regulations in 18 AAC 50 dealing with the Small Business Assistance Program under AS 46.14.300. The following persons presided over public hearings held in accordance with AS 44.62.210 for the purpose of taking testimony in connection with these regulations, on the dates, and at the time and locations indicated:

Hearing Officer	Date	Time	City	Location
Priscilla Wohl	Jan. 19, 1994	2-4 pm	Anchorage	Loussac Library 3600 Denali
Jack Coutts	Jan. 20, 1994	9-11 am	Fairbanks	Fairbanks North Star Borough Admin. Center 809 Pioneer Road

DATE: March 21, 1994.
Juneau, Alaska

Robert W. Hughes - Environmental Engineer

SUBSCRIBED AND SWORN TO before me on this 21ST day of March, 1994.

Geraldine Judge
Notary Public in and for Alaska
My commission expires: 3-12-96

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Anchorage, AK - January 19, 1994

PRINTED NAME	MAILING ADDRESS	TELEPHONE	I WANT TO TESTIFY (Please check here
MARK E. TEITZEL	4831 EAGLE ST ANCHORAGE 99503	561-1818	X
JAN FREDERICKS	UAA SMALL BUSINESS DEVEL CTR. 430 W. 7th, Ste 110 ANCH 99501	274-7232	X
NELOT BINGHAM	PO Box 110481, Anch. 99511	344-2644	
Bill MacClarence	ADEC 3601 C St, Ste 1334 Anch. 99503	563-6529	
CARL H. HARMON	CHUGACH ELECTRIC ASS. INC. 5601 Minn Dr. Anch 99519	762-4739	
Cynthia L. Rogers	EHS Alaska, Inc. 10928 Eagle River Rd. Ste 202 Eagle River 99577	694-1883	
Bruce W. Brick	EHS AK, Inc 10928 Eagle River Rd Ste 202 Eagle River 99577	"	X
THOMAS BURGESS	PTAC 430 W. 7TH AVE ANCHORAGE AK 99501	2747232	

Small Business Assistance Program

PARTICIPANTS IN PUBLIC HEARING

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Fairbanks, AK - January 20, 1994

PRINTED NAME	MAILING ADDRESS	TELEPHONE	I WANT TO TESTIFY (Please check he
Ed Arabio	Div of Agriculture 3700 Airport Way, Fairbanks AK 99709	451-2780	
Carl Overpeck	ESI N. Pole	488-4575	

Jim Baumgartner
Alaska Department of Environmental Conservation
Southeast Regional Office

Written Comment 1
Are municipalities eligible for Small Business Assistance Program (SBAP) assistance?

Response
The Alaska Legislature defined the eligibility for Alaska's SBAP. A business is eligible for the technical assistance services of the SBAP if the business: is owned or operated by a person who employs 100 or fewer individuals; emits less than 100 tons per year (TPY) of regulated air contaminants; and is a small business concern as defined in 15 U.S.C. 631 (Small Business Act). The Small Business Act defines a small business concern as a business which is independently owned and operated and which is not dominant in its field of operation. Additionally, a small business concern must be organized for profit and must meet certain Standard Industry Classification (SIC) code standards for maximum annual receipts or maximum number of employees, which are listed in 13 CFR § 121.601.

However, the Alaska Legislature has authorized the department to provide SBAP services to businesses which do not meet the definition of a "small business concern" if the legislature provides general fund money for this purpose. If this occurs, municipalities, public utilities and public universities may be eligible for SBAP assistance. Municipalities are not eligible for SBAP assistance unless the Alaska Legislature provides general fund money for expanded SBAP eligibility. Keep in mind that all documents and information developed by the SBAP are available to anyone and everyone!

Written Comment 2
The budget proposed for the SBAP does not appear adequate to cover all of the sources it has planned for.

Response
The budget of approximately $215,000 to $220,000 is intended to cover the personnel costs of the Small Business Advocate position, a clerical position, contract costs for the Assistant Advocate and the travel and per diem costs of the Compliance Advisory Panel (CAP). This budget does not include costs accrued by the department in complying with the mandates of AS 46.14.240(d).

Carl Overpeck
Environmental Systems, Inc.
P.O. Box 73638
Fairbanks, AK 99707

Written Comment
Does the 100 TPY emission limit for small business eligibility refer to the combined emissions of each of the businesses' permitted facilities, or does the limit apply to the emissions from each individual permitted facility, and will non-permitted facility emissions be used when assessing emissions?

Response
In determining SBAP eligibility, the department will consider the emissions from each facility separately.

David Wigglesworth
Alaska Department of Environmental Conservation
Pollution Prevention Office

Written Comment 1
The SBAP should enhance its coordination with the Pollution Prevention Office.

Response
The SBAP will work with the Pollution Prevention Office (PPO) during the development and implementation of the Small Business Technical Assistance Program. The PPO has existing ties with the business community and other technical assistance service providers. By taking advantage of the PPO's experience and contacts, the SBAP can better serve Alaska's small business community.

However, the SBAP State Implementation Plan (SIP) amendment is a document describing to EPA how the Alaska Department of Environmental Conservation (department) plans to meet the requirements of section 507 of the Clean Air Act. The department must respond to specific criteria outlined in the *Guidelines for Implementation of Section 507 of the 1990 Clean Air Act Amendments*. The purpose of the SBAP SIP is not to establish or refine the relationship between the PPO and the SBAP. This is a practical matter more appropriately addressed through procedures internal to the department.

Written Comment 2
The SBAP will benefit by linking its activities to the existing small business service delivery programs in the state.

Response
During the development and implementa of the SBAP, the Small Business Advo will coordinate with the PPO, the Solid Hazardous Waste Management Techn Assistance program, Alaska's Small Busi Development Centers, the Pacific Northv Pollution Prevention Research Center, others as identified.

Written Comment 3
The department should refer to the Pollu Prevention Office as "the non-regulat Pollution Prevention Office."

Response
The reference will be revised.

Written Comment 4
The main emphasis of Alaska's SB compliance assistance, should be identif earlier in the draft SIP amendment.

Response
The first paragraph of the Executi Summary identifies the main focus of SBAP as helping small businesses obt operating permits, if they are requir Additional references will be included appropriate.

Written Comment 5
Coordination with the department's Polluti Prevention Office should be included as duty of the Small Business Advocate.

Response
The duties of the Small Business Advoca will be amended to include coordinati with existing small business service delive programs, including the PPO.

Written Comment 6
The reference to the Pollution Prevention Office's proactive services should be expanded.

Response
The reference to the SBAP's coordination with the PPO regarding Technical and Compliance Information for Small Businesses will be modified to encompass some of the commenter's specific suggestions.

Written Comment 7
With respect to the program effectiveness report required to be developed by the CAP, the SBAP SIP should reference the PPO's preliminary work to determine the effectiveness of SBAP services.

Response
While the SBAP appreciates the work by the PPO in developing methods to measure the effectiveness of SBAP services, it is not appropriate to include this information in the SBAP SIP amendment. As the commenter noted, the FY94/95 State EPA Agreement (SEA) already identifies this activity.

Written Comment 8
The organizational structure should be expanded to include references outside the air quality management program.

Response
As mentioned earlier, the SBAP SIP is a document describing to EPA how the department plans to develop and implement the SBAP. The SBAP will not be fully implemented until November 1995. Until this time, the SBAP will still be under development. It is not known exactly how the SBAP will interface with other technical assistance service providers. As such, it would be presumptive to expand the organization structure to include unknown or unverified relationships.

Jan Fredericks
University of Alaska
Small Business Development Center
430 W. Seventh Avenue, Suite 110
Anchorage, AK 99501

Written Comment
The department should contract-out the SBAP to the University of Alaska Small Business Development Center.

Response
While the EPA allows states to contract-out portions of the SBAP, the main emphasis of Alaska's SBAP will be to help small businesses get air permits, if needed. The most effective way for the SBAP to meet this goal is to work directly with the air quality staff reviewing permit applications and developing permits. This is the concept behind the proposed SBAP. To maintain efficiency and minimize costs, the Small Business Advocate and the Small Business Technical Assistance Program will be operated by the department.

The SBAP would like to pursue working with the University of Alaska Small Business Development Center on specific portions of the SBAP. The department has proposed establishing a contract for an Assistant Advocate outside the agency and state government. The Assistant Advocate would provide small businesses with an independent, non-regulatory "ear" to voice concerns. The SBAP SIP has been amended to allow an institution, such as the University of Alaska Small Business Development Center or other existing technical assistance delivery program, to be contracted as the Assistant Advocate. In

addition, the SBAP SIP will be amended to include a reference to the University of Alaska Small Business Development Center.

Anchorage Public Hearing
January 19, 1994

Mark Teitzel
Alaska Village Electric COOP
4831 Eagle Street
Anchorage, AK 99503

Oral Comment 1
Do small rural electric cooperatives qualify for the SBAP?

Response
The Alaska Legislature defined the eligibility for Alaska's SBAP. A business is eligible for the technical assistance services of the SBAP if the business: is owned or operated by a person who employs 100 or fewer individuals; emits less than 100 TPY of regulated air contaminants; and is a small business concern as defined in 15 U.S.C. 631 (Small Business Act). The Small Business Act defines a small business concern as a business which is independently owned and operated and which is not dominant in its field of operation. Additionally, a small business concern must be organized for profit and must meet certain SIC code standards for maximum annual receipts or maximum number of employees. The SIC code standards are listed in 13 CFR § 121.601.

Small rural electric cooperatives qualify for the SBAP if they meet the above criteria. Generally, if a facility maintains only diesel internal combustion engines for power generation and uses less than 230.000 gallons of diesel fuel annually, the facility is eligible for SBAP assistance. Keep in mind that all documents and inf developed by the SBAP are ava anyone and everyone!

Oral Comment 2
A rural electric facility that avoids by agreeing to specific fuel use lir must submit annual fuel consumptio to the department. The departm review this annual data, and will pre assess a permit administration fee review time. If the facility is eligibl SBAP, will it still have to pay thi administration fees?

Response
Yes, the facility must pay the administration fee for the tir department spends reviewing the ann consumption data. The Alaska Leg exempted eligible small businesse paying specific permit administration outlined in AS 46.14.240(d). Hc reviewing annual fuel consumption was not included in this exemption.

Bruce Beck
EHS - Alaska, Inc.
10928 Eagle River Road, Suite 200
Eagle River, AK 99577

Comment 1
How will they appropriate the fi schedule for the SBAP?

Response
The SBAP will be funded from em fees which the department will collec each facility required to get an air p under proposed changes to the air q permit program. Section 502(b)(3)(A) Clean Air Act, 40 CFR § 70.9(b)(1 and AS 46.14.250(h)(2) all require p fees be sufficient to cover the costs c SBAP.

Comment 2
How will emissions be determined for emission fees?

Response
The department will calculate permit administration fees based on each facility's assessable emissions. Unless an owner or operator requests otherwise, the department will establish assessable emissions equal to the allowable emission quantities calculated by the department or specified in the permit. The owner or operator of a facility may request the department to set assessable emissions less than the facility's allowable emissions. This request must contain technical information based upon measurements or calculations of probable actual emissions for the facility considering production rates, equipment or fuel use and other parameters or data to support the estimations.

Fairbanks Public Hearing
January 20, 1994

No oral or written comments were submitted.