



ILLINOIS



**SMALL BUSINESS
ENVIRONMENTAL
ASSISTANCE
PROGRAM**

Serving Small Businesses and the Environment

Meeting Notice

Illinois Compliance Advisory Panel (CAP) Meeting

June 18, 2019 1:00 P.M.- 2:30 P.M.

Conference Line: 602-333-0052: Access Code 390-839-1732

Illinois Department of Commerce & Economic Opportunity

100 West Randolph, 3rd Floor

Director's Conference Room

Chicago, IL

1. Welcome & Introductions
2. Approval of the April Meeting Minutes
3. Director John Kim: Illinois EPA Vision & Initiatives
4. IEPA BOA Updates
 - Major Population Area Follow-up
5. DCEO SBEAP Program Reports & Updates
6. Cullerton CAP Vacancy
7. CAP Guidelines Revision
8. CAP Chair Nominations & Election
9. Old Business
10. New Business/Discussion Items
11. Next Meeting Date: Tentative September 19, 1:00-2:30 pm

Illinois Compliance Advisory Panel (CAP) Meeting

April 24, 2019 2 P.M. - 3 P.M.

Illinois Department of Commerce & Economic Opportunity
607 East Adams,
12th Floor Director's Conference Room
Springfield, IL

Present: Alec Davis, Mark Grant, John Lee, Annette Fulgenzi, Michelle Haberstroh, Rick Fiddymment, Kristi Dula

Via Teleconference: Bharat Mathur, Karen May, David Bloomberg (for Julie Armitage)

Welcome & Introductions

Chairman Mark Grant welcomed everyone to the meeting.

Approval of Meeting Minutes

Karen May noted one change in the minutes.

Karen May moved to approve the meeting minutes.

Alec Davis seconded the motion.

Motion passed without dissent.

Illinois EPA, Bureau of Air Updates

Reclassification of Illinois' Nonattainment Areas

Only one area of non-attainment- Chicago. Affected late Spring/early summer

- USEPA approves redesignation of Metro East area as in attainment of the 2008 National Ambient Air Quality Standards (NAAQS).
- Chicago Area did not attain the 2008 NAAQS by July, 2018 based upon monitoring data
- Chicago area will be reclassified from "moderate non-attainment" to "serious non-attainment"
- "Serious non-attainment" classification will reduce the Title V major source thresholds for VOM and NO_x from the current 100 tons per year (tpy) down to 50 tpy.
- New source review major modification threshold will be reduced to 25 tpy (aggregated over 5 years) from the current 40 tpy
- Some current Lifetime permittees will need to obtain a FESOP. Permitting requirement/reductions will likely impact some small businesses.
- Emissions offset requirements will be going from 1.15 to 1, to 1.2 to 1.
- A deadline of July 20, 2021 for affected states to attain the standard.
- Letters will go out after notice has been published in the Federal Register identifying each area that failed to meet the standard and confirming the reclassification.
- The entire state of Illinois is finally in attainment for Particulate Matter (PM).

Bharat Mathur mentioned that the agency should hold sessions to answer questions from affected parties and create factsheets. He restated the importance of issuing guidance materials and more factsheets; it is important for the program to have the most current and updated fact sheets because that is what small businesses rely upon.

Program Status/Updates

DCEO SBEAP Program Reports & Updates

The program's quarterly reports were shared. Google Analytics from the program website were not available for the 2nd quarter due to updates en the website was updated. SBEAP staff is currently revamping the website and working on fixing any broken links.

Rick Fiddymment, SBEAP Client Services Coordinator, discussed helpline tracking trends for January through March of 2019. Dry Cleaning calls were higher than normal in January, but this was mostly due to late recordkeeping workbook requests that had not been made in December. However, some calls that take more time because they are more complex cannot yet be represented well within the current helpline tracking system. For example, one call regarding emission calculations could take hours or even days to completely respond to, but account for a very small percentage of total helpline calls tracking data. On the other hand, helpline calls regarding the ROSS program might take a few minutes to answer but, because these calls are more frequent, end up accounting for a much larger percentage of the total calls.

Michelle Haberstroh, SBEAP Graduate Public Service Intern, discussed the difficulties associated with analyzing the data from helpline calls. Currently, MS-Excel is used. One helpline call often applies to several different topics. Therefore, calculating the percentage of calls per topic becomes more difficult. This type of data might be more easily analyzed using a different type of software, but the small size of the monthly data sets makes new software difficult to justify.

Kristi Dula inquired about a ticket system. Annette Fulgenzi explained that SBEAP does not currently utilize a ticket system/software for helpline tracking. Data is tracked in excel.

Mark Grant inquired about filtering data by location or county, specifically within Cook and Lake counties, to see where calls are generating from and where trainings need to be offered. Specifically, we need to identify calls from non-attainment areas. He asked what the agency does with the data and if SBEAP should post it on the website.

Bharat Mathur asked if enough is being done by the IEPA to support the program. He stated that the role of the CAP is to ask hard questions.

Major Population Area GIS Map Project

John Lee raised an issue that has become a problem for some of his members. It is difficult for sources to know if they are in an MPA. John contacted the SBEAP asking if a map of the MPA existed. Annette Fulgenzi checked with BOA staff and no such map existed but staff felt it would be useful. Annette collaborated with IDOT's GIS staff to create an interactive map of the MPA's. Addresses can be entered and the location is marked on the map to illustrate if it is in an MPA based upon recent maps of defined boundaries including municipal boundaries plus a zone extending two mile beyond the boundaries of said municipalities.

Annette mentioned that if posted online, the map would need a disclaimer that the map is produced using boundaries as of a certain date given municipalities are continually annexing properties and boundaries are shifting outward. John mentioned while testing the map, he noted that sources that were not in an MPA at the time their permit was issued are now in an MPA so there is a question as to whether they are no longer exempt from having pollution controls.

This raised discussion among the CAP members during the meeting. Major metropolitan areas are different than major population areas. Major Population Areas were defined in 1993 in Section 211.3610. That definition includes references to various local boundaries; county, municipal, township, etc. as well as the language “plus a zone extending two miles beyond the boundaries of said municipalities.” Questions arose regarding the sources that were not in a defined MPA at the time their permit was issued but now find their facility is in an MPA as municipal boundaries have shifted with a considerable amount of property being annexed over time by municipalities. Annette stated that the IEPA would need to determine the answers to the CAP’s questions and would follow-up with the Bureau of Air to get answers to the CAP’s questions.

Questions included:

1. Do the MPA boundaries update as municipal boundaries update or do the boundaries remain what they were in 1993 when defined?
2. If the MPA boundaries do change over time, are currently permitted sources pollution controls exemptions grandfathered in, or do they lose their exemption from adding pollution controls if the MPA boundaries have grown to encompass the source?

If the latter is the case, CAP members agreed that this would be a good outreach project for the SBEAP to work with our partners to raise awareness with the affected sources. Annette Fulgenzi said that she would follow up with the IEPA’s Bureau of Air for answers to the questions posed.

Promotion, Outreach & Events

Annette Fulgenzi discussed promotion, outreach, and upcoming events for SBEAP.

- SBEAP plans to increase social media presence.
- The program continues to rebrand its marketing to make the government more approachable to our clients.
- Annette was able to work with SBA to get the SBEAP programs listed in the SBA’s National & Regional Small Business Resource Guides. Thousands are distributed annually.

Clean Air Clips-

- 2270 subscribers
- 25-27% open rate
- Average open rate for government e-newsletters is 19.7%

Small Business Connection

- Office of Entrepreneurship Innovation and Technology’s newsletter

- SBEAP has dedicated section in each edition
- 2330 subscribers
- 17-25% open rate

Events Attended/Participated In

- IPCB Brown Bag Lunch in February
- Rural Economic Development Conference
- IL Association of Aggregate Producers Committees/Conference
- NFIB Small Bus Day
- Invited to present at the IL Professional Dry Cleaner & Launderers in September

National SBEAP Annual Training May 13-16 in Chicago, IL

- USEPA Region 5 Administrator Cathy Stepp confirmed
- SBA Regional Administrator Rob Scott is invited
- Governor Pritzker will provide a Proclamation & Invitation
- SBEAP reached out to partner, mHUB site visit to their facility for conference participants
- Awards Program-IAAP to receive the Business Assistance Provider Environmental Leadership Award
- Third time IL SBEAP has hosted the SBEAP Annual Training. The last time was in 2013 and 2002 before that.
- USEPA provided funding annually, but now provides funds biannually. This year's training will be at USEPA Region V offices and supported by registration fees.
- CAP member John Lee will be a trade association panelist for one of the sessions.
- All CAP members are welcome to attend.

Office of Entrepreneurship, Innovation & Technology Customer Listening Tour-Discussion

Kristi Dula discussed the Entrepreneurship, Innovation and Technology (EIT) "listening tour" she is currently undertaking. She is traveling around the state to see what is working well and what is not.

Mark Grant mentioned that many small businesses are not aware of the help available to them from DCEO. He pointed out that marketing is expensive and that network relationships can help, but that a better communication pathway between agencies, departments, universities, and the public is needed.

Bharat Mathur suggested that the program add an additional question at the end of the SBEAP survey that asks what is working, and what is not working, as an open dialogue box.

Bharat asked if it might be possible to get some large business that would be willing to mentor small businesses. He said SBEAP needs fulltime environmental specialists and that the program should look at ways the program could use of retirees with expertise in the field.

Old Business

Mark Grant, CAP Chair reported that, there has been no response from the Governor's Office, DCEO or IEPA to the Transition Paper that the CAP submitted.

New Business/Discussion Items

Michelle Haberstroh discussed the Open Meetings Act (OMA) and how it applied to the CAP. All CAP members must complete the OMA training at least once during their term. The goal is to have all members complete OMA training soon and an email will be sent out to CAP members with links to the Attorney General's online training.

Next Meeting Dates & Locations:

Next CAP meeting tentatively scheduled for June 20th 1:00 p.m.



SPRINGFIELD, ILLINOIS

Proclamation

Presented this 14th day of May 2019

WHEREAS, there are nearly thirty-one million small businesses that employ nearly sixty million employees in the United States; and,

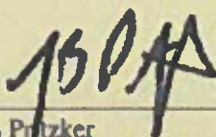
WHEREAS, small businesses often lack the resources they need to understand and comply with complex environmental regulations; and,

WHEREAS, the State's Small Business Environmental Assistance Programs, created under the Clean Air Act Amendments of 1990, have served small businesses and protected the environment for twenty-nine years; and,

WHEREAS, Small Business Environmental Assistance Programs assist nearly one million clients, train nearly 80,000 clients, and provide millions of compliance assistance tools and publications annually;

THEREFORE, I, JB Pritzker, Governor of the State of Illinois, do hereby recognize the NATIONAL CONFERENCE OF SMALL BUSINESS ENVIRONMENTAL ASSISTANCE PROGRAMS.




JB Pritzker
Governor, State of Illinois

FOR IMMEDIATE RELEASE:

May 20, 2019

Contact:

Lisa Ashenbrenner-Hunt
SBEAP National Steering Committee Chair
WI Small Business Environmental Assistance Program
Phone: (608) 266-6887
Email: lisa.ashenbrennerhunt@wisconsin.gov

Illinois Association of Aggregate Producers Selected for 2019 Business Assistance Providers Environmental Leadership Award

The National Steering Committee (NSC) of Small Business Environmental Assistance Programs (SBEAPs) & Small Business Ombudsmen (SBO's) has recognized the Illinois Association of Aggregate Producers (IAAP), headquartered in Springfield, IL, for its leadership in the areas of improving environmental performance, pollution prevention, sustainability, and mentoring.

The Illinois Small Business Environmental Assistance Program nominated the IAAP for their partnership with the program and their efforts to improve the industry's environmental knowledge and compliance through annual convention presentations and educational seminars with a focus on topics such as: New Source Performance Standards, clean construction and demolition debris as fill, Spill Prevention Control and Countermeasure requirements, storm water plans, LEED, sustainability and green initiatives, among others. In addition, the IAAP has included the IL SBEAP on their Environmental and Sustainability Committees and provides industry insight on IL SBEAP publications and initiatives such as the ROSS program guidance.



"With strong support and technical assistance from experts working for large national companies as well as family-run, small companies, IAAP takes pride in the educational opportunities it provides to the whole mining industry in Illinois as it meets the environmental and technical challenges of numerous regulatory programs," said the Illinois Association of Aggregate Producer's Assistant Director, Shawn McKinney.

"The Illinois Association of Aggregate Producers is committed to protecting the environment and provides proactive environmental leadership for their industry. They are a valuable program partner and help us ensure the aggregate industry has the information and tools they need to voluntarily comply with complex environmental regulations,"

said Annette Fulgenzi, Manager of the Illinois Small Business Environmental Assistance Program.

The SBEAP/SBO NSC Awards are the States' premier awards program for recognizing outstanding environmental leadership among small businesses and small business assistance providers. These awards recognize small businesses, SBEAP/SBO programs and individuals, trade associations and other business assistance providers who have made significant contributions to protecting the environment. The awards program is sponsored by the SBEAP/SBO NSC in partnership with U.S. EPA Asbestos and Small Business Office.



The NSC Awards were presented at the 2019 Annual SBEAP/SBO Training in Chicago, IL on May 15, 2019.

More information about the state SBEAP/SBO is available at <https://nationalsbeap.org/>.

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About the Small Business Environmental Assistance Programs and Small Business Ombudsmen

The Small Business Environmental Assistance Programs (SBEAP) and Small Business Ombudsmen (SBO) were created under Section 507 of the Clean Air Act Amendments of 1990. For more than 25 years, the SBEAP/SBO have provided extensive, hands-on technical assistance to small businesses across the country to help them understand and comply with complex environmental regulations. The SBEAP/SBO website, <https://nationalsbeap.org/>, is a resource for program participants and small businesses. Find your state specific contact at: <https://nationalsbeap.org/states>



FOR IMMEDIATE RELEASE:

May 20, 2019

Contact:

Lisa Ashenbrenner-Hunt

SBEAP National Steering Committee Chair

WI Small Business Environmental Assistance Program

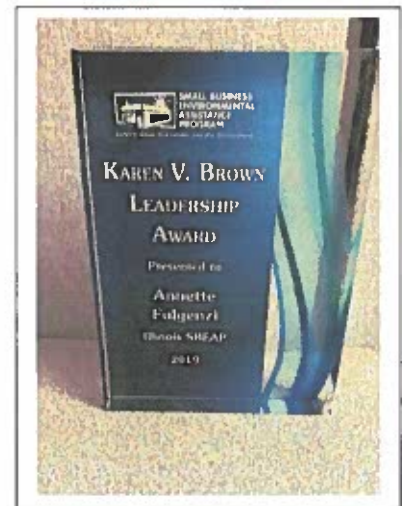
Phone: (608) 266-6887

Email: lisa.ashenbrennerhunt@wisconsin.gov

Annette Fulgenzi of the Illinois Small Business Environmental Assistance Program honored with Karen V. Brown Leadership Award

The National Steering Committee (NSC) of Small Business Environmental Assistance Programs (SBEAPs) & Small Business Ombudsmen (SBO) have recognized Annette Fulgenzi of the Illinois Department of Commerce and Economic Opportunity as the 2019 winner of the Karen V. Brown Leadership Award. This award acknowledges the accomplishments of an individual who promotes small business compliance assistance, sustainability, advocacy, and collaboration nationwide. These individuals have demonstrated leadership, innovation, dedication to environmental protection, and persistence in building strong local/state/federal partnerships for small business compliance assistance throughout their career as a SBEAP/SBO.

Fulgenzi was recognized for her leadership and participation on the NSC as Chair and Vice-chair, a regional representative, the Promotional subcommittee chair, and on nearly every Planning subcommittee over her 25 year career. In addition to planning many Annual SBEAP/SBO Training programs, Fulgenzi hosted the event in 2002, 2013 and 2019. Fulgenzi was also recognized for being a strong advocate for strengthening the relationship between USEPA and the SBEAP/SBOs, finding long-term consistent federal funding for the programs, and creating strong partnerships with national business organizations such as National Federation for Independent Businesses, Printing Industries of America, as well as local organizations like the Illinois Association of Aggregate Producers.



“My colleagues in the Small Business Environmental Assistance Programs are some of the most dedicated, creative and passionate public servants in government. Their work protects our environment for generations to come while at the same time helps foster the small business community’s ability to create jobs and grow our economy. I consider it a great honor that they would choose me for the Karen V. Brown Leadership Award,” said Annette Fulgenzi.

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About the Small Business Environmental Assistance Programs and Small Business Ombudsmen

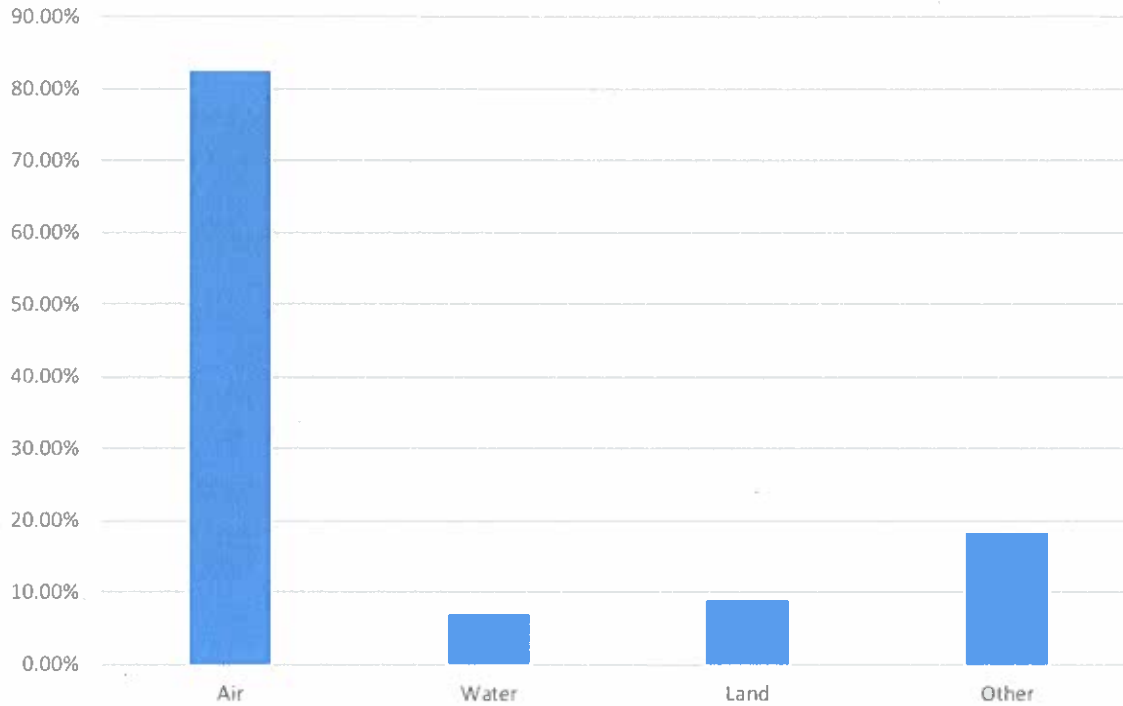
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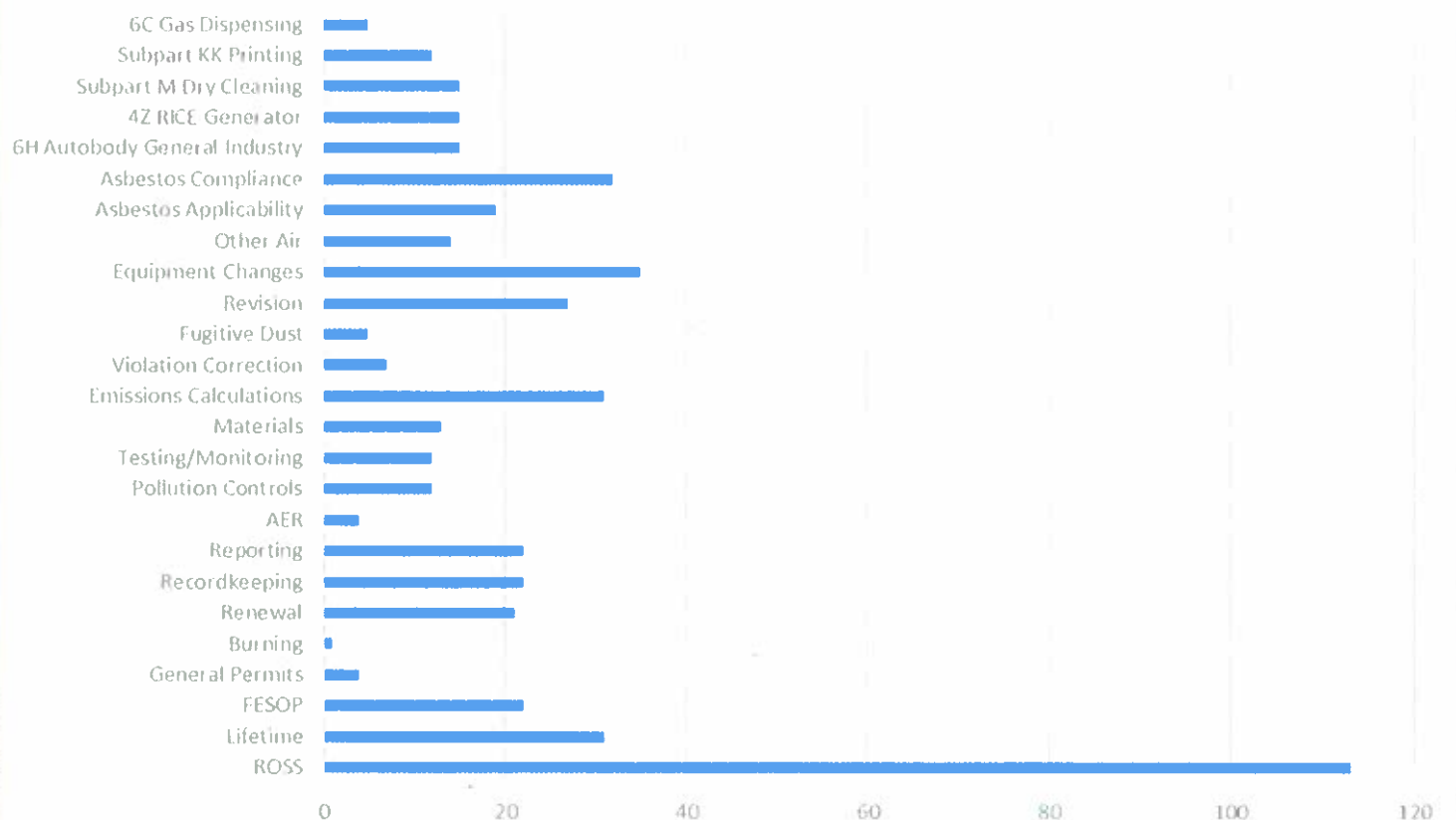
Illinois Small Business Environmental Assistance Program

January -April 2019

Assistance By Media



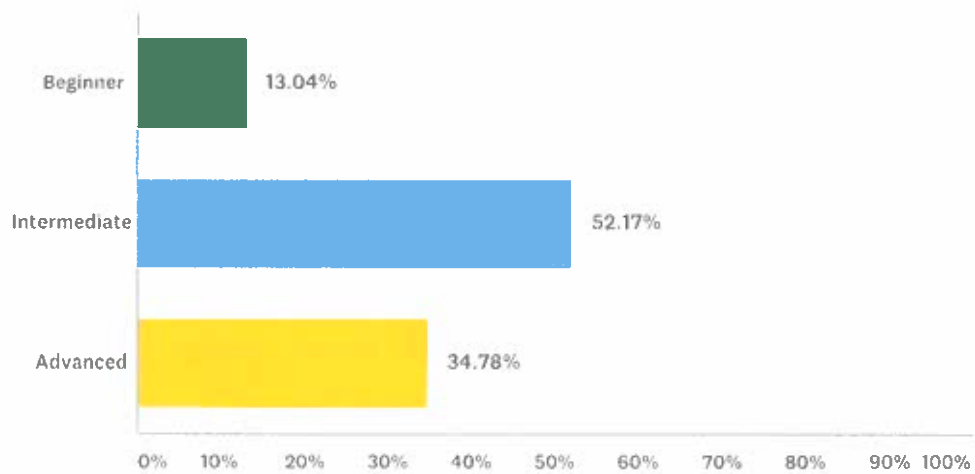
AIR Topics



Illinois Small Business Environmental Assistance Program

Q1 How do you rate your knowledge about environmental regulations ?

Answered: 23 Skipped: 0



ANSWER CHOICES

Beginner

Intermediate

Advanced

TOTAL

RESPONSES

13.04%

52.17%

34.78%

3

12

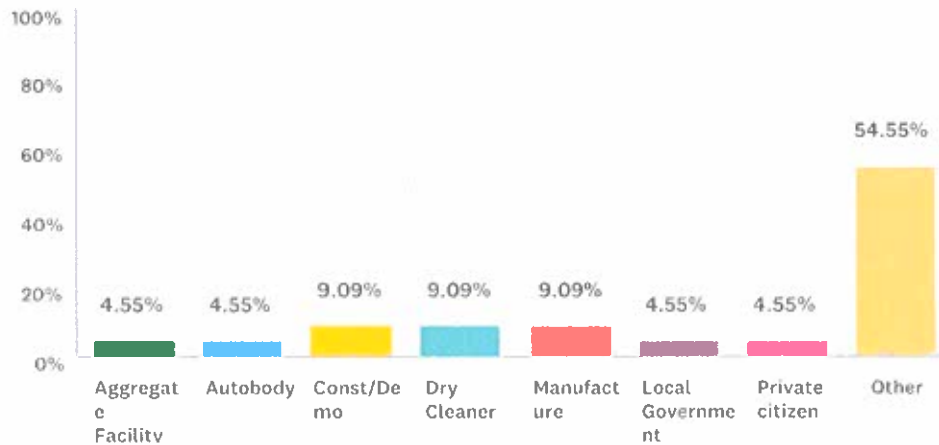
8

23

Illinois Small Business Environmental Assistance Program

Q2 Regarding what business type did you call the helpline ?

Answered: 22 Skipped: 1



ANSWER CHOICES

Aggregate Facility

Autobody

Const/Demo

Dry Cleaner

Manufacture

Local Government

Private citizen

Other

Total Respondents: 22

RESPONSES

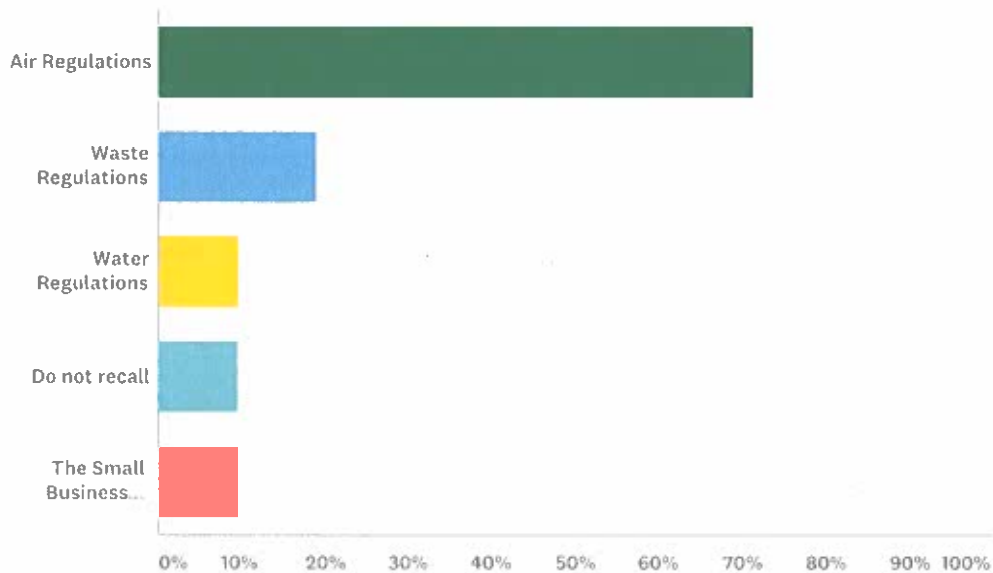
4.55%	1
4.55%	1
9.09%	2
9.09%	2
9.09%	2
4.55%	1
4.55%	1
54.55%	12

#	OTHER (PLEASE SPECIFY)	DATE
1	Aerospace	6/17/2019 7:28 AM
2	Ag Processing/cleaning	6/10/2019 3:14 PM
3	quarry	6/10/2019 2:10 PM
4	back up generators	6/10/2019 12:54 PM
5	CALLED FOR aSBESTOS INFO	6/7/2019 1:03 PM
6	Feed Mill	4/4/2019 12:54 PM
7	Adhesive spray booth	3/27/2019 8:49 AM
8	i started a small single-member LLC for wastewater treatment design and consulting	2/7/2019 12:21 PM
9	Natural Gas and Natural Gas Liquids Pipeline	1/29/2019 2:02 PM
10	It may have been a more general request, My main work is with hospitals.	1/23/2019 1:20 PM
11	Follow up question on a cleanup.	10/7/2018 3:14 PM
12	Metal Recycling	10/2/2018 2:52 PM

Illinois Small Business Environmental Assistance Program

Q3 My main reason(s) for contacting the IL Small Business Environmental Assistance Program or the SBEAP was to get more information about the following topics: (Check all that apply)

Answered: 21 Skipped: 2



ANSWER CHOICES

Air Regulations
 Waste Regulations
 Water Regulations
 Do not recall
 The Small Business Environmental Assistance Program contacted me
 Total Respondents: 21

RESPONSES

71.43% 15
 19.05% 4
 9.52% 2
 9.52% 2
 9.52% 2

OTHER (PLEASE SPECIFY)

1 ASBESTOS TESTING
 2 i vaguely remember one phone conversation
 3 Update contacts on facilities in ROSS Program
 4 See above
 5 Asbestos cement roof tile repair.

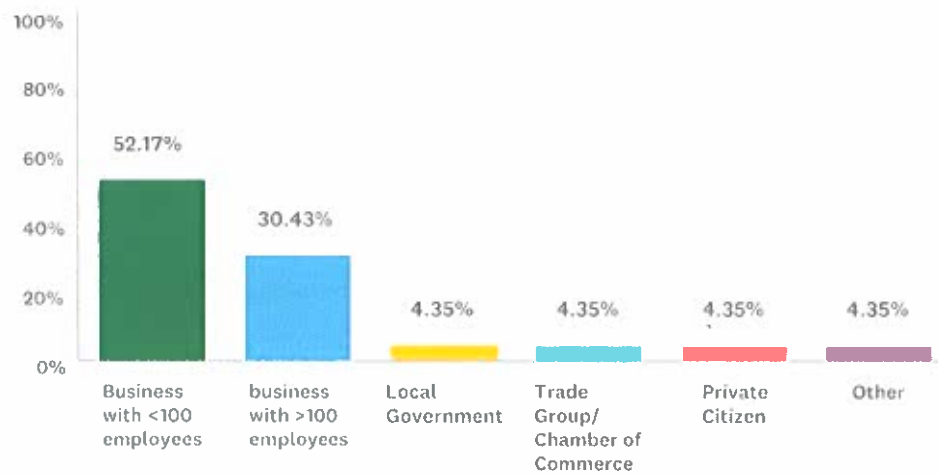
DATE

6/7/2019 1:03 PM
 2/7/2019 12:21 PM
 1/29/2019 2:02 PM
 10/7/2018 3:14 PM
 9/27/2018 5:36 PM

Illinois Small Business Environmental Assistance Program

Q4 I am calling about or from a:

Answered: 23 Skipped: 0



ANSWER CHOICES

Business with <100 employees

business with >100 employees

Local Government

Trade Group/ Chamber of Commerce

Private Citizen

Other

Total Respondents: 23

RESPONSES

52.17%	12
30.43%	7
4.35%	1
4.35%	1
4.35%	1
4.35%	1

OTHER (PLEASE SPECIFY)

DATE

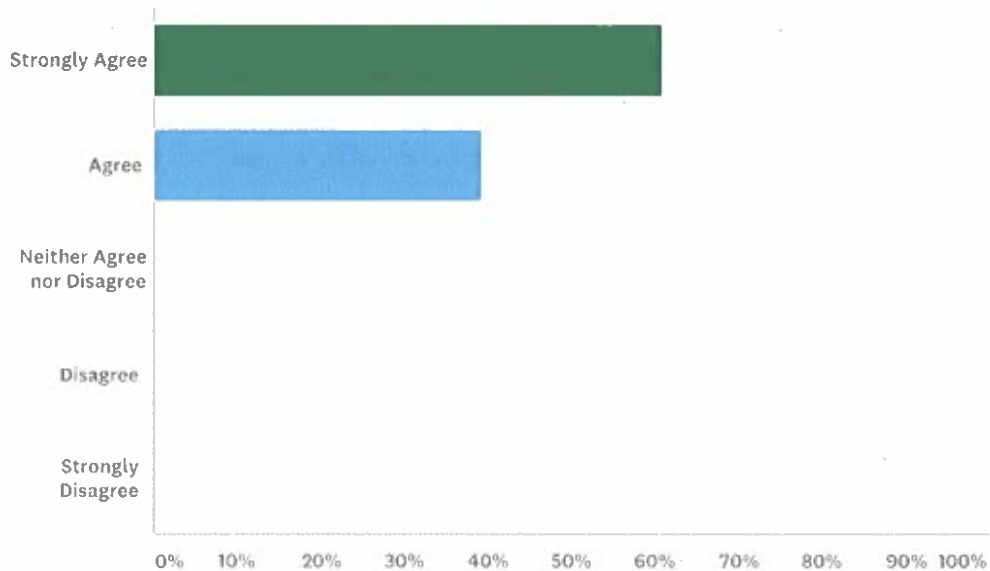
1 I am an attorney representing a seller.

10/7/2018 3:14 PM

Illinois Small Business Environmental Assistance Program

Q5 Overall, I am satisfied with the assistance I received from the Small Business Environmental Assistance Program

Answered: 23 Skipped: 0



ANSWER CHOICES

Strongly Agree
Agree
Neither Agree nor Disagree
Disagree
Strongly Disagree
TOTAL

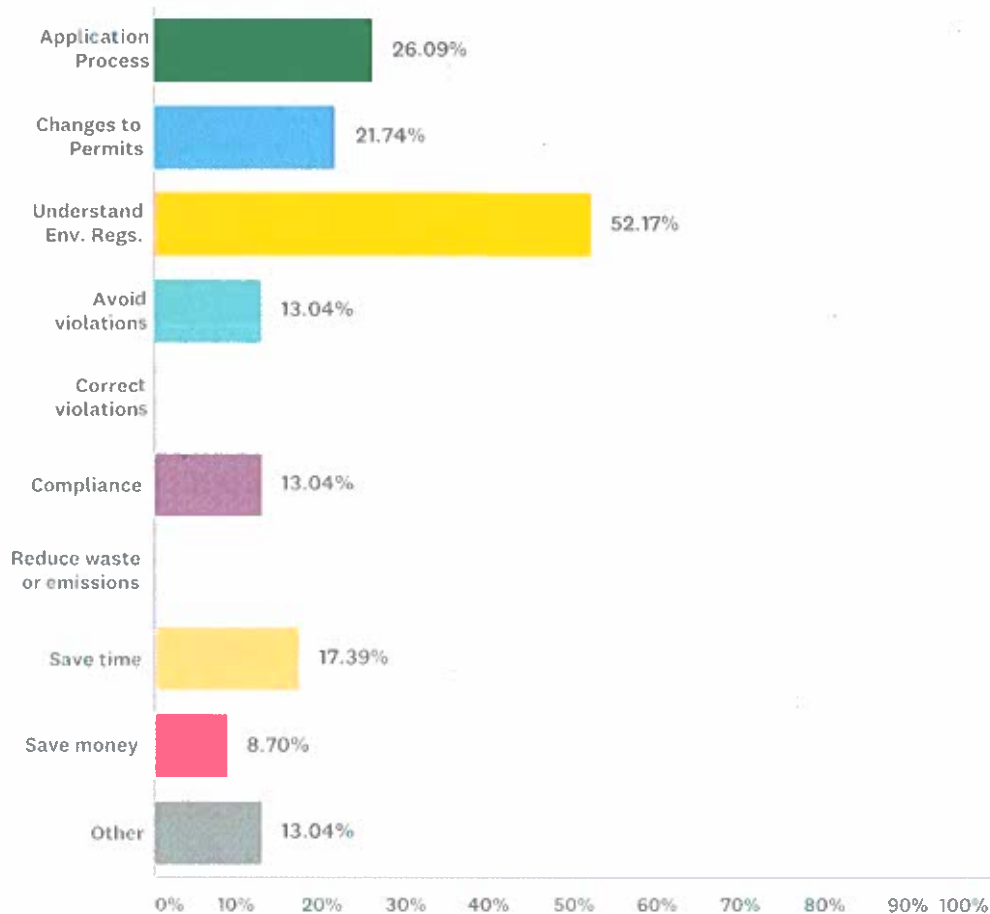
RESPONSES

60.87%	14
39.13%	9
0.00%	0
0.00%	0
0.00%	0
	23

Illinois Small Business Environmental Assistance Program

Q6 With the help of the Small Business Environmental Assistance Program I was able to: (check all that apply)

Answered: 23 Skipped: 0



ANSWER CHOICES

Application Process
Changes to Permits
Understand Env. Regs.
Avoid violations
Correct violations
Compliance
Reduce waste or emissions
Save time
Save money
Other

RESPONSES

Percentage	Count
26.09%	6
21.74%	5
52.17%	12
13.04%	3
0.00%	0
13.04%	3
0.00%	0
17.39%	4
8.70%	2
13.04%	3

Illinois Small Business Environmental Assistance Program

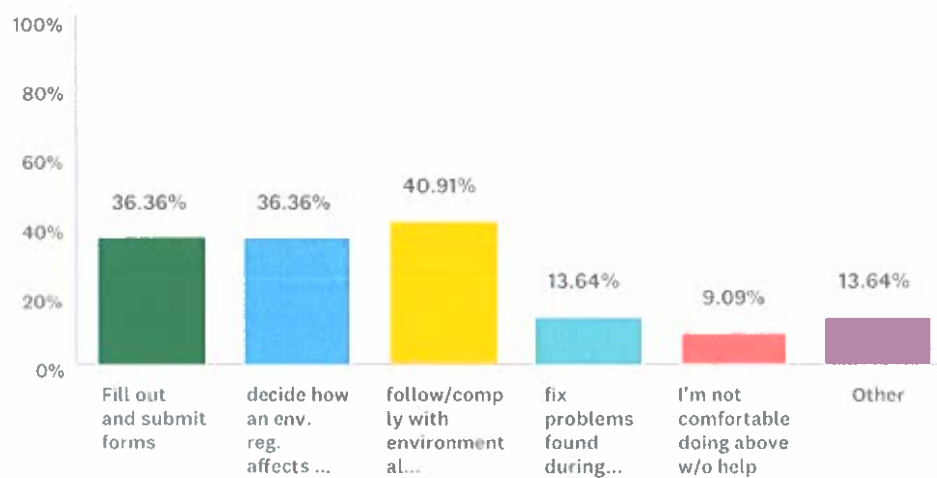
Total Respondents: 23

#	OTHER (PLEASE SPECIFY)	DATE
1	Help regulate a construction demolition debris facility.	6/17/2019 8:51 AM
2	I am the director of an SBDC in the state and was working with a client interested in purchasing property where a former automotive shop had been located. We haven't finished the project but the information was helpful to the client in determining their plans.	1/23/2019 12:57 PM
3	Prepare a fugitive dust plan.	9/28/2018 7:44 PM

Illinois Small Business Environmental Assistance Program

Q7 Because of the assistance I received from the Small Business Environmental Assistance Program, I will be able to do the following in the future: (Check all that apply)

Answered: 22 Skipped: 1



ANSWER CHOICES

Fill out and submit forms
 decide how an env. reg. affects my business
 follow/comply with environmental regulations
 fix problems found during inspections or audits
 I'm not comfortable doing above w/o help
 Other

RESPONSES

36.36% 8
 36.36% 8
 40.91% 9
 13.64% 3
 9.09% 2
 13.64% 3

Total Respondents: 22

OTHER (PLEASE SPECIFY)

1 LEGALLY TEST FOR ASBESTOS
 2 Generally good assistance to make all of these activities go more smoothly and timely.
 3 NA

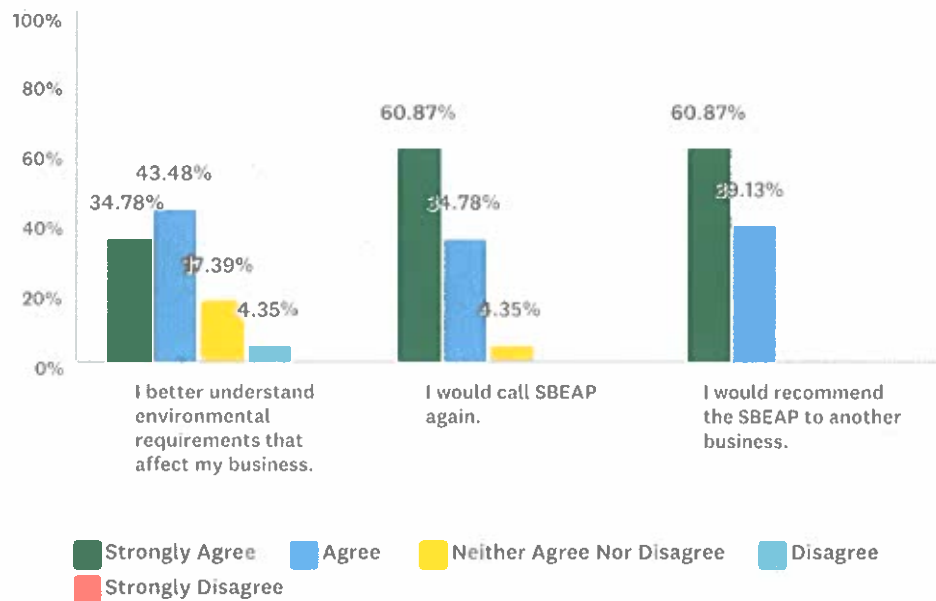
DATE

6/7/2019 1:03 PM
 1/23/2019 1:20 PM
 10/7/2018 3:14 PM

Illinois Small Business Environmental Assistance Program

Q8 Do you agree with the following statements?

Answered: 23 Skipped: 0



	STRONGLY AGREE	AGREE	NEITHER AGREE NOR DISAGREE	DISAGREE	STRONGLY DISAGREE	TOTAL RESPONDENTS
I better understand environmental requirements that affect my business.	34.78% 8	43.48% 10	17.39% 4	4.35% 1	0.00% 0	23
I would call SBEAP again.	60.87% 14	34.78% 8	4.35% 1	0.00% 0	0.00% 0	23
I would recommend the SBEAP to another business.	60.87% 14	39.13% 9	0.00% 0	0.00% 0	0.00% 0	23

Illinois Small Business Environmental Assistance Program

Q9 Happy with the services of the SBEAP? Please provide a client quote/testimonial to assist the program in demonstrating it's value and marketing our services to other regulated small businesses. Please type a quote below. Sign the quote with your name and/or company name or sign it anonymous. Thank you!

Answered: 8 Skipped: 15

#	RESPONSES	DATE
1	ALLAN MEYER	6/7/2019 1:03 PM
2	Pamela Brown - Anitox	4/4/2019 12:54 PM
3	Annette was a wonderful help to my client that was struggling to submit his application for a ROSS permit and pay the fee	3/7/2019 12:12 AM
4	I'd be happy to provide a brief generic endorsement, please reach out to me DSE@grummanbutkus.com	1/23/2019 1:20 PM
5	NA	10/7/2018 3:14 PM
6	Annette is very approachable and knowledgeable. The template for the fugitive Dustin Plan was easy to follow.	9/28/2018 7:44 PM
7	Very helpful and great follow-up.	9/27/2018 7:14 PM
8	Very helpful and prompt response.	9/27/2018 5:36 PM

Illinois Small Business Environmental Assistance Program

Q10 Areas or topics that you would like to see additional assistance provided?

Answered: 3 Skipped: 20

#	RESPONSES	DATE
1	RICK WAS VERY NICE TO SPEAK TO AND VERY HELPFUL	6/7/2019 1:03 PM
2	Annette Fulgenzi was very helpful addressing my questions pertaining to Illinois air permits. Thank you!	4/4/2019 12:54 PM
3	No.	9/27/2018 5:36 PM

**Q11 Please tell us your thoughts on our services? What is working?
What is not? How can we do better?**

Answered: 0 Skipped: 23

#	RESPONSES	DATE
	There are no responses.	

Illinois Compliance Advisory Panel (CAP)

Operating Guidelines of the CAP

The following are guidelines to assist the appointees to the compliance advisory panel in representing small business interests throughout Illinois and rendering advisory opinions to the Small Business Assistance Program and Ombudsman regarding clean air assistance efforts.

1. Meetings- The CAP shall meet quarterly with alternating meeting locations between the Chicago and Springfield areas.
2. CAP Appointments- DCEO Shall contact, in writing, current officials who have not made an appointment to the CAP.
3. Meeting Agendas- DCEO shall send agendas to all CAP members one week in advance of each meeting. CAP Members may request the addition of relevant issues to the agenda prior to the meeting.
4. CAP Chairperson- The CAP shall elect a chairperson every two years. The election shall be held at the first scheduled meeting every other state fiscal year (July 1st – June 30th FY).
5. Chairperson Term- The CAP Chair person shall serve no more than two consecutive, two-year terms.
6. SBEAP/SBO Annual Conference- US EPA provides funding for only one CAP member to attend the conference. Participation will be rotated among all members. DCEO may pay for one additional CAP member to attend if the budget allows.
7. CAP Training- DCEO and the CAP shall work with US EPA to ensure sufficient funding is available for training.
8. CAP Travel Reimbursement- Members shall provide DCEO with original receipts for lodging and travel expenses within 30 days of travel. All CAP members must follow state guidelines for travel expenses and reimbursement.
9. CAP Input- DCEO shall provide Clean Air assistance information to CAP members for their input on program activities. DCEO program staff shall provide professional support for the CAP in the areas of small business clean air act assistance and travel reimbursement.
10. CAP Representation- Any formal action or written communication on behalf of the CAP must be presented to the members for comment and approval.

Compiled Federal & State Compliance Advisory Panel References:

Section 507 Clean Air Act Amendments of 1990 Compliance Advisory Panel Requirements

(e) **Compliance Advisory Panel**

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

(A) render advisory opinions concerning the effectiveness of the small business stationary source technical and environmental compliance assistance program, difficulties encountered, and degree and severity of enforcement;

(B) make periodic reports to the Administrator concerning the compliance of the State Small Business Stationary Source Technical and Environmental Compliance Assistance Program with the requirements of the Paperwork Reduction Act,¹ the Regulatory Flexibility Act [5 U.S.C. 601 et seq.], and the Equal Access to Justice Act;

(C) review information for small business stationary sources to assure such information is understandable by the layperson; and

(D) have the Small Business Stationary Source Technical and Environmental Compliance Assistance Program serve as the secretariat for the development and dissemination of such reports and advisory opinions.

(2) The Panel shall consist of—

(A) 2 members, who are not owners, or representatives of owners, of small business stationary sources, selected by the Governor to represent the general public;

(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.

Illinois Environmental Protection Act 415 ILCS 5/1 et seq. Title X Permits, Sec. 39.5 Clean Air Act Permit Program, Subsection 20 Small Business

20. Small Business.

a. For purposes of this subsection:

"Program" is the Small Business Stationary Source Technical and Environmental Compliance Assistance Program created within this State pursuant to Section 507 of the Clean Air Act and guidance promulgated thereunder, to provide technical assistance and compliance information to small business stationary sources;

"Small Business Assistance Program" is a component of the Program responsible for providing sufficient communications with small businesses through the collection and dissemination of information to small business stationary sources; and

"Small Business Stationary Source" means a stationary source that:

1. is owned or operated by a person that employs 100 or fewer individuals;
2. is a small business concern as defined in the "Small Business Act";
3. is not a major source as that term is defined in subsection 2 of this Section;
4. does not emit 50 tons or more per year of any regulated air pollutant, except greenhouse gases; and
5. emits less than 75 tons per year of all regulated pollutants, except greenhouse gases.

b. The Agency shall adopt and submit to USEPA, after reasonable notice and opportunity for public comment, as a revision to the Illinois state implementation plan, plans for establishing the Program.

c. The Agency shall have the authority to enter into such contracts and agreements as the Agency deems necessary to carry out the purposes of this subsection.

d. The Agency may establish such procedures as it may deem necessary for the purposes of implementing and executing its responsibilities under this subsection.

e. There shall be appointed a Small Business Ombudsman (hereinafter in this subsection referred to as "Ombudsman") to monitor the Small Business Assistance Program. The Ombudsman shall be a nonpartisan designated official, with the ability to independently assess whether the goals of the Program are being met.

f. The State Ombudsman Office shall be located in an existing Ombudsman office within the State or in any State Department.

g. There is hereby created a State Compliance Advisory Panel (hereinafter in this subsection referred to as "Panel") for determining the overall effectiveness of the Small Business Assistance Program within this State.

h. The selection of Panel members shall be by the following method:

1. The Governor shall select two members who are not owners or representatives of owners of small business stationary sources to represent the general public;

2. The Director of the Agency shall select one member to represent the Agency; and

3. The State Legislature shall select four members who are owners or representatives of owners of small business stationary sources. Both the majority

and minority leadership in both Houses of the Legislature shall appoint one member of the panel.

i. Panel members should serve without compensation but will receive full reimbursement for expenses including travel and per diem as authorized within this State.

j. The Panel shall select its own Chair by a majority vote. The Chair may meet and consult with the Ombudsman and the head of the Small Business Assistance Program in planning the activities for the Panel.

Department of Commerce and Economic Opportunity Law 20 ILCS 605/605-515 Environmental Regulatory Assistance Program

(20 ILCS 605/605-515) (was 20 ILCS 605/46.13a)

Sec. 605-515. Environmental Regulatory Assistance Program.

(a) In this Section, except where the context clearly requires otherwise, "small business stationary source" means a business that is owned or operated by a person that employs 100 or fewer individuals; is a small business; is not a major stationary source as defined in Titles I and III of the federal 1990 Clean Air Act Amendments; does not emit 50 tons or more per year of any regulated pollutant (as defined under the federal Clean Air Act); and emits less than 75 tons per year of all regulated pollutants.

(b) The Department may:

(1) Provide access to technical and compliance information for Illinois firms, including small and middle market companies, to facilitate local business compliance with the federal, State, and local environmental regulations.

(2) Coordinate and enter into cooperative agreements with a State ombudsman office, which shall be established in accordance with the federal 1990 Clean Air Act Amendments to provide direct oversight to the program established under that Act.

(3) Enter into contracts, cooperative agreements, and financing agreements and establish and collect charges and fees necessary or incidental to the performance of duties and the execution of powers under this Section.

(4) Accept and expend, subject to appropriation, gifts, grants, awards, funds, contributions, charges, fees, and other financial or nonfinancial aid from federal, State, and local governmental agencies, businesses, educational agencies, not-for-profit organizations, and other entities, for the purposes of this Section.

(5) Establish, staff, and administer programs and services and adopt such rules and regulations necessary to carry out the intent of this Section and Section 507, "Small Business Stationary Source Technical and Environmental Compliance Assistance Program", of the federal 1990 Clean Air Act Amendments.

(c) The Department's environmental compliance programs and services for businesses may include, but need not be limited to, the following:

(1) Communication and outreach services to or on behalf of individual companies, including collection and compilation of appropriate information on regulatory compliance issues and control technologies, and dissemination of that information through publications, direct mailings, electronic communications, conferences, workshops, one-on-one counseling, and other means of technical assistance.

(2) Provision of referrals and access to technical assistance, pollution prevention and facility audits, and otherwise serving as an information clearinghouse on pollution prevention through the coordination of the Illinois Sustainable Technology Center of the University of Illinois. In addition, environmental and regulatory compliance issues and techniques, which may include business rights and responsibilities, applicable permitting and compliance requirements, compliance methods and acceptable control technologies, release detection, and other applicable information may be provided.

(3) Coordination with and provision of administrative and logistical support to the State Compliance Advisory Panel.

(d) There is hereby created a special fund in the State Treasury to be known as the Small Business Environmental Assistance Fund. Monies received under subdivision (b) (4) of this Section shall be deposited into the Fund.

Monies in the Small Business Environmental Assistance Fund may be used, subject to appropriation, only for the purposes authorized by this Section.

(Source: P.A. 98-346, eff. 8-14-13.)

RULES and REGULATIONS

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52**(11.66-1-5720; FRL-4696-2)****Approval and Promulgation of a Small Business Assistance Program; Illinois**

Monday, August 30, 1993

***45448** AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The United States Environmental Protection Agency (USEPA) is approving the State Implementation Plan (SIP) revision submitted by the State of Illinois for the purpose of establishing a Small Business Stationary Source Technical and Environmental Compliance Assistance Program (PROGRAM). The implementation plan was submitted by the State to satisfy the federal mandate of the Clean Air Act (CAA) to ensure that small businesses have access to the technical assistance and regulatory information necessary to comply with the CAA requirements. The rationale for the approval is set forth in this document; additional information is available at the address indicated below.

EFFECTIVE DATES: This action will be effective October 29, 1993, unless notice is received by September 29, 1993, that someone wishes to submit adverse comments. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Comments can be mailed to: J. Elmer Bortzer, Chief, Regulation Development Section, Regulation Development Branch, Air and Radiation Division, Region 5, AR-18J, United States Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Copies of the State's submittal and USEPA's technical support document are available for inspection during normal business hours at the following location: Regulation Development Branch, Air and Radiation Division, Region 5, AR-18J, United States Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

A copy of this revision to the Illinois SIP is available for inspection at: Jerry Kurtzweg (ANR-443), U.S. Environ-

mental Protection Agency, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Jennifer Drury-Buzecky, 77 West Jackson Boulevard, AR-18J, Chicago, Illinois 60604, (312) 886-3194.

SUPPLEMENTARY INFORMATION:

I. Background

Implementation of the provisions of the CAA, as amended in 1990, will require regulation of many small businesses so that areas may attain and maintain the National Ambient Air Quality Standards (NAAQS) and reduce the emission of air toxics. Small businesses frequently lack the technical expertise and financial resources necessary to evaluate such regulations and to determine the appropriate mechanisms for compliance. In anticipation of the impact of these requirements on small businesses, the CAA requires that States adopt a Small Business Stationary Source Technical and Environmental Compliance Assistance Program (PROGRAM) and submit this PROGRAM as a revision to the federally approved State Implementation Plan (SIP). In addition, the CAA directs the USEPA to oversee these small business assistance programs and report to Congress on their implementation. The requirements for establishing a PROGRAM are set out in section 507 of title V of the CAA. In February of 1992, USEPA issued Guidelines for the Implementation of Section 507 of the 1990 Clean Air Act Amendments, in order to delineate the federal and State roles in meeting the new statutory provisions and as a tool to provide further guidance to the States on submitting acceptable SIP revisions. A copy of these guidelines is part of the rulemaking docket for this rule.

On November 12, 1992, the State of Illinois submitted a requested SIP revision to USEPA in order to satisfy the requirements of section 507. For full USEPA approval, the State submittal must provide for each of the following PROGRAM elements: (1) The establishment of a Small Business Assistance Program (SBAP) to provide technical and compliance assistance to small businesses; (2) the establishment of a State Small Business Ombudsman to represent the interests of small businesses in the regulatory process; and (3) the creation of a Compliance Advisory Panel (CAP) to determine and report on the overall effectiveness of the SBAP. USEPA has determined that the Illinois submittal contains each of the required program elements. The following analysis explains how the Illinois submittal addresses each of the program requirements and how the program elements meet the program requirements.

II. Analysis

I. Small Business Assistance Program

Section 507(a) sets forth six requirements[FN1] that the State must meet to have an approvable SBAP. The first requirement is to establish adequate mechanisms for developing, collecting and coordinating information concerning compliance methods and technologies for small business stationary sources and programs to encourage lawful cooperation among such sources and other persons to further compliance with the CAA. The State has met this requirement by designating the Illinois Department of Commerce and Community Affairs (DCCA) as the primary agency implementing the PROGRAM pursuant to an Interagency Agreement between the Illinois Environmental Protection Agency (IEPA) and DCCA. The DCCA will operate a toll-free hotline to provide confidential assistance

with individual source questions and concerns and work with trade associations to promote voluntary compliance. Although DCCA will increase the number of staff with the expertise to interpret technical and regulatory environmental information as funds become available, the current number of staff is considered adequate for the implementation of this program at a level sufficient for approval of the SBAP by USEPA. DCCA will also use a State program currently operated in cooperation with the United States Small Business Administration, called the Illinois Small Business Development Center Network (NETWORK), as additional outreach assistance. The NETWORK operates throughout the State within community colleges, chambers of commerce and local business organizations. These organizations hold seminars and otherwise disseminate information relevant to small businesses and could be utilized to communicate information regarding environmental issues. DCCA may also provide additional outreach in the form of public service announcements to inform small businesses of upcoming hearings or meetings on environmental regulations or other related issues.

FN1 A seventh requirement of section 507(a), establishment of an Ombudsman office, is discussed in the next section.

The second requirement is to establish adequate mechanisms for assisting small business stationary sources with pollution prevention and accidental release detection and prevention, including providing information concerning alternative technologies, process changes, products and methods of operation that help reduce air pollution. The State has met this requirement by utilization of various existing programs and statutory regulation. The Illinois Pollution Prevention Act of 1992 specifically requires DCCA to assist businesses in implementing pollution prevention alternatives. DCCA will work with IEPA and the Hazardous Waste Research and Information Center (HWRIC), a division of the Illinois Department of Energy and Natural Resources, to obtain information from HWRIC's library and clearinghouse, which contains extensive information on pollution prevention related topics and a computerized system to provide waste generators with a wide range of options regarding reducing and recycling of waste. The HWRIC also provides free environmental audits to sources in the areas of land, air and water pollution as well as information concerning compliance with State and federal regulations.

The third requirement is to develop a compliance and technical assistance program for small business stationary sources which assists small businesses in determining applicable requirements and in receiving permits under the CAA in a timely and efficient manner. The State has met this requirement by utilizing the various organizations throughout the State that currently work with DCCA. Some of these organizations include the Illinois Manufacturers Association, Illinois Retail Merchants Association, National Federation of Independent Businesses, Chemical Industries Council and the Illinois State Chamber of Commerce. These organizations will continue to provide information and forums for outreach with small businesses on environmental compliance issues.

The fourth requirement is to develop adequate mechanisms to assure that small business stationary sources receive notice of their rights under the CAA 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 regulations or standards issued under the CAA. The State has met this requirement by requiring DCCA, pursuant to an Interagency Agreement between IEPA and DCCA, to establish sufficient mechanisms for notifying small business stationary sources of their rights under the CAA and other applicable requirements on a timely basis. The mechanisms described under requirement one, such as community outreach, dissemination of information through the NETWORK and HWRIC, and Public

Service Announcements are sufficient to meet this requirement.

The fifth requirement is to develop adequate mechanisms for informing small business stationary sources of their obligations under the CAA, including mechanisms for referring such sources to qualified auditors or, at the option of the State, for providing audits of the operations of such sources to determine compliance with the CAA. The State has met this requirement by requiring DCCA to provide a list of qualified auditors to small businesses at their request. The list of auditors will continually be revised and updated. DCCA will also refer small businesses to the HWRIC for assistance with environmental audits. Small businesses may request this information through the toll-free hotline.

The sixth requirement is to develop 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. The State has met this requirement by utilizing IEPA technical personnel to provide any necessary expertise regarding compliance methods or other technical information and to assist DCCA in implementation of the SBAP.

2. Ombudsman

Section 507(a)(3) requires the designation of a State office to serve as the Ombudsman for small business stationary sources. The State has met this requirement by appointing Mr. Delbert Haschemeyer, the former Deputy Director of IEPA, as Ombudsman and Senior Counsel to IEPA. The Office of the Ombudsman for the State of Illinois is located in the Director's Office along with other senior IEPA officials such as the Deputy Director, the Associate Director for Legal Affairs, the Senior Environmental Advisor and the Public Information Manager. The Ombudsman is appointed with the authority and ability to objectively represent small business concerns to IEPA's Bureau of Air, to gain access to other governmental entities including the Governor's Office, the Director of IEPA, the Director of DCCA, and other officials of comparable position, and to provide any necessary reports and/or to otherwise communicate with such persons as State legislators and those governmental officials listed above. The Ombudsman will share in the responsibilities of the CAP, namely to render advisory opinions concerning the effectiveness of the SBAP, difficulties encountered and the degree and severity of enforcement actions; periodically report to USEPA concerning the SBAP's adherence to the principles of the Paperwork Reduction Act, the Equal Access to Justice Act and the Regulatory Flexibility Act; and to develop and disseminate the reports and advisory opinions made through the SBAP. The Ombudsman, however, will assume sole responsibility for the review and assurance that information for small business stationary sources is easily understandable. The translation of information into easily understandable language for small businesses was originally assigned to the Compliance Advisory Panel under the CAA.

3. Compliance Advisory Panel

Section 507(e) requires the State to establish a CAP that must include two members selected by the Governor who are not owners or representatives of owners of small businesses; four members selected by the State legislature who are owners, or represent owners, of small businesses; and one member selected by the head of the agency in charge of the Air Pollution Permit Program. The State has met this requirement by establishing the CAP consistent with these federal requirements.

In addition to establishing the minimum membership of the CAP, the CAA delineates four responsibilities of the Panel: (1) To render advisory opinions concerning the effectiveness of the SBAP, difficulties encountered and the degree and severity of enforcement actions; (2) to periodically report to USEPA concerning the SBAP's adherence to the principles of the Paperwork Reduction Act, the Equal Access to Justice Act, and the Regulatory Flexibility Act;[FN2] (3) to review and assure that information for small business stationary sources is easily understandable; and (4) to develop and disseminate the reports and advisory opinions made through the SBAP. The State has met these *45450 requirements by jointly assigning these duties to either the Ombudsman, the CAP or both. The CAP will be responsible for sharing duties of 1, 2 and 4 with the Ombudsman, however, the responsibility to review and assure that information for small business stationary sources is easily understandable rests solely upon the Ombudsman.

FN2 Section 507(e)(1)(B) requires the CAP to report on the compliance of the SBAP with these three federal statutes. However, since State agencies are not required to comply with them, USEPA believes that the State PROGRAM must merely require the CAP to report on whether the SBAP is adhering to the general principles of these federal statutes.

4. Eligibility

Section 507(c)(1) of the CAA defines the term "small business stationary source" as a stationary source that:

- (A) Is owned or operated by a person who 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 per year (tpy) or more of any regulated pollutant; and
- (E) Emits less than 75 tpy of all regulated pollutants.

The State of Illinois has met this requirement by using the definition of small business stationary source in section 507(c) of the CAA to define a small business stationary source.

The State of Illinois has not established a formal mechanism for ascertaining the eligibility of a source to receive assistance under the PROGRAM, including an evaluation of a source's eligibility using the criteria in section 507(c)(1) of the CAA. Instead, attempts will be made to screen requests for assistance so as to narrow the assistance to those sources who are eligible under the PROGRAM. This responsibility is delegated to DCCA under the Interagency Agreement between IEPA and DCCA. Because this approach will not limit assistance to small businesses it is approvable.

The State of Illinois has not provided for public notice and comment on grants of eligibility to sources that do not meet the provisions of sections 507(c)(1) (C), (D), and (E) of the CAA but do not emit more than 100 tpy of all regulated pollutants. Because Illinois will not strictly limit eligibility to those sources that meet the definition in section 507(c)(1) of the CAA, this approach satisfies USEPA requirements.

The State of Illinois has not provided for exclusion from the small business stationary source definition, after consultation with the USEPA and the Small Business Administration Administrator and after providing notice and opportunity for public comment, of any category or subcategory of sources that the State determines to have sufficient technical and financial capabilities to meet the requirements of the CAA. This meets USEPA requirements because the Illinois program is not limited to small business sources.

Although the State of Illinois did not adopt these previous three procedures, the State will need to follow these procedures if a change in the definition of a small business stationary source is desired or if the scope of the program will be narrowed. Although the State of Illinois is not limiting this program strictly to small businesses, no small business will be excluded from the program.

III. Final Rulemaking Action

Because the Illinois SBAP requested SIP submittal meets the approval criteria as discussed above and summarized below, USEPA is approving the SIP revision submitted by the State of Illinois.

The State of Illinois has submitted a requested SIP revision implementing each of the required PROGRAM elements required by section 507 of the CAA. Members will be appointed to the CAP by June 1993, with the first meeting of the CAP, including the Ombudsman, in November of 1993. The Title V permit program will be submitted to USEPA by November 1993, and will specify the exact funds and distribution of these funds from Title V permit fees for staff, training, and other purposes. IEPA training of DCCA and PROGRAM core-staff will begin in January 1994. By June 1994, the Ombudsman's office will be in place and by November 1994, a ramp-up of resources will begin for the implementation of the PROGRAM.

Because USEPA considers this final rule noncontroversial and routine, we are approving it today without prior proposal. This rule will become effective on October 29, 1993. However, if we receive notice by September 29, 1993, that someone wishes to submit adverse comments, then USEPA will publish: (1) A notice that withdraws the action, and (2) a notice that begins a new rulemaking by proposing the action and establishing a comment period.

Nothing in this action should be construed as permitting, allowing or establishing a precedent for any future request for revision to any SIP. USEPA shall consider each request for revision to the SIP in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

This action has been classified as a Table 2 Action by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214-2225). On January 6, 1989 the Office of Management and Budget (OMB) waived Table 2 and 3 SIP revisions (54 FR 2222) from the requirement of section 3 of Executive Order 12291 for a period of two years. USEPA has submitted a request for a permanent waiver for Table 2 and Table 3 SIP

revisions. The OMB has agreed to continue the temporary waiver until such time as it rules on USEPA's request.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 et seq., USEPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, USEPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

This final rule is approving a State program created for the purpose of assisting small businesses in complying with existing statutory and regulatory requirements. The program being approved today does not impose any new regulatory burden on small businesses; it is a program under which small businesses may elect to take advantage of assistance provided by the State.

Therefore, because the USEPA's approval of this program does not impose any new regulatory requirements on small businesses, I certify that it does not have a significant economic impact on any small entities affected.

List of Subjects in 40 CFR Part 52

Air pollution control, Incorporation by reference, Small business assistance program.

Dated: August 9, 1993.

David A. Ullrich,

Acting Regional Administrator.

For the reasons set out in the preamble, part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—(AMENDED)1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401-7671q.

Subpart O—Illinois40 CFR § 52.720

2. Section 52.720 is amended by adding paragraph (c)(96) to read as follows:

40 CFR § 52.720

§52.720 Identification of plan.

* * * * *

(c) * * *

***45451** (96) On November 12, 1992, the State of Illinois submitted a Small Business Stationary Source Technical and Environmental Assistance Program for incorporation in the Illinois State Implementation Plan as required by section 507 of the Clean Air Act Amendments of 1990. Included in the State's submittal were a program description, newly adopted enabling legislation including new subsection 20 of section 39.5 of the Environmental Protection Act, Public Act 87-1213, and new subsection 46.13(a) of the Civil Administrative Code, Public Act 87-1177, and a May 4, 1992, State of Illinois, Illinois Department of Commerce and Community Affairs (DCCA), Illinois Environmental Protection Agency (IEPA) Interagency Agreement defining the responsibilities of DCCA and IEPA in developing and implementing the Small Business Stationary Source Technical and Environmental Compliance Assistance Program (Program).

(i) Incorporation by reference. (A) Subsection 20 of section 39.5 of the Environmental Protection Act adopted as Public Act 87-1213 signed into law on September 26, 1992 and effective upon signature.

(B) Subsection 46.13(a) of the Civil Administrative Code adopted as Public Act 87-1177 signed into law on September 21, 1992 and effective upon signature.

(ii) Other material. (A) Program description.

(B) May 4, 1992, Interagency Agreement between DCCA and IEPA defining the responsibilities of each agency in developing and implementing the program.

40_CFR_§_52. 744

3. **Section 52. 744** is added to read as follows:

40_CFR_§_52. 744

§52. 744 Small business stationary source technical and environmental compliance assistance program.

The Illinois program submitted on November 12, 1992, as a requested revision to the Illinois State Implementation Plan satisfies the requirements of section 507 of the Clean Air Act Amendments of 1990.

(FR Doc. 93-20930 Filed 8-27-93; 8:45 am)

BILLING CODE 6560-50-P



SBO/SBEAP NATIONAL COMPLIANCE ADVISORY PANEL

GUIDELINES



NATIONAL COMPLIANCE ADVISORY PANEL

Background

Section 507 of the Clean Air Act requires each state to establish a Compliance Advisory Panel (CAP). In 2001, the National Compliance Advisory Panel (NCAP) was formed to foster effective working relationships among the various state CAPs, and also to foster an effective working relationship with the U.S. EPA.

Purposes

The purposes of the NCAP are to:

- Assist the states in the formation and function of the CAPs;
- Support the state Small Business Ombudsmen (SBOs) and Small Business Environmental Assistance Programs (SBEAPs) and advocate for them;
- Provide information to the U.S. EPA Asbestos and Small Business Ombudsman (ASBO) about the state CAPs, as well as environmental issues affecting small businesses; and
- Review existing and proposed EPA rules affecting small businesses and when necessary, recommend changes.
- Recommend to EPA, the United States Senate, the United States House of Representatives, and state executive and legislative bodies, as appropriate, changes in procedure, in rules or in the law which would facilitate small business compliance with environmental laws.¹

Membership

Composition

The NCAP shall consist of one representative from each EPA regional boundary (voting members), at least two members-at-large (voting members), the SBO/SBEAP National Steering Committee (NSC) Vice-Chairperson or his/her designee and the U.S. EPA ASBO or his/her designee.

¹ The U.S. EPA ASBO nor his/her designee will not engage in nor support (including the use of official employee time and Government resources) any activities that are intended or designed (directly or indirectly) to influence in any manner a member of Congress, a jurisdiction, or an official of any government (Federal, state or local) to favor or oppose any legislation, law or appropriation.

Term of Service

The terms of service of representatives and members-at-large shall be two years or until their successors are duly selected. A member may serve for more than one subsequent term.

Selection

The SBO/SBEAP National Steering Committee (NSC) Vice Chair will coordinate with the NCAP Chair, NSC Regional Representatives and state CAP within each EPA regional boundary to elect/select one representative to serve on the NCAP. The state CAPs are encouraged to select a small business owner or a small business representative. The NSC regional representative may serve as the representative for that region if there is no CAP member able or willing to serve.

The members-at-large are selected by the NCAP Chair and confirmed by a majority vote of the members entitled to vote.

Vacancy

If a vacancy of one of the regional representatives occurs, the NSC Vice Chair will coordinate with the NCAP Chair, NSC Regional Representatives, and State CAPs to elect/select a member for the remaining portion of the unexpired term created by the vacancy.

Removal of Regional Representatives

A regional representative may be removed by the selecting CAP based on recommendation of the NCAP members.

Officers

The officers of the NCAP shall consist of a Chair and Vice-Chair, each of whom shall be elected by the NCAP members.

Election

The officers of the NCAP shall be elected for a two-year term by the members entitled to vote at the first regular meeting after expiration of an officer's two-year term. Each officer shall hold office for two years from the end of the meeting at which the officer is elected or until a successor is duly elected. Officers may be re-elected to only one subsequent term.

Removal

Any officer elected by the members may be removed by a two-thirds vote of the members entitled to vote whenever, in their judgment, the best interests of the NCAP would be served by such action.

Vacancy

A vacancy in any office because of death, resignation, removal, or otherwise, may be filled by a majority vote of the members for the unexpired portion of the term.

Chair

The Chair shall be the principal officer of the NCAP and shall in general supervise all of the business and affairs of the NCAP. The Chair shall preside at all meetings of the NCAP. The Chair may sign all instruments which the NCAP has authorized to be signed. The Chair in general shall perform all duties incident to the office of Chair and such other duties as may be prescribed by the NCAP. Duties may include coordinating with the U.S. EPA ASBO, serving as or designating a NCAP representative on the SBO/SBEAP National Steering Committee, and acting as liaison for the NCAP.

Vice Chair

In the absence of the Chair, the Vice Chair shall perform the duties of the Chair and, when so acting, shall have all the powers of and be subject to all of the restrictions placed upon the Chair. The Vice Chair shall perform such other duties as from time-to-time may be assigned by the Chair or the NCAP.

Nominations

The NCAP Chair will request from NCAP members, nominations for all officers whose terms are due to expire. Requests for nominations will be made at the last regular meeting before the end of the officer's term. Self-nominations are acceptable and nominations from the floor will also be allowed at a meeting to elect officers. The Chair will provide a list of nominees and any accompanying information for the NCAP members' review at least two weeks before the election meeting. NCAP members should share this information with their CAPs.

Meetings

Meeting attendance is vital to the advisory role performed by the NCAP. The NCAP shall hold regular meetings at least four times each year (in person or by conference call) at times and places to be determined by its members. It is the intent of the NCAP to hold two face-to-face meetings annually if funding is available. One of these meetings is held at the annual SBO/SBEAP National Conference. Members shall be given at least four weeks notice of meeting times and locations. Special meetings may be called by the Chair, in which instance members shall be given ample notice of meeting times and locations.

Voting and Member Quorum

Only representatives from the various EPA regional boundaries and the members-at-large shall have voting rights on matters requiring a vote. Each voting member is entitled to one vote. The SBO/SBEAP National Steering Committee Vice Chair and the U.S. EPA Asbestos and Small Business Ombudsman serve in an advisory capacity only and are not entitled to vote.

When the NCAP determines that a particular issue significantly affects the state CAPs, the issue is not to be taken up for vote until the voting members consult with the state CAPs within their regions, so their positions can be shared with the NCAP.

A majority of the voting members appearing in person or by electronic conference shall constitute a quorum at a meeting of the NCAP. If a quorum is present, unless otherwise provided by law or in these guidelines, the affirmative vote at the meeting of a majority of the members entitled to vote

shall be the act of the members of the NCAP on the subject matter. If a quorum is not present when a meeting starts, then a majority of the members at the meeting entitled to vote may adjourn the meeting until a quorum is present, or may continue discussion, recognizing that no action requiring a vote of the members may be taken until a quorum is present.

Support of U.S. EPA

The U.S. EPA ASBO or his/her designee will participate on NCAP quarterly conference calls to provide advice on NCAP activities, provide information regarding Agency rulemakings impacting small businesses, utilize the NCAP to review publications and projects for small business perspectives and understandability, and engage NCAP members in agency workgroups as appropriate. In addition, the U.S. EPA ASBO or his/her designee will work with the NCAP to develop strategies for forming CAPs in all states, and when possible, will work with the NCAP to provide training for state CAP members. The U.S. EPA ASBO will provide support through the Small Business Environmental Home Page and support the quarterly conference calls or any additional calls through the use of the EPA ASBO conference line. The U.S. EPA ASBO or his/her designee will coordinate the content of the meeting agenda with the Chair and will be responsible for meeting logistics such as recording and circulating meeting minutes. The U.S. EPA ASBO or his/her designee will keep a register of all members and their post office and electronic mail addresses, see that all notices are given in accordance with the provisions of these guidelines or as required by law, and is custodian of the NCAP records.

The U.S. EPA ASBO nor his/her designee will not engage in nor support (including the use of official employee time and Government resources) any activities that are intended or designed (directly or indirectly) to influence in any manner a member of Congress, a jurisdiction, or an official of any government (Federal, state or local) to favor or oppose any legislation, law or appropriation.

Subcommittees

The NCAP shall designate subcommittees as may be required for the NCAP to fulfill its purposes. These subcommittees shall have and exercise the responsibilities extended to them by the NCAP.

Amendment of Guidelines

These guidelines may be adopted, amended, suspended and/or repealed by a majority vote of the NCAP. Action to adopt, amend, suspend, or repeal these guidelines may be proposed and read at any regular or special meeting, but cannot be voted upon until the following regular or special meeting. The Chair may unilaterally suspend these guidelines for a time not to exceed the time to the next regular or special meeting of the NCAP if, in the judgment of the Chair, implementation of these guidelines would defeat the purposes of the NCAP.

March 5, 2019

The Honorable JB Pritzker
Office of the Governor
207 State House
Springfield, IL 62706

Dear Governor Pritzker,

When it adopted the 1990 Clean Air Act Amendments, Congress recognized small businesses lack resources to comply with complex environmental regulations, and mandated each state create a technical assistance program, compliance advisory panel, and appoint an ombudsman to help small businesses achieve regulatory compliance.

As a part of this mandate, the Illinois Compliance Advisory Panel reports on the status of the State's Small Business Environmental Assistance Program (SBEAP) and ensures the technical compliance assistance needs of Illinois' small businesses are being met.

As illustrated by the enclosed fact sheet, Illinois has fallen behind in staffing for the technical assistance program and because of that has missed opportunities to utilize regulatory compliance assistance to achieve the State's environmental goals. As Illinois strives to meet federal air quality standards, it is critical that that we have an informed and educated small business community which in turn will produce higher rates of compliance and emission reductions toward those goals.

The appointed members of the Compliance Advisory Panel encourage your administration to revitalize the relationship between the Illinois EPA and IL Department of Commerce and Economic Opportunity and increase support for the work of the SBEAP as well as filling the long vacant Small Business Ombudsman position as required under the Clean Air Act. These actions will not only foster a positive regulatory climate for job creation and economic growth but also help Illinois achieve environmental goals without the need for further regulation.

Members of CAP would be happy to meet with you or your representative to further discuss this. I can be reached at 217-523-5471.

Warmest Regards,

Mark Grant,
NFIB IL State Director
Chairman, Illinois Compliance Advisory Panel

CC: Christian Mitchell, Deputy Governor
Erin Guthrie, DCEO Director
John Kim, IEPA Director
Jen Walling, IEC/Transition Chair
Annette Fulgenzi, ILSBEAP Manager

Illinois Compliance Advisory Panel Small Business Environmental Assistance Transition Recommendations 2019



The Program:

Congress recognized that small business owners need assistance in understanding complex environmental regulations and often lack the resources to ensure compliance. Under Section 507 of the Clean Air Act, the states are required to provide confidential assistance programs to help small businesses achieve and maintain compliance with air regulations.

In Illinois, this is done collaboratively between the Illinois Environmental Protection Agency and the Department of Commerce and Economic Opportunity.

Clean Air Act, Section 507 Program Federal Mandate to Provide:

The Small Business Environmental Assistance Program	The Small Business Ombudsmen	The Illinois Compliance Advisory Panel
Department of Commerce & Economic Opportunity for confidential technical assistance	Illinois Environmental Protection Agency to advocate for small businesses (Vacant since 2003)	Governor & legislative appointees to advise on the program's effectiveness and ensure small business needs are met.

Why is Small Business Compliance Assistance Important?

- 4987 of 6240 (80%) total IEPA Bureau of Air permitted or registered sources are small businesses (area sources)
- Thousands of Illinois' small businesses have become regulated by over [70 federal regulations](#) targeting control of 90% of emissions of [30 hazardous air pollutants](#) from area sources.
- 3657 small businesses are registered under the IEPA's Registration of Smaller Sources (ROSS) Program
- Illinois EPA has focused its limited resources on emission reductions from large sources. *Providing the same level of oversight for the large number of regulated smaller sources is not practical nor possible.*
- Illinois has failed to meet federal air quality standards, (particularly in the Chicago and St. Louis area) and the Chicago area will be reclassified from [Moderate to Serious nonattainment](#).
- The percentage contribution to overall emissions of air pollutants by small businesses/area sources has **significantly increased** in share (For Example: 8% VOC 2% NOX increased contribution in Chicago area) as mobile and large source emission reductions have been achieved. ➡
- Unlike IEPA permitted sources, small sources in ROSS, do not receive an

Illinois Small Business Facts:

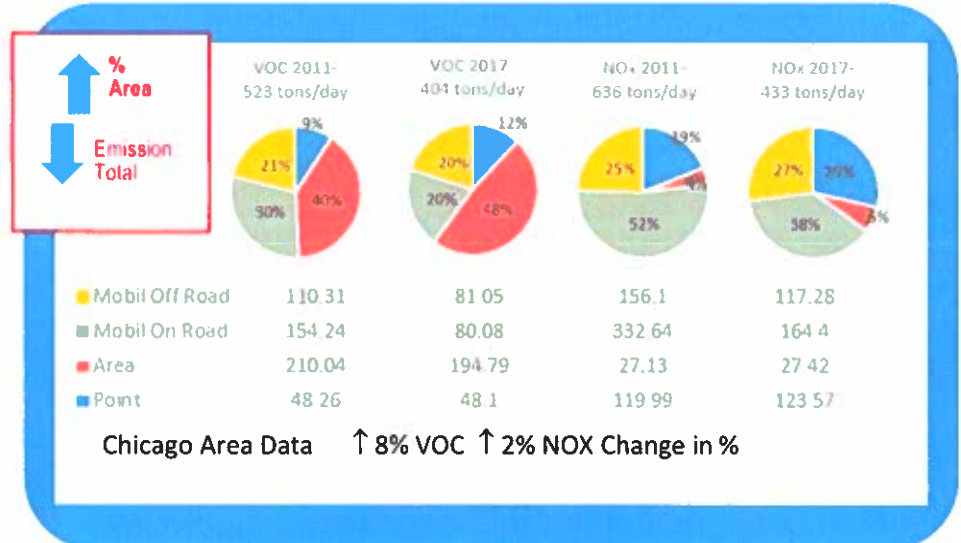
- \$ 46% of Illinoisans are employed by small businesses (2.5 million)
- \$ 80% of net new job growth & capital investment comes from Illinois' existing businesses.
- \$ Costs per employee of environmental regulations are more than **4 times higher in small firms than in large firms**
- \$ A lost business results in substantial ripple effects across the economy. ([Case Analysis page 2](#))

outline of their business' regulatory requirements, yet must comply with all applicable environmental laws.

- Compliance with regulatory requirements at area sources of pollution will be critical in achieving further emissions reductions to meet federal standards and minimize the need for new regulations.
- The cumulative effect of many, varied area sources of emissions can have significant impacts on the health and environment of their communities.
- Disproportionate impacts occur in environmental justice communities as they are often located close to industrial and commercial urbanized areas with large numbers of area sources.

The Problem:

- The universe of regulated sources, primarily small businesses, increased by thousands at the same time SBEAP resources have fallen to inadequate levels.
- Reduced staffing levels have impaired the SBEAP's ability to provide needed industry guidance, compliance tools and compliance training. (*SBEAP staffing has decreased from a high of 5FTE to 2 FTE*)
- Comparison data of midwestern states illustrates Illinois' **severe** lack of investment in area source compliance and emission reductions. ([Chart page 2](#))
- Traditional enforcement models are labor/resource intensive and inefficient in addressing large numbers of regulated small business.



Illinois Compliance Advisory Panel

Governor & Legislative Appointees

Mark Grant

Chairman
Illinois Compliance Advisory
Panel
Executive Director
NFIB of IL

Alec Davis

Member
Illinois Compliance Advisory
Panel
Executive Director
Illinois Environmental
Regulatory Group

John Lee

Member
Illinois Compliance Advisory
Panel
Safety, Health &
Environmental Services
Illinois Feed and Grain
Association

Bharat Mathur

Member
Illinois Compliance Advisory
Panel
Retired Deputy Regional
Administrator
United States Environmental
Protection Agency

Karen May

Member
Illinois Compliance Advisory
Panel
Retired State Representative
Former Chair, Environmental
Health Committee
Illinois House of
Representatives

Staff Support:
Annette Fulgenzi
Manager,
Illinois Small Business
Environmental Assistance
Program, DCEO
www.ildceo.net/enviro

Our View:

Illinois' failure to meet federal air standards will result in more stringent regulation that will impact the state's economic development, business retention and job creation efforts. Compliance with regulatory requirements at area sources of pollution will be critical in achieving further emissions reductions to meet air quality standards while limiting the need for additional regulations.

The SBEAP staff bridge the knowledge gap between the regulated business community and the enforcement agency. SBEAP outreach, education, and assistance activities have been proven to increase compliance rates and help ensure continued compliance.

We believe there is more work to be done in reaching small businesses who are often unaware of or confused by these environmental regulations.

Illinois must invest in adequate staffing and funding for not only the regulatory agency, but also the Small Business Environmental Assistance Program and the long vacant Small Business Ombudsman.

Small businesses want to comply with environmental requirements that protect their families and communities but need additional resources to guide them.

Increased investment in the Small Business Environmental Assistance Program is necessary if our state is to achieve a cleaner environment as well as economic return for the citizens of Illinois.

Small Business Environmental Assistance Program State Investment Comparison

	Illinois	Ohio	Michigan	Indiana	Wisconsin	Average
Program Demographics*						
# of Staff	2	18	16	9	3.5	9.7
Budget	\$425,000	\$1,805,675	\$2,400,000	\$716,307	\$460,000	\$1,161,396
Funding per Small Business	\$0.35	\$1.91	\$2.76	\$1.41	\$1.03	\$1.49
# of Small Firms in Key Regulated Industries**	1,219,654	944,797	870,301	508,924	448,032	798,342
Manufacturing	22,389	25,391	23,032	13,466	14,477	19,751
Construction	119,904	109,472	95,569	83,638	51,732	92,063
Mining, Quarrying, and Oil and Gas Extraction	2,406	3,970	2,144	869	268	1,931
Administrative, Support, and Waste Management	89,348	76,442	67,568	39,849	25,677	59,777
Transportation and Warehousing	113,433	49,154	38,516	28,478	20,675	50,051
Utilities (small)	700	693	394	508	261	511
Professional, Scientific, & Technical Services	163,877	118,181	104,438	56,754	54,258	99,502

Source: State Small Business Stationary Source Technical & Compliance Assistance Program Annual Data Collection 2015 **SBA IL profile

The Case for Retention:

The loss of an Illinois plastic product manufacturer (NAICS 3261) with 100 employees would result in:

\$ a net loss of 313 jobs in the economy \$ \$22M of personal income
\$ \$37.1M in value added. [DCEO REMI Policy Analysis tool]

State & Federal Legislative References:

[Department of Commerce and Economic Opportunity Law 20 ILCS 605/605-515](#)
[Illinois Environmental Protection Act 415 ILCS 5/1 et seq. Title X, Sec. 39.5, Subsection 20](#)
[Clean Air Act Amendments of 1990, Section 507](#)
[State Implementation Plan. 40 CFR Part 52 \[IL66-1-5720\]](#)

