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Air, Radiation & TOXICS DIV.

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STATE OF WYOMING
OFFICE OF THE GOVERNOR
CHEYENNE 82002

MIKE SULLIVAN
GOVERNOR

AIR, RADIATION & TOXICS DIV.

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COMMENTS: _____

November 1, 1993

Mr. William Yellowtail
Regional Administrator
U.S. Environmental Protection Agency
Region VIII
One Denver Place
999 18th Street, Suite 500
Denver, CO 80202-2405

Dear Mr. Yellowtail:

The State of Wyoming is submitting for EPA's approval an addition to its State Implementation Plan for Air Quality consisting of the plan for the establishment and implementation of the Small Business Stationary Source Technical and Environmental Compliance Program. This plan was developed pursuant to Section 507 of the 1990 Clean Air Act Amendments and State Statutes 35-11-209 and 35-11-210 and represents Wyoming's continuing effort to assist its small business community with the requirements of the Clean Air Act. I will anxiously await EPA's review and approval of this plan.

On July 22-23, 1993, after public notice published on or before June 7, 1993, the Environmental Quality Council of the Wyoming Department of Environmental Quality conducted a public hearing to consider the plan for the Small Business Assistance Program. At this public hearing the Council did not receive any public comments regarding the small business plan. The Council decided to keep the public comment period open for an additional two (2) weeks to assure the public the opportunity to comment on the small business plan. During this additional two (2) week period, the Council did not receive any comments from the public concerning the small business plan.

On September 16, 1993, the Environmental Quality Council adopted the plan, as proposed, for the establishment of the Small Business Stationary Source Technical and Environmental Compliance Program.

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Having secured all of the necessary State reviews and approvals, I hereby submit 5 copies of the plan for the establishment and implementation of the Small Business Stationary Source Technical and Environmental Compliance Program as an addition to the Wyoming State Implementation Plan.

Addendum 1 contains the following materials:

- 1) A copy of the plan for the Small Business Stationary Source Technical and Environmental Compliance Program.

Addendum 2 contains the following materials:

- 1) A certification that a public hearing was held on the plan.
- 2) A copy of the notice issued by the Division for the public hearing with a list of the newspapers and publication dates.

With this submission, I am asking for EPA approval of the plan to establish and implement the Small Business Stationary Source Technical and Environmental Compliance Program as an addition to the State Implementation Plan.

Should you have any questions regarding this matter, please feel free to contact Charles Collins, Administrator, Air Quality Division.

With best regards, I am

Very truly yours,



Mike Sullivan
Governor

cc: Pat Hull, Director, EPA Region VIII, Air & Toxics Division, w/addendums
Douglas M. Skie, EPA Region VIII, Air Branch, w/addendums
Dennis Hemmer, Director, DEQ, w/o addendums

Revision 1/14/93

State of Wyoming
Department of Environmental Quality

Plan
for the
Establishment and Implementation
of the
Small Business Assistance Program

AUTHORITY:

- 1) Section 507 of the 1990 Clean Air Amendments.
- 2) Wyoming Statutes 35-11-209 and 35-11-210 enacted during 1992 Special Legislative Session.

DEFINITION OF A SMALL BUSINESS STATIONARY SOURCE:

- 1) Is owned or operated by a person that employs one hundred (100) or fewer individuals;
- 2) Is a small business concern as defined in the Small Business Act;
- 3) Is not a major stationary source as defined in W.S. 35-11-203(a)(i)(A);
- 4) Does not emit fifty (50) tons or more per year of any regulated pollutant; and
- 5) Emits less than seventy-five (75) tons per year of all regulated pollutants.

PROVISIONS FOR INCLUSION OR EXCLUSION FROM THE DEFINITION OF A SMALL BUSINESS STATIONARY SOURCE:

- 1) Upon petition by a source, the Department of Environmental Quality may, after notice and opportunity for public comment, include as a small business stationary source any stationary source which does not meet the criteria stated in the above DEFINITION OF A SMALL BUSINESS STATIONARY SOURCE, No. 3, 4 and 5, but which do not emit more than one hundred (100) tons per year of all regulated pollutants.

2) The Department of Environmental Quality, in consultation with the U. S. Environmental Protection Agency (EPA) 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 any category or subcategory of sources that the Department determines to have sufficient technical and financial capabilities to meet the requirements of the Clean Air Act without the assistance of the Small Business Assistance Program.

PROGRAM ELEMENTS:

Ombudsman:

The Department of Environmental Quality shall act as Ombudsman for small business stationary sources in connection with implementation of the operating permit program and provisions of the Clean Air Act. A position of Ombudsman for the Small Business Assistance Program shall be established within the Department of Environmental Quality but separate from the Division of Air Quality. The selection of an individual for the position of Ombudsman shall be with the approval of the Director of the Department of Environmental Quality.

Small Business Technical Assistance and Compliance Program:

A Small Business Technical Assistance and Compliance Program shall be established in the Division of Air Quality of the Department of Environmental Quality. The Administrator of the Division of Air Quality will appoint a program manager and provide sufficient personnel for the operation of the Small Business Technical Assistance and Compliance Program.

Compliance Advisory Panel:

A Compliance Advisory Panel shall be established and consist of the following nine (9) members:

1) The Governor shall appoint four (4) members: Two (2) members shall be appointed who are not owners, or representatives of owners of small business stationary sources, to represent the general public and two (2) members shall be appointed who represent major source operators in the state.

2) The Wyoming Legislature shall appoint four (4) members who are owners, or who represent owners of small business stationary sources. The majority and minority leadership of the Wyoming House of Representatives shall each appoint one (1) member and the majority and minority leadership of the Wyoming Senate shall each appoint one (1) member.

3) The Director of the Department of Environmental Quality shall appoint one (1) member to represent the Department.

FUNDING FOR THE PROGRAM ELEMENTS:

The enactment of Wyoming Statute 35-11-211 authorized the Department of Environmental Quality to implement a permit fee system adequate to cover all reasonable direct and indirect costs of the Small Business Technical Assistance Program. The permit fee system shall provide sufficient funds for the effective operation of the Ombudsman, the Small Business Technical Assistance and Compliance Program and Compliance Advisory Panel.

SCHEDULE FOR IMPLEMENTING THE PROGRAM ELEMENTS:

The plan for establishment and implementation of three (3) program elements (Ombudsman, Small Business Technical Assistance and Compliance Program and Compliance Advisory Agency (EPA) after reasonable notice and public hearing, as part of the Wyoming Implementation Plan (SIP).

Upon EPA's approval of the SIP revision, the State of Wyoming shall implement the following three program elements by November 15, 1994:

1) The Governor, the Majority and Minority leaders of the State Senate and House of Representatives, and the Director of the Department of Environmental Quality shall appoint their respective members to the Compliance Advisory Panel.

2) The Director of the Department of Environmental Quality shall select an individual as Ombudsman who will be separate from the Division of Air Quality.

3) The Administrator of the Division of Air Quality shall provide a program manager and adequate technical personnel for the Small Business Technical Assistance and Compliance Program.

INDIVIDUAL PROGRAM ELEMENTS - Responsibilities and Authorities:

Ombudsman:

The position of Ombudsman shall act for and on behalf of the small business stationary sources in connection with the implementation of the operating permit program and the 1990 Clean Air Amendments and shall have the following duties and responsibilities:

1) The Ombudsman shall coordinate between the small business stationary sources and the small business technical assistance and compliance program for the development, collection and dissemination of information regarding the methods of pollution prevention and accidental release prevention and detection and concerning alternative technologies, process changes, products and methods which help reduce air pollution.

In addition, the position of Ombudsman shall have the following authorities:

1) The Ombudsman shall have the authority to represent the small business stationary sources with the Governor's Office, Administrator of the Division of Air Quality, and other governmental officials.

2) The Ombudsman shall have the authority to identify and propose solutions to small business problems as they relate to the implementation of the 1990 Clean Air Act Amendments.

3) The Ombudsman shall have the authority to obtain data from other state agencies.

4) The Ombudsman shall have a channel for proposing legislation or administrative action necessary to assist small business.

Small Business Technical Assistance and Compliance Program:

The Division of Air Quality will continue to provide or will implement the following measures for the Small Business Technical and Compliance Assistance Program:

1) The Division will continue to track the Federal Register notices for proposed and new standards and utilize EPA's informational systems (electronic bulletin boards, publications and etc.) to provide notice of proposed standards, new standards, and compliance time frames and to assist and provide affected sources with various compliance methods and technologies. The Division will continue to provide the small business community with technical assistance such as process and control technologies and, if required and sufficient resources exist, perform computer modeling analyses. The Division will assist small businesses in meeting the requirements necessary to process the operating permits in an expeditious manner and encourage lawful cooperation and compliance with the Clean Air Act.

2) The Division will provide technical expertise for an outreach program 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 Division's outreach program will coordinate with the Small Business Administration, Ombudsman and other Department officials to disseminate compliance and technical information in a timely manner through:

- a) Various trade and interest groups such as the Association of General Contractors, Wyoming Association of Municipalities and Wyoming Petroleum Association.
- b) Public service announcements.
- c) Seminars and workshops.
- d) Information packets.

In addition, the outreach program will inform the small business stationary sources of their rights under the Clean Air Act. Also, the Division will continue to inform affected facilities through direct mailing of any applicable proposed or final regulations or standards issued under the Operating Permit Program or the Clean Air Act or adopted through the Wyoming Environmental Quality Council.

3) The Division will consider any request from a small business stationary source for modification of:

- a) Any work practice or technological method of compliance.

b) The schedule of milestones for implementing a work practice or method of compliance preceding any applicable compliance date, based on the technological and financial capability of the small business stationary source. No modification may be granted unless it is in compliance with the applicable requirements established pursuant to Wyoming Air Quality Standards and Regulations, the Clean Air Act, and the requirements of the Operating Permit Program.

4) The Division will include small business sources in its source surveillance and inspection program.

5) The Division will continue its public notice policy for those small business sources requiring a permit be issued under the Operating Permit Program.

6) The Division will provide in a timely manner the Ombudsman with all small business operating permits and any small business requests for operational change and modification.

7) If the Division determines that changes to its Small Business Assistance Program are necessary, based on hands on experience in implementation of said program, it will coordinate such changes with the U. S. Environmental Protection Agency.

8) When requested, the Division will evaluate the applicability of operating permit fees to the small business stationary sources that include provisions for the waiver or reduction of fees based on the financial resources.

9) The Division shall serve as secretariat for the Compliance Advisory Panel for technical and administrative assistance and shall disseminate any of the Panel's opinions and reports.

10) To the extent that resources allow, the Division may conduct audits of small business stationary sources to determine compliance or non-compliance with any rules, regulations, standards, permits or orders; recognizing that any compliance problems discovered during such audits do not grant immunity to said sources from enforcement actions. In addition, the Division will maintain a list of consultants who may provide audits for small business stationary sources.

Compliance Advisory Panel:

The panel shall:

1) 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.

2) Make periodic reports to the Environmental Protection Agency required under Title V of the Clean Air Act.

3) Review information for small business stationary sources to assure such information is understandable by the layperson and, if needed, recommend the necessary changes.

MILESTONES:

1) The Wyoming State Legislature enacted statutes during the 1992 Special Session creating a Small Business Stationary Source Technical and Environmental Compliance Program and a Compliance Advisory Panel including the authority to fund the program through the operating permit program.

2) On August 28, 1992 the Air Quality Advisory Board reviewed the draft plan of the Small Business Assistance Program after having given notice to the public and industry. No comments were received.

3) The Department of Environmental Quality will request the Environmental Quality Council to set a hearing for around March 15, 1993, to receive public comment on the proposed plan.

4) On adoption by the Environmental Quality Council and approval by the Governor, The Department of Environmental Quality will submit the approved plan to EPA as a revision to the State Implementation Plan by May 1, 1993.

5) In February of 1994, the Administrator of the Division of Air Quality shall request that the Governor, the Legislature and the Director of the Department of Environmental Quality select their members to serve on the Compliance Advisory Panel.

6) In February of 1994, the Administrator of the Division of Air Quality shall request that the Director of the Department of Environmental Quality select the Ombudsman.