The State has met this requirement. The SBAP will address pollution prevention and accidental release

detection and prevention.

(i) Pollution Prevention. The SBAP coordinator will conduct an information clearinghouse on small business pollution prevention topics. Available literature from the EPA Pollution Prevention Office and other sources will be kept in the SBAP library. The availability of such information will be announced in newsletters.

(ii) Accidental Release. The SBAP coordinator will conduct an information clearinghouse for prevention, detection, and monitoring of accidental chemical releases. Basic information will cover four areas: (1) Requirements under the accidental release provisions of the CAA; (2) related requirements under Superfund Amendments and Reauthorization Act title III; (3) the Occupational Safety and Health Administration process safety standard as required by the CAA; and (4) general information on prevention practices and technologies. EPA publications on this subject matter shall be kept in the SBAP library. The availability of such information will be announced in newsletters.

c. 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. The SBAP coordinator shall be responsible for providing small businesses with information regarding applicability to CAA requirements and the ADPC&E permitting process (applications, fees, enforcement, etc.)

d. 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 regulation or standards issued under the CAA

The State has met this requirement. The SBAP coordinator will be responsible for notifying small businesses of their rights under the CAA. The SBAP computer database discussed above in II.B.1.a. will be used to notify small businesses in a timely manner of any upcoming regulations that could potentially affect them. This should give small businesses plenty of time to evaluate compliance methods far in advance of compliance dates. In addition, the SBAP coordinator shall

operate an information clearinghouse on small business "legal rights" under the

e. 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. The SBAP will address obligations and

(i) Obligations. The SBAP coordinator will be responsible for notifying small businesses of their obligations under the CAA. The SBAP database and newsletters will be used to inform small businesses of their obligations.

(ii) Audits. The SBAP coordinator shall be responsible for keeping a list of qualified compliance auditors for small businesses to contact. This list shall contain qualified ADPC&E personnel and other qualified environmental consultants. Environmental consultants may be placed on the qualified auditors list by sending a written request and resume to the SBAP coordinator. Simple complimentary audits performed by ADPC&E personnel shall be done at the convenience of ADPC&E personnel commensurate with available resources, and there shall be no charge for the service. Any violations uncovered during an audit performed by ADPC&E personnel shall be dealt with immediately. Audits performed by qualified environmental consultants may entail a fee (to be paid by the audited business) at the discretion of the consultant.

f. 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. Procedures for the permitting of stationary source modifications are contained in Section 19.4 of the State Implementation Plan. No such request for permit modification shall be granted unless it meets all applicable State and Federal requirements. Application processing priority, to the extent practicable, will be given to applications requesting modifications necessary to achieve compliance with applicable regulations.

2. Ombudsman

The second PROGRAM element is the establishment of a State Small Business Ombudsman to represent the interests of small businesses in the regulatory process. 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 committing to establish (prior to November 1994) a dedicated Small Business Ombudsman Office within the ADPC&E, as stated in section (d) 'Ombudsman'' of its SIP revision. The Ombudsman Office will not be within the Air Division, but will be within the agency. Thus, the Ombudsman's Office is going to be separate from the air quality regulatory branch of the State agency, and therefore can be an independent advocate for small businesses. The Ombudsman position will be filled prior to November 15, 1994. The Ombudsman Office will have sufficient resources to discharge its duties effectively.

The Ombudsman will have access to the Governor's office, the Director of the ADPC&E, and to other State agencies. He will have the ability to informally request information from other State agencies, and to formally obtain information from other agencies through the Governor's office. The Ombudsman, through the Director, will have a channel for proposing legislation or administrative action necessary to assist eligible small businesses.

3. Compliance Advisory Panel (CAP)

The third PROGRAM element is the creation of a CAP to determine and report on the overall effectiveness of the SBAP. 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.

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 the EPA concerning the SBAP's adherence to the principles of the Paperwork Reduction Act, the Equal Access to Justice Act, and the Regulatory