

Small Business Advisor | March 2012

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Wisconsin's Small Business Environmental Council welcomed to DNR at first meeting with the Agency

On February 21, 2012, the Small Business Environmental Council held its first meeting as a part of DNR's Small Business Clean Air Assistance Program. The Council was previously housed at Department of Commerce along with the rest of the small business program from 1993 until it moved to DNR in June 2011. The first Council meeting began with a welcome message from Al Shea, director of the DNR's Office of Business Support and Sustainability.

"The Department is delighted to have the Small Business Environmental Council as a more directly linked advisory body. I know the perspectives the Council will bring on the challenges facing small business will be very helpful to the Department's efforts to streamline and reform its environmental regulations. Department leadership looks forward to a productive partnership with the Council for many years to come," said Shea.

The Council is charged by Wisconsin Statute to advise DNR on the impact to small business from the agency's rules and regulations, as well as the level of enforcement. The Council also reviews the effectiveness of DNR's technical assistance and outreach to small business, and advises the agency on ways to ensure that materials are clear and understandable.

More details on the Council members, past work of the Council and archived documents are available on the DNR's web site at <http://dnr.wi.gov/air/sb/sbec.html>, or go to <http://dnr.wi.gov> and search on "small business council" to get to their page.

Specific questions may be directed to Renee Lesjak Bashel, at 608-264-6153 or email renee.bashel@wisconsin.gov.

Eileen Pierce assumes role of new DNR Small Business Ombudsman

Under the Clean Air Act Amendments of 1990, each state is required to implement a small business technical and environmental compliance assistance program that includes a small business ombudsman, a technical assistance program and a compliance advisory panel. On February 21, Al Shea, director of DNR's Office of Business Support and Sustainability, announced that Eileen Pierce will serve as the department's first small business ombudsman. The Wisconsin program resided with the Department of Commerce from 1993 until it moved to DNR in 2011.

"Eileen Pierce has worked for the DNR for more than 23 years in the Bureau of Air Management and the Division of Air and Waste," said Shea. "In addition to the ombudsman role, her current responsibilities include serving as the division's program manager for southwest Wisconsin and serving as lead for regulatory oversight of environmental clean-up at the Badger Army Ammunition Plant."



Small Business Ombudsman (continued)

The small business ombudsman has three main responsibilities: communication, advocacy and compliance assistance. Spelled out this means:

- The primary role of the ombudsman is to serve as a liaison to small business, connecting small businesses with both department staff and the information they need.
- The ombudsman serves as an advocate for small business. In this role, the ombudsman provides recommendations on behalf of small business and facilitates resolution of disputes.
- In coordination with department programs, the ombudsman provides compliance assistance to small business and makes recommendations about regulations impacting small business.

Although the role originated in the Clean Air Act, in many states including Wisconsin, the scope of these responsibilities includes all environmental regulatory programs that affect small business.

Pierce said, "I hope to make a real difference for small businesses and the environment by helping small businesses sort through the various environmental regulations, by advocating that impacts on small businesses be considered as we develop and implement regulations, and by helping resolve disputes for individual small business owners."

One of her first assignments is to lead the agency retrospective review of rules impacting small business under Governor Scott Walker's Executive Order #61 (http://docs.legis.wisconsin.gov/code/executive_orders/2011_scott_walker/2012-61.pdf).

For further information, go to the Wisconsin Small Business Clean Air Assistance Program website (<http://dnr.wi.gov/air/sb/>).

If you have any questions or comments for Pierce, email her at eileen.pierce@wisconsin.gov or call her at 608-275-3296 (office) or 608-279-5637 (cell).

An important regulatory update for small sources with boilers burning solid or liquid fuels

If you subscribe to Air News you will have received this news already, but we want to ensure all those who need to know are informed.

The US Environmental Protection Agency (EPA) has just announced that it is offering small sources, called area sources, more time to comply with new work practices for their boilers.

Area sources with boilers burning coal, biomass, oil, or other solid or liquid fuels (except for LPG, aka liquefied petroleum gas or liquid propane gas) are required in the National Emission Standard for Hazardous Air Pollutants from Industrial, Commercial, and Institutional Boilers at Area Sources (40 CFR part 63, subpart JJJJJJ) to complete a tune up of their boiler by March 21, 2012. [NOTE: Area sources are those with emissions less than either 10 tons per year of a single federal hazardous air pollutant or 25 tons per year of all federal hazardous air pollutants combined.]

Nationally, this requirement affected over 180,000 sources. The sheer number of boilers involved has placed a great burden on the industry providing the tune up services. Many cannot schedule the extra work in such a short period of time. For that reason, EPA has sent a letter to industry groups indicating that they will take no action on the March 21, 2012 deadline. No enforcement on the tune up requirements will occur prior to October 1, 2012. In addition, a recent rule proposal is expected to be final soon that will delay the compliance deadline until March 21, 2013.

Since WDNR has not taken delegation of the federal rule, EPA remains the primary enforcement agency. You can review EPA's letter, called a No Action Assurance letter, here <http://www.epa.gov/airquality/combustion/compliance/index.html>. The letter provides EPA contact information if you have questions on the policy.

For more information on the rule in general, and to follow any future updates, visit the WDNR small business web page: http://dnr.wi.gov/air/sb/Process_Info.html. If you have specific questions, contact the Small Business Clean Air Assistance Program at 1-855-889-3021 (toll-free) or email DNRCleanAir@Wisconsin.gov.



To contact the Small Business Clean Air Assistance Program staff, call 1-855-889-3021 (toll free) or send an email to DNRCleanAir@wisconsin.gov. To subscribe to the Small Business Advisor, visit <http://dnr.wi.gov/topic/AirQuality/News.html#tabx2> and click to select it from the Subscriptions list.