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The Small Business Compliance Advisory Panel

Legislative Background

The Clean Air Act (CAA) as amended in 1990 requires that states, as part of a state technical assistance program to help small businesses comply with the Act, establish a Small Business Compliance Advisory Panel (Panel). In 1992, the Nebraska Legislature passed LB 1257 into law, a portion of which allowed the state to conform with the 1990 Clean Air Act Amendments. Portions of LB 1257 required the creation of the Small Business Assistance Program (SBAP) within the Nebraska Department of Environmental Quality (NDEQ). Section 81-1505.03 of the Nebraska Environmental Protection Act mandated the creation of a Small Business Compliance Advisory Panel (Panel). Every state is required by the CAA to have a Panel. In 2001, a National Small Business Compliance Advisory Panel was created. The National Panel consists of Small Business Compliance Advisory Panel representatives from each of the Environmental Protection Agency's (EPA's) ten Regions and representatives from the EPA Small Business Ombudsman Program.

Background and Function

The Nebraska Small Business Compliance Advisory panel consists of the following seven members:

- ∅ Two members who are not owners or representatives of owners of small business stationary sources of air emissions selected by the Governor to represent the general public;
- ∅ Four members selected by the Legislature who are owners or who represent owners of small business stationary sources of air emissions;
- ∅ One member selected by the NDEQ Director.

The NDEQ Small Business and Public Assistance Coordinator is the Secretariat. There are no statutory term limits for Panel members.

When a vacancy occurs, the NDEQ Director submits a request to either the Governor or the Legislature requesting selection of an appropriate member. At the request of the Governor or Legislature, the NDEQ will provide selection recommendations for their consideration.

The Panel typically meets three times per year for approximately four hours per meeting.

Meetings are generally held at the NDEQ main office in Lincoln, but occasionally are held at Panel member's facilities. The meetings are open to the public and the public is informed of the

meetings through a Public Notice posted on the NDEQ website, <http://deq.ne.gov>, at least one week prior to the meeting date. In general, various regulatory issues affecting small businesses are discussed and informative presentations by NDEQ staff are given at the meetings. The Panel is informed of new regulations that may affect small businesses and the advice of the Panel members regarding these regulations is communicated to the NDEQ.

In addition to the meetings, the NDEQ Small Business and Public Assistance Coordinator submits a report to Panel members every month. The NDEQ Assistance Program's activities over the past month and future activities, information regarding regulatory issues, and other environmental information that affects small businesses are addressed in this report.

Responsibilities

The Panel's overall responsibilities are to provide input to the NDEQ regarding the needs of small businesses and to submit an annual report no later than January 1 to the Governor on the activities and effectiveness of the NDEQ's Assistance Program. Panel members review and render advisory opinions on the NDEQ's Assistance Program, ensure that information affecting small businesses is written in a style that is clear and understandable, and serve as an information bridge between the small business community and the NDEQ.

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