14 February 2012

Small Business Compliance Assistance Advisory Council (AKA Compliance Assistance Panel – CAP)

Purpose: The Panel's overall responsibilities are to provide input to DEQ regarding the needs of small businesses. Panel members review and render advisory opinions on DEQ's Small Business Environmental 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 DEQ. The Panel's duties are defined in 75-2-106. The necessity for the state to have a Small Business Assistance Advisory Panel is required by the Federal Clean Air Act, 42 USC 7661f.

State law directs the council to:

- render advisory opinions concerning the effectiveness of the small business stationary source technical and environmental compliance assistance program administered by the department;
- make periodic reports to the appropriate federal agency concerning the compliance of the small business stationary source technical and environmental compliance assistance program with the requirements of the federal Clean Air Act
- review information for small business stationary sources to ensure that the information is understandable by the lay person and recommend changes to make the information understandable
- consult with the small business stationary source representative provided for in 75-2-109 regarding problems faced by small business stationary sources concerning the implementation and application of the requirements of this chapter and
- perform other duties necessary to meet the requirements of the federal Clean Air Act.

History: Requirements for existence of this panel were federally mandated by Section 507 he 1990 Clean Air Act Amendments (42 USC 7661f). Montana codified Panel requirements in State Statute in 1993. Statute related to the Panel has remained unchanged since that time.

Membership:

The CAP Membership selection protocol follows federal statute requirements. The selection process is a barrier to council effectiveness as gaining appointments from designated state representatives has proven difficult. State law provides for the following membership:

- two members that are not owners or representatives of owners of small business stationary sources, appointed by the governor to represent the general public
- four members that are owners or representatives of owners of small business stationary sources and who are not legislators, one to be appointed by the majority leader and minority leader of the house of representatives and one to be appointed by the majority leader and minority leader of the senate, and
- one member that is a representative of the department of environmental quality, appointed by the director of that department.

Status: Active, but did not meet in calendar year 2011 due to the DEQ vacancy in the position of "Small Business Stationary Source Representative." This position serves, by statute (75-2-109), as the secretary for the Panel. This vacancy will be filled in spring 2012. A CAP meeting will occur in calendar year 2012. Meeting locations generally occur in Helena and are scheduled toward the end of the fiscal year to provide an activity review to Panel members as well as input on future planning. Meeting materials are transmitted to members via e-mail and copies are placec
information website.

EQC
March 8, 2012
Exhibit 5