§ 19-0313. Small business stationary source technical and environmental compliance assistance program.

1. The commissioner is hereby authorized and directed to establish, develop and implement a small business stationary source technical and environmental compliance assistance program for those categories of sources of air contamination identified in section 7661f(c) of the Act or any other category of source the commissioner deems appropriate. The commissioner, after consultation with the administrator of the United States environmental protection agency, the administrator of the United States small business administration, the small business stationary source compliance advisory panel and the small business stationary source ombudsman created pursuant to section one hundred thirty-seven of the economic development law, and after providing notice and opportunity for public hearing, may exclude from the program any category or subcategory of sources identified in section 7661f(c) of the Act that the commissioner determines to have sufficient technical and financial capabilities to meet the requirements of the Act without such assistance. The department may designate eligibility for assistance based on whether the stationary source has sufficient technical and financial capabilities to comply with federal and state law without such assistance. Such program shall include:

a. the development, collection and coordination of information concerning compliance methods and technologies for stationary sources of air pollution, and programs to encourage lawful cooperation among such sources and other persons to further comply with the provisions of this article;

b. adequate mechanisms for assisting small business stationary sources with pollution prevention and accidental release detection and prevention, including providing information concerning alternative technologies, process changes and products and methods of operation that help reduce air pollution;

c. the provision of assistance for small business stationary sources in: (i) determining applicable requirements of the Act and this article

and rules and regulations promulgated pursuant thereto; and (ii) submitting complete permit applications consistent with the provisions of section 19-0311 of this title, and receiving permits issued by the department in a timely and efficient manner;

d. adequate mechanisms to assure that small business stationary sources receive notice of their rights under the Act and this article and rules and regulations promulgated pursuant thereto in such a 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 standard or state implementation plan revision issued pursuant to the Act;

e. adequate mechanisms for informing small business stationary sources of their obligations under this article and the Act, including establishing mechanisms for referring these sources to qualified auditors, or at the department's option upon the request of the small business stationary source, for providing audits of the operations of such sources to determine compliance with the Act and this article and rules and regulations promulgated pursuant thereto;

f. procedures for consideration of, and response to, requests from small business stationary sources for technical and environmental compliance assistance including, but not limited to: (i) assistance in the modification of any work practice and the identification of affordable alternative technologies or technological improvements to achieve compliance with or to establish compliance procedures pursuant to the Act or this article and rules and regulations promulgated pursuant thereto; (ii) the establishment of a schedule of milestones for implementing such work practice or method of compliance preceding any applicable compliance date, based on the technology and financial capability of such small business stationary source; and (iii) on-site consultations, if requested by a small business stationary source, regarding achievement of compliance. No modification may be recommended unless it is in compliance with the applicable requirements of the Act, including applicable requirements of the state implementation plan. Where applicable requirements are set forth in federal or state

regulations, only those modifications authorized in such regulations may be made;

g. procedures for soliciting input from and exchanging information with the small business stationary source ombudsman created pursuant to section one hundred thirty-seven of the economic development law, regarding compliance requirements for small business stationary sources;

h. adequate mechanisms for the collection and dissemination of information to small business stationary sources, including: (i) the development of small business stationary source guidance manuals indicating the categories of small businesses subject to the requirements of this article and the Act, specific compliance requirements and options, a schedule of compliance deadlines and other pertinent information; and (ii) the establishment of a toll-free telephone number dedicated to answering questions involving small business stationary source compliance;

i. procedures for assuring the confidentiality of information received from small business stationary sources;

j. the identification of individuals and firms with a distinctive competence in areas related to business compliance with environmental laws, rules and regulations, and a demonstrated ability to serve small businesses, for the purpose of referring small business stationary sources with identified needs to consultants with relevant expertise; and

k. the provision of information on state-sponsored programs offering financial or technical assistance and on funding available from private lenders to stationary sources and aid such sources in applying for financial assistance or funding.

2. In developing the small business stationary source technical and environmental compliance assistance program the department may contract with either the environmental facilities corporation or any other person the commissioner deems appropriate to carry out any or all of the

provisions of this section.

3. In developing and implementing the small business stationary source technical and environmental compliance assistance program as required pursuant to subdivision one of this section, the department shall consult with the small business stationary source compliance advisory panel as created pursuant to section 19-0315 of this title and the small business stationary source ombudsman as created pursuant to section one hundred thirty-seven of the economic development law.

4. The provisions of article six of the public officers law shall not apply to records containing information supplied by small business stationary sources to the environmental facilities corporation pursuant to this section.