

**Small Business Assistance Program
Modification Procedures for Modification of Work Practices,
Technical Methods or Time Frames for Compliance with the
Provisions of the Clean Air Act of 1990
Section 507 (a),(7),(A)&(B)**

Approved October 28, 1994

The Small Business Assistance Program (SBAP) will review proposals, as requested by owners of small business stationary sources, for modifying work practices, technical methods or time frames necessary to achieve compliance under the federal Clean Air Act. This will be accomplished through written correspondence, the toll-free hotline, on-site visits and through interaction at workshops. The SBAP will also assist and advise businesses as they go through the process of seeking approval for modifications of work practices and/or alternative control methods.

1. When a small business determines the need for a modification of work practices, it can choose to contact the SBAP for an evaluation of the request. The SBAP may also identify options during a voluntary compliance audit that may result in recommending that the applicant submit a modification request.
2. The SBAP will review the need for the modification and help the small business complete and submit an application to the appropriate Department of Environmental Quality (DEQ) Regional Office to modify work practices. It is emphasized that it is the applicant's responsibility to submit the application.
3. The DEQ Regional Office will review the request according to the Department's procedures.
 - A. If the request meets all applicable guidelines, DEQ will propose approval of the request.
 - B. If the request involves a source specific change to any regulation of the State Air Pollution Control Board, then the request must be processed as a variance in accordance with ' 120-02-05 of VR 120-01 and EPA requirements for SIP revisions. The variance request will be made available for review by the public. Pending the review and incorporation of substantive comments and approval by the Board, the firm will be granted the variance and considered to be in compliance.
 - C. If the request involves a change of general application to any regulation of the Board, the request must be processed as a petition in accordance with Section II C of Appendix E of VR 120-01. If the petition is approved by the Board, any regulatory changes would be subject to

applicable state administrative procedures for regulatory actions and EPA requirements for SIP revisions.

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- D. If the request does not meet applicable requirements, DEQ will disapprove the request.
 - E. If the request contains incomplete information, DEQ will notify the applicant that more information is needed.
4. When the small business receives the disapproval or request for more information, the small business may contact the SBAP for advice. The SBAP will review the disapproval or request for more information and, if after review it is determined that the request can be adjusted, the SBAP will advise the small business on how to modify and re-submit the request. However, if after review it is determined that the request cannot be adjusted and the applicant is dissatisfied with this result, the SBAP will advise the applicant on how to file a complaint with the Office of the Small Business Assistance Program Ombudsman.
 5. Requests for modification that relate to Federal standards will be handled in a similar manner, with the SBAP helping the applicant through the process, in coordination with EPA.
 6. Requests for modifications will be available for the Ombudsman's Office to review. As indicated above, the Ombudsman will handle all complaints that may arise if a small business feels that they were not treated fairly with its request.
 - A. The Ombudsman will offer assistance to those businesses that file complaints that they are experiencing difficulties in obtaining responses for requests for modifications. This assistance will include a full investigation of the complaint and intervention with DEQ or the Board, as needed, to resolve it.