

Small Business Compliance Assistance Advisory Council

Purpose

The main purpose of the Small Business Compliance Assistance Advisory Council (Council) is to provide input to the Montana Department of Environmental Quality (DEQ) regarding the needs of small businesses in Montana. Council members review and render advisory opinions on DEQ's Small Business Environmental Assistance Program (SBEAP), ensure 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 Council's duties are defined in Montana Code Annotated (MCA) 75-2-106. The requirement for Montana to have a Small Business Compliance Assistance Advisory Council comes from the Federal Clean Air Act, 42 USC 7661f. In other states the Council is called a Compliance Assistance Panel or CAP. The Council and the SBEAP form two legs of a three legged stool. The third leg is the Small Business Ombudsman (SBO) also required in the Clean Air Act. The SBO has special small business advocacy capabilities including confidentiality clause and small business advocacy. In Montana, the SBEAP and SBO responsibilities are covered by John Podolinsky. The Council is currently comprised of Keith Ouzts, Matt Regier, Terry Schultz, Michelle Bryan, Diana Vanek, Hoby Rash, and Duane Mitchell.

[MCA 75-2-106:](#)

Small business compliance assistance advisory council -- duties -- secretary – meetings:(1) The small business compliance assistance advisory council, established in [2-15-2110](#), shall:

- (a) render advisory opinions concerning the effectiveness of the small business stationary source technical and environmental compliance assistance program administered by the department;
 - (b) 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, 42 U.S.C. 7401, et seq.;
 - (c) 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;
 - (d) 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
 - (e) perform other duties necessary to meet the requirements of the federal Clean Air Act.
- (2) The council shall elect a presiding officer from among its membership.
- (3) The secretary of the council must be an employee of the department assigned to the small business stationary source technical and environmental compliance assistance program. The secretary shall keep all records of meetings and actions taken by the council and is responsible for the development and dissemination of

any reports and advisory opinions of the council.

(4) The council shall hold at least one regular meeting each calendar year and keep a summary record of its proceedings that is open to the public for inspection. Special meetings may be called by the presiding officer or a majority of the council members. The secretary shall provide advance notice of the time and place for meetings to each member of the council.

History

Requirements for existence of the Council were federally mandated by Section 507 of the 1990 Clean Air Act Amendments (42 USC 7661f; <https://www.epa.gov/clean-air-act-overview/clean-air-act-text>). Montana codified Council requirements in State Statute in 1993. Statutes related to the Council have remained unchanged since that time.

Membership

Council membership selection protocol follows federal statute requirements.

2-15-2110. Small business compliance assistance advisory council: (1) there is a small business compliance assistance advisory council.

(2) The council consists of seven members, as follows:

(a) two members that are not owners or representatives of owners of small business stationary sources, appointed by the governor to represent the general public;

(b) 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

(c) one member that is a representative of the department of environmental quality, appointed by the director of that department.

(3) Appointed members shall serve for terms of 3 years.

(4) The provisions of [2-15-122](#) (5) through (8) apply to the council and its members.

Status - Active

The Council has met annually for the past few years. The position of "Small Business Stationary Source Representative" is also the Council's secretary, by statute MCA 75-2-109. Meetings are generally held in Helena and are scheduled toward the end of the calendar year to provide an activity review to Council members as well as input on future planning. Meeting materials are transmitted to members via e-mail and copies are placed on the DEQ's public information website.