

Purpose

Pursuant to Tennessee Code Annotated sections 11-1-101, 68-201-103, and 68-201-105 and as required by 42 U.S.C. § 7661f(e), a compliance advisory panel in the department of environment and conservation composed of seven individuals exists to do the following:

- (1) Render advisory opinions concerning the effectiveness of the small business stationary source technical and environmental compliance assistance program, difficulties encountered, and degree and severity of enforcement;
- (2) Make periodic reports to the administrator of the United States environmental protection agency concerning compliance of the small business stationary source technical and environmental compliance assistance program with the requirements of the federal paperwork reduction act, the regulatory flexibility act, and the equal access to justice act;
- (3) Review information for small business stationary sources to assure such information is understandable by the layperson; and
- (4) Have the small business stationary source technical and environmental compliance assistance program serve as the secretariat for the development and dissemination of such reports and advisory opinions.

Membership

The compliance advisory panel shall consist of:

- (1) Two members who are not owners, or representatives of owners, of small business stationary sources, appointed by the governor to represent the general public;
- (2) Two members who are owners, or who represent owners, of small business stationary sources, one appointed by the speaker and one appointed by the minority leader of the Tennessee house of representatives;
- (3) Two members who are owners, or who represent owners, of small business stationary sources, one appointed by the speaker and one appointed by the minority leader of the Tennessee senate; and
- (4) One member appointed by the commissioner to represent the department of environment and conservation.

In making appointments to the panel, the appointing authorities should strive to ensure that as best as possible, the composition of the panel reflect the demographics of the state. In the event of a vacancy on the panel, the SBEAP may produce a one-page summary detailing current panel diversity, gaps in panel diversity, and diversity-focused recommendations for panel recruitment for the appointing authorities to take into consideration. The SBEAP considers board diversity to include considerations around the demographic composition of the board, professional and sector-based backgrounds of panel

members, and all other aspects that play into the board representing the broadest cross section of Tennesseans.

Attendance

Any member of the panel who misses more than 50% of the scheduled meetings in a calendar year may be recommended for replacement as a member of the panel. The commissioner, or commissioner's designee, shall promptly notify, or cause to be notified, the appointing authority of any member who fails to satisfy this attendance requirement.

A chairperson shall be elected annually by the members of the compliance advisory panel.

Appointment Term Members of the compliance advisory panel serving on the date of this memorandum shall serve until resignation of the member or replacement by the member's appointing authority.

Commented [CW1]: On our SBEAP call, we talked about this not being an applicable requirement since then all of our existing members would be gone. /

The term of each member appointed to a vacancy created by the resignation or replacement of a member initially appointed on or after July 1, 2021, shall be four years commencing on July 1 immediately following the replacement member's appointment. Any vacancy occurring on the panel through resignation or replacement prior to the expiration of the member's term shall be filled for the unexpired term by appointment by the original appointing authority. Each member of the panel shall continue to serve as a member of the panel after expiration of the member's term until a successor is appointed. Members may serve any number of consecutive or non-consecutive terms.

Participation, expectations, and benefits

Participation

Participation on the CAP allows its member to directly and beneficially impact Tennessee's small business community. Therefore, CAP members are encouraged to be active and involved participants. There are many opportunities to participate, including:

- Reviewing and providing input to literature and outreach materials drafted by CAP member.
- Submitting topics for SBEAP's newsletter.
- Submitting articles and topic for outreach materials.
- Suggesting conferences and other outreach events where SBEAP could present.
- Presenting in an OSP/SBEAP -hosted webinar (as requested).

Expectations

- Regularly attend meetings. See the Attendance section above.

- Possess the desire to serve the small business community through support and advocacy by providing expertise and professional knowledge.
- Support SBEAP staff to promote internal (CAP members and SBEAP) and external (interested stakeholders) information exchange.
- Serve in an advisory capacity and respond to requests from SBEAP on matters pertaining to review and input of outreach materials.
- Investigate, review, and advise SBEAP on different ways for SBEAP to educate and increase environmental compliance to the small business community.

Commented [CW2]: Or "Or education and outreach participation and materials."???? Which do we like more? Also fine with replacing with something else.

Benefits

- Access to TDEC staff for assistance with environmental compliance. "SBEAP Consulting", similar to TOSHA Consulting.
- Attendance to the Governor's Environmental Stewardship Awards.
- Meeting with TDEC Leadership.

The compliance advisory panel may adopt by-laws consistent with the law, this memo, and the advisory responsibilities of the panel, subject to the final approval of the commissioner environment and conservation or the commissioner's designee.