

**SBEAP Technical Subcommittee
Conference Call - February 24
11:30 am Eastern**

Attendance: Sharon Nizich - USEPA; Sara Johnson - NH; James Robinson - SC; Leslie Churilla - GA; Jackie Sims - IL; Rick Carleski - OH; Mark Stoddard - IN; Kim Grossenheider - MN; Renee Bashel - WI; Mandy Ellifritz, Tasha ? - TX; Jan ? - IA; Joni Canterbury - CO; Lucy Thompson - MO; Audrey Zelanko - Enviroweb; Molly Davis - Inside Washington Publishers (Inside EPA)

Minutes:

(NOTE: Molly Davis found our call information on the web and wanted to learn more about our concerns regarding area source rules and the once-in/always-in policy. No one objected to her listening to the discussion.)

1. SBA nominations for R3

Unfortunately our nominations did not capture one of the two open slots on SBA's R3 Top Ten. But Kevin Bromberg had been in touch to get clarifying information and is still interested in attempting to move a few of our issues forward in the future.

In discussions back and forth, primarily about the Metal Finishing rule and the Small Boiler NSPS recommendations, Renee had also asked about the Once-in/Always-in (OIAI) policy since we were one of 3 organizations to recommend that be reformed. Renee forwarded a message regarding the House Budget, which includes a recommendation that EPA continue to apply OIAI.

Renee mentioned that Linda Sadler asked a question via email about whether OIAI would be applied to area source rules. Sharon said she would ask OGC about any plans to extend that policy to the area source rules. Someone suggested that it would be in the states' and EPA's best interest to get as many sources out of the area source rules as possible, given the sheer numbers involved and lack of resources to implement the rules. It does seem counterproductive to enforce a rule on a small shop that finally manages to eliminate their HAPs, but achieved it after the compliance deadline.

To continue the discussion with Kevin at SBA about reforming some of the rules, Renee will talk to Annette about the SBA session at the National Conference. (Renee note: If that's not a good time, maybe we should ask him to join our Technical Subcommittee working session?)

2. Area Source Implementation Workgroup

EPA has a workgroup that is drafting guidance for states on what will be expected for implementing area source rules. The initial invitation had been to the NACAA subcommittees. A few SBEAPs with connections to their toxics or permit programs were able to participate in the workgroup call on February 12th. The call was focused on learning what the states were doing at this point, whether delegated or not.

The EPA leads, Scott Throwe and one other in OECA, were very interested in all the efforts that were in progress. Their goal for future calls is to start drafting a guidance document for states. Many of the states wanted the guidance, so long as it provided the bare minimum

program that would be acceptable to EPA in an implementation plan. It would need to be flexible.

Renee was not sure whether she or other SBEAPs would be able to continue participating. Scott and colleagues really seemed focused on states invited through NACAA. If at least one of our programs can continue in the workgroup, then we will work to make sure information gets out on what is being drafted.

3. Sharon - updates from EPA

The foundry proposal, 3 categories, is out in public comment through March 11. No hearing requested. Rest of bin 6 nearly ready for proposal, with short OMB review yet to come. Should be in public comment by end of March to meet the June deadline for final rules.

(Renee's note: If not out by March 24th, we may want to postpone call to discuss these in early April. Although that will get hard with many spring breaks falling in those few weeks.)

4. National Conference sessions

a. Subcommittee working session

May be time to start discussing where we want to go after area source rules done and we don't have all those to read; new and different ways to tackle OIAI.

Asked Sharon if she could be ready to talk about what's next from rule writers after area sources are done.

See note above - discuss moving forward with SBA on R3 recommendations...

b. Area Source Rules - What are states doing?

Renee or someone from Region 5 will talk about Regional ERP project. Georgia has offered to talk. Others (KS, SC) may have short pieces of information regarding their efforts.

Could use time like "speed dating" with compliance assistance tools, but focus on area source rule efforts. Anyone with something unique in state or region can talk for 5 minutes... But get list of speakers early.

Deadline for listing speakers - early April if possible.

c. EPA rule update - General Session

Renee will talk to Kenya to find out what they would like to hear from Sharon.

Next call March 24th at 11:30 am Eastern.