

Technical Subcommittee Conference Call
April 19, 2007
2:00 pm Eastern

In attendance: Renee Bashel, Chair – WI, Terry Johnson – GA, Terry Polan – WV, Linda Sadler - TN, Stacey Washington – SC, Todd Nein – OH, Susan Watson – ME, Jim Coyle and Steve Mohr – NY, Richard Rassmussen – VA, Rick Carleski – OH, Jackie Sims – IL, Dan Nickey – IA, Lucy Thompson – MO, Keith Barnett – EPA, Tony Pendola – NC, Eric Byrd - KY

Minutes

National Conference

We're planning to have Warren Johnson and Keith Barnett from EPA at our session on Tuesday June 19th at 1:30 pm. Warren is invited to talk about the Autobody Refinishing NESHAP and Keith on the process for working with NESHAP rule writers and the future schedule for rules.

Renee would also like time to do some strategic planning to focus the group for the next year or two. We need to find out from all members whether any have plans to hold a Regional Meeting on Thursday morning. If we can find a good time that morning, that will give us an opportunity to have that discussion. It's not likely that we'll have time after Warren and Keith's discussions.

Dry Cleaner Rule Changes

Richard reminded everyone that the current rule stands until changes are published. He's been told that EPA plans to go for a direct final rule on the changes.

1. Transfer machine ban – is one loophole that would allow small existing units to continue, but EPA plans to eliminate that. It wasn't intended.
2. Requirement for weekly tests using colorimetric tubes at back of drum on machines with secondary carbon absorption units was only meant to apply to MAJORS, so EPA will correct the language that makes it apply to all.
3. Richard asked Warren about the Petroleum NSPS exemption, which disappeared between proposal and final rule. Warren will try to make that correction as well.

Other notes about the rule:

- Hydrocarbon detectors don't have to be used until 2008. There is one section where it might appear certain units had to comply immediately, but EPA contacts have disagreed with that reading.
- Detector calibration – while its known that existing units aren't perfectly calibrated, they can be relied on to alarm at 25 PPM.
- Moving existing 3rd Gen machines is OK and secondary carbon absorption not required, so long as used prior to December 21, 2005, UNLESS co-located.

Warren has indicated that the changes are awaiting management sign-off before they can move forward to craft language. He asked Richard to help with language development, and Richard also volunteered Renee to help.

Other comments on Dry Cleaner rule issues:

- Many issues in the field with pressure gauge readings: different ranges are appropriate for each machine; placed in horrible locations; problems with different refrigerants.
- Agreed. Gauges are easier to deal with on 4th Gen, since all on front. Manuals only specify a single value rather than a range. Can't rely on the readings for a complete dry.
- The rule has a hierarchy and we will try to work with Warren on making it either/or.
- Has anyone seen removable gauges? Not usually, but sometimes. Could mess up their system if they remove them.

- NY tried hard to stop the gauge requirement when EPA's contractor writing the rule asked them about it.

Keith responded to a couple points:

- content in a final rule must be either in the proposed rule or a logical outgrowth of any comments
- once the rule is final, the first contact about rule issues is either EPA regional office or OECA, which is where Scott Throwe works – and given the nature of the issues in the dry cleaner rule probably better to go direct to OECA to get consistent response

What's everyone doing about the compliance notification?

- Richard will include a form in their 2008 calendar.
- Tony is getting folks to do it now.
- Jim is also having folks do it now.

Tony shared two articles that have misleading statements in them related to co-located dry cleaners. One is from the NC Association of Launderers and Cleaners, and the other is from National Clothesline. There's a sentence about a being "co-located within mixed use commercial/residential zoning." Apparently some editor tried to clarify, but made it incorrect. Ignore this if seen anywhere else. (Someone later wondered if it is related to changes CARB is making in their rule.)

Linda pointed out a section of the General Provision about extending the compliance deadline:

- Clean Air Act 112(i)(2) Special rule.- Notwithstanding the requirements of paragraph (1), a new source which commences construction or reconstruction after a standard, limitation or regulation applicable to such source is proposed and before such standard, limitation or regulation is promulgated shall not be required to comply with such promulgated standard until the date 3 years after the date of promulgation if - (A) the promulgated standard, limitation or regulation is more stringent than the standard, limitation or regulation proposed; and (B) the source complies with the standard, limitation, or regulation as proposed during the 3-year period immediately after promulgation.
- 63.6(b)(4) The owner or operator of an affected source for which construction or reconstruction is commenced after the proposal date of a relevant standard established pursuant to section 112(d) of the Act but before the proposal date of a relevant standard established pursuant to section 112(f) shall not be required to comply with the section 112(f) emission standard until the date 10 years after the date construction or reconstruction is commenced, except that, if the section 112(f) standard is promulgated more than 10 years after construction or reconstruction is commenced, the owner or operator must comply with the standard as provided in paragraphs (b)(1) and (2) of this section.

Another comment on the detector calibration – it's not specific to perc but will alarm at 25 ppm of perc. Is this true of all units? Is EPA notifying compliance staff of this distinction?

Comment on leak detection – machines always leak, they come and go. Presence of leaks is so variable it doesn't make sense as a focus of enforcement, but more on proper use of the detectors.

Autobody Rule proposal

We have heard from Warren that it is expected to come out soon, for final rule by December.

Beyond commenting on the rule, what are states going to do about delegation? Outreach from our programs will depend on each state's status.

Keith's comments:

- EPA is trying to incorporate the Performance Based rule concept into individual rules where it makes sense. In the hopes that states will find delegation easier to take.
- It's not likely that Autobody will come out before June, so we have time. The June conference will present a great opportunity to ask Warren about specifics.
- Don't wait for the FR to come out, but check for signed version as soon as possible. He will try to help on that end.

Stacey said that SC was planning to take delegation on Autobody.

Area Source NESHAPs

Keith will check on whether a full schedule is available.

Keith sent a memo to all Area Source rule writers (project leads) about our volunteers and what we have to offer. He strongly encouraged them to look to us when they need input.

Apparently there is still no management decision on whether Warren will be allowed to travel, even after Angela Suber has offer to pay for travel out of the SBD. Try Robin Duncan, Warren's supervisor, to see if she's made a decision.

Recent Remands

- Boiler Rule
- Brick Rule
- Implications for Plywood MACT...

(someone else summarize issues? poor notes on this)

Recent Area Source Proposals

How are folks going to comment on proposed rules? Individual states or from Committee?

- Send comments direct to the docket.
- If commenting through own agency will be a long approval process before they get out.
- Try using CAP, or NCAP.
- Contact an affected company to make a comment.

How are SBAPs helping on area sources in their states?

- SC surveyed states on delegation, and if yes how they're funding. Low response. Anyone on call know how to get more responses? That's probably the best you'll get since many are still trying to decide.
- Has anyone considered fee based assistance programs?

Next Meeting

- Wait to see if anything needed on Autobody or Dry Cleaner rules before National Conference.
- Schedule something to kick off ideas for strategic planning discussion at National Conference.