

**Technical Subcommittee Conference Call**  
**April 27, 2006**  
**1pm – 3 pm eastern**

1. Area source NESHAPs court deadlines – Keith Barnett

A court decision was issued 3/31/06 on the deadlines by which EPA must promulgate the remaining 50 NESHAP categories. It established some very short deadlines, the first of which is December 15, 2006. Promulgate does mean FINAL, i.e. the signature date. The court did not specify which categories were to be addressed at each deadline, and it does not have any approval role for which categories are selected by EPA to meet the deadlines.

In the next couple weeks, EPA will be reviewing their categories for those that meet certain criteria making them easier to propose on a short timeline. The criteria are: small number of affected sources, already well controlled so little additional impact, and a category without a significant small business impact. While 4 categories must be issued by December 31, 2006, they may focus on 5 or 6 in case something happens to slow down one or more categories. Keith will share the categories selected as soon as he hears. An announcement will likely come in a few weeks since they have to go to proposal very soon. Given the short time frame, its not likely public comment periods will be more than 30 days.

Note that the new deadlines will likely affect our efforts on the Area Source ID project. The first 4 categories can come from the whole list of 50, not necessarily the first 20 that we provided them with source counts and volunteers for rule input.

2. “Once In Always In” in the news

The topic came up because an article has been making its way through the news media about a draft rule to eliminate OIAI that was causing a lot of conflict within EPA and was ultimately leaked to an environmental group. This was open to anyone that had information, but Keith was kind enough to stay on and share what he knew about the situation.

Keith provided a little history of the “once-in/always-in” rule draft. There are two sides to OIAI. Controlled sources wanted out of NESHAP once they complied with the rule and reduced the emissions. That would allow them to emit up to 10/25 TPY of HAPs, where staying under the rule might have the emissions of a 100 TPY source controlled to 5 TPY. On the other hand, it discourages P2 or other innovative actions, including controlling emissions they would otherwise not be required to control. The example of that is a portland-cement facility. Usually portland-cement plants are major for HCl and the NESHAPs requires control of HCl. One plant happened to be major of formaldehyde, and thereby needed a Title V permit. They would control their formaldehyde emissions, even though not required by the NESHAP, but wanted to be redefined as a minor source in return.

Even with all the controversy, this rule will likely be proposed in 4-5 months. What is proposed may not look like the version that the article was based on. OECA still has some concerns with what will happen to enforcement if OIAI is eliminated.

3. Updates from Karen Blanchard’s presentation at Nat’l Conference – Renee Bashel

Karen presented at our Technical Subcommittee session at the National Conference. As soon as we get a copy of her presentation, we’ll share with everyone. At that session there were a few questions asked that Karen did not have answers for, but sent them into the experts that would know. Renee attempted to update the group on those answers that came back. Here’s a summary:

Karen discussed a performance based rule concept under which they will be covering a group of the area source categories – they are currently binning the remaining 50 categories to decide which ones will fit best under such a rule concept. One question came up about that rule.

Q: “Does EPA plan to define the urban areas to which the rule will apply or will it apply to rural areas as well?” (This is under the Urban Air Toxics program.)

A: It will apply to both urban and rural.

She also discussed that these last 50 categories were included in order for EPA to reach the level of addressing 90% of emissions of priority HAPs.

Q: Someone asked whether there was any distinction made between urban and rural sources in calculating the 90%.

A: No distinction was made.

Four categories were already under court decree to be proposed in 2006 (oil & nat. gas, Hosp Sterilizers, Gasoline Stage 1, and Stationary IC engines). Then Karen discussed a special grouping of 16 categories – of the remaining 50 categories, these 16 address 90% of the HAP emissions that EPA must address. These were likely to be their priority focus once the deadlines came down. When we get a copy of her presentation, I think we'll see what the rest of those categories are.

Q: Someone asked whether the 4 already under court decree were included in the group of 16.

A: Yes.

#### 4. Area Source ID Update – Richard

At Richard's request a couple months ago, Keith asked each of the rule writers what they had done to make contact with the SBAP volunteers. Only one or two had made any contact. It was suggested that we would likely get a better response if we made the contacts and also provided any data we might have for that particular source category (# sources in the state, controls in place, permitted universe, any other info that might help make a better rule).

NEXT MEETING: we tentatively scheduled the next call for May 31<sup>st</sup> at 1 pm eastern. If there is no announcement from EPA on the 4 categories to be promulgated this year, we will postpone by a week or so to allow a discussion of what we might want to do in response to the categories selected.