

## **SBAP/SBO Technical Subcommittee Conference Call - June 30, 2005**

In Attendance: Richard Rasmussen, Dan Nickey, Terry Polen, Linda Hayes-Gorman, Nick Melliadis, Amelia Gooding, Jackie Sims, James Robinson, Annette Fulgenzi, Renee Lesjak Bashel

### **Minutes:**

#### Introduction:

- There is one primary topic for today's call. The area source project.
- Richard called this meeting to discuss the group's next steps following a conversation he had recently with Keith Barnett from EPA.
- Keith made presentations about the Area Source NESHAPs at two different sessions at the Biloxi national conference. Following discussions at the conference, Keith was concerned that the message he heard (or impression he got) was that state SBAPs were not that interested in sitting down with the EPA rule writers on the Area Source rules.
- Others on the call wondered whether we (the tech subcommittee) or EPA have sent out the call requesting that sort of participation.
- One person's impression was that EPA was expecting us to do their job for them on the rule writing, so that might be why SBAPs are shying away from participation.

#### Background:

- In October 2004 it was agreed that the SBAPs would referee up front for the area source rules to pull in those with interest in providing EPA with input on the rules. That is still the goal.
- Richard first offered to compile numbers from as many states as possible to ground-truth for EPA the size of the area source universe in the first 23 rule categories. **This was done in the hopes that those states with the largest number of sources would be likely volunteers to provide input on the rules with the greatest impact for them.**
- Then the hope was that by February 2005 we would have a list of SBAPs willing to help out on each (or as many as possible anyway) of the 25 area source NESHAPs.

#### Discussion:

- Richard has expressed to Keith that he realizes the EPA rule writers need to move forward with or without the SBAPs, given how far we are past our goal.
- Are there any rules that are in progress yet? Not sure. Not yet, but all 25 need to move forward very soon.
- A number of those on the call stated again that we really haven't put out the call for volunteers. **We really need to do that now.**
- Funnel all responses through Richard so that we can balance out the volunteers when we give a list to EPA.
- If anyone feels they cannot volunteer, then please recruit others in your region!!

- We should get the volunteers assigned to rules before Karen's meeting in August. Send out the call for volunteers with a deadline of July 15 and then decide by August 1 who will be assigned to which rule.
- Richard will send the request through the NSC. Annette asked that Richard identify in his email that it is something that needs their action/attention right away. Just to make it stand out from all the other information messages he sends. Nick agreed with that.
- Dan said this should also be on the NSC agenda for July 12<sup>th</sup>.
- What regions are missing on this call? Region 1, 2, 6, 8 and 9. So we need to rely on the NSC to fill in those gaps for the subcommittee.
- Will these rule development groups be strictly SBAPs like the Autobody Subcommittee or will they involve outside groups like trade associations, etc? Jackie described her participation on the Boiler MACT as one to support the little guys, so she just stressed the impact on the small businesses when the rule development group was trying to decide whether to exempt the 10 MMBTU/hr boilers. She didn't think it was necessary to weigh in on things like the cadmium threshold for the 150 MMBTU/hr boilers.
- Dan said that sounded like the appropriate level of participation for any SBAP on other rule development groups.
- Do all these rules impact small business? Yes, as area source categories it's expected that they are primarily small businesses.
- What Richard has heard at recent presentations is that EPA is interested in looking at alternatives to the usual MACT rule – there is not a definitive answer yet whether or not these area source rules will be MACT or GACT (Generally Available Control Technology). Do they want us involved to come up with those options for them? At Biloxi, Keith mentioned that EPA is possibly hoping to use Environmental Results Program style voluntary systems for these rules. They realize that states do not have the resources to deal with a full blown regulatory rule for each of these categories. If states don't take delegation for the rules, EPA will have to implement and they don't have resources either.
- Nick wondered whether we should **stress to the SBAPs that if we don't have a noticeable presence on this rule effort, that we might lose the opportunity in the future. Yes, that may be what happens, so we should do what we can to make this happen.**

#### Other updates:

- Dan wanted to let the group know that he has a visit organized for Kim Teal with a local Autobody Repair association, at a dinner meeting, and then 5 on-site visits. The on-site visits will range from a guy who does it out of his garage to a dealership. Amelia asked whether any SBAP in the area could join them. While Dan had not thought of that, he agreed it was a good idea and made an open invitation to anyone who could make it. The meeting is on October 12<sup>th</sup> and Kim will be there for just 1-2 days.
- Richard has rescheduled the Autobody call for next week at which he wanted to get a few visits organized for Kim.

- Richard has had some initial discussions to see whether to schedule a follow-up meeting to the October 2004 Area Source Conference. Maybe in August, after Karen's meeting. Karen agrees that it is a good idea. He proposed to Keith Barnett but has not yet asked Keith for his position. Richard also needs to contact Keith Holman SBA Advocates Office for his opinion. Dan thought a follow-up meeting would be worthwhile if we were sure that EPA managers and Trade Association reps would participate again. But we need to make sure we have volunteers for the different area source rules before that meeting.
- NSR rule – check out the Court decision on the Duke Energy case. It appears there may be reconsideration of several components of NSR, the pollution prevention provisions, clean units.
- PTE should be coming up on the rule docket next year. We'll have to wait and see.
- The technical committee should have some interest in the outcomes from the newly forming Measurement Subcommittee that Kenya is chairing. Usually it's the technical assistance side of the programs that generates the most data.

Respectfully submitted,

Renée Lesjak Bashel  
WI SBCAAP