**NSC Technical Subcommittee Call Minutes – April 19, 2016**

Zoom meeting (graphical interactive presentation): <https://ksu.zoom.us/j/7854529456>

Tech-Subcommittee: <https://nationalsbeap.org/sbeap/resources/subcommittees/technical>

**Participation [by region]:**

1: Sara Johnson – NH

2: Harry Ching - NY

3: Jeremy Hancher & Nancy Herb – PA

4: John Yntema & Mary Talukder – GA; Tony Pendola – NC

5: Erin Conley – IL; Lisa Ashenbrenner, Renee Bashel & Jennifer Hamill - WI; Hien Le – MN; Mark Stoddard - IN

7: Barb Goode – KS

8: John Podolinsky - MT

9: Jenna Latt - CA

**Approval of March minutes:** approved as is

**Brainstorming future SBEAP Technical Subcommittee conference call topics – Back-to-Basics Air Topics**

**Potential to emit**

Tony referenced the Seitz memo and small business guide as critical references.

Nancy Herb, PA shared the document, “Potential to Emit, A Guide for Small Businesses,” US EPA, October 1998 - <https://www3.epa.gov/airtoxics/1998sbapptebroc.pdf>

Tony Pendola, NC and Renee Bashel, WI:

* 3rd Extension of January 24, 1995 Potential to Emit Transition Policy, US EPA Memo, December 20, 1999 - <https://www3.epa.gov/airtoxics/pte/ptepg.html>
* Potential to Emit Guidance for Specific Source Categories, US EPA Memo, 30 pp, April 14, 1998
* Signifiant Guidance Documents – Air - <https://www.epa.gov/laws-regulations/significant-guidance-documents-air>

**Physical constraints** – “The limitations present at your business must be unchanging and unavoidable physical constraints in order to reduce your maximum capacity. These constraints must result in predictable upper limits on your operations and capacity. (Note that changeable market conditions or business plans do not qualify to limit your operations and capacity.)” – **See page 7 of the small business guide referenced above**.

Other types of limitations include limits on operating rates (i.e. auto body shops), seasonal limitations in the operation (i.e. grain elevators), emergency generators, control measures for reasons other than air quality protection, and “inherent limitations,” – **See** **pages 8 and 9 of the small business guide above**.

Explaining PTE to small businesses – How many units could you make in one day with unlimited resources/staff (includes things like quantity of trucks the business can accommodate and space for them to park)?

**Once in always in**

Potential to Emit for MACT Standards – Guidance Timing Issues, EPA Memo, May 16, 1995

“In many cases, application of MACT will reduce a major emitter's emissions to levels substantially below the major thresholds. Without a once in, always in policy, these facilities could "backslide" from MACT control levels by obtaining potential-to-emit limits, escaping applicability of the MACT standard, and increasing emissions to the major-source threshold (10/25 tons per year).”

North Carolina has pushed back on this rule. “Once in always in” is an EPA policy, not a law, and it hinders pollution prevention efforts. Tony will bring this issue up in DC when he meets with EPA program heads and trade associations. Editorial Note: Time did not allow the discussion and Janet McCabe was not able to attend so her Chief Of Staff was not prepared to comment on this issue. The Office of Advocacy applauded our bringing the topic back up.

**State Tools/Resources**

Compliance calendars – FL idea that was able to be shared with other states

Conducting confidential site visits/audits

Environmental Results Programs

“Canned permits” – Which states use simplified permits that limit emissions? States call them by different names. Discuss ways to streamline the permitting process.

What does your state do really well? **- Send out email soliciting ideas of things your state does well to share with the group**

**6H – Automobile Refinishing**

5 year refresher training – partnership with paint manufacturers/jobbers

EPA warning letters in response to complaints – Copy sent to SBEAPs so they can follow up and help shops with requirements. Shop in Indiana recently received one. The letter is generic and doesn’t indicate the nature of the compliant.

NC is encouraging shops to apply for the exemption instead of doing refresher training. Mississippi invited Tony to discuss the exemption process on a future webinar.

**EPA & Region 6 States National Air Inspector/Enforcement Officer Training Workshop, June 14-16, 2016 [webinar]** <https://epawebconferencing.acms.com/reg6mmworkshop2016/event/event_info.html>]

* June 14 at 10:45 am CST – Next Generation Compliance, John Blevins, EPA Region 6 Director, Compliance Assurance & Enforcement Division
* June 14 – 16: Air, NPDES & RCRA breakout sessions

**Other Potential Topics:**

* Conducting effective [multimedia] compliance assessments
* EPA’s Next Generation Compliance
* Clean Power Plan
* Climate Change / GHG
* Promoting/conducting confidential compliance assistance visits – how to get your foot in the door and build trust
* Other ideas?

**Next Call:**

June 21, 2016

2-3pm EST (3rd Tuesday of month)

Spray gun cleaning – minimizing fugitive emissions and waste

Minutes prepared by Lisa Ashenbrenner Hunt – WI (lisa.ashenbrennerhunt@wisconsin.gov) and Mark Stoddard – IN (MSTODDAR@idem.IN.gov), Technical Subcommittee Co-Chairs