**NSC Technical Subcommittee Call Minutes – September 19, 2017**

**Participation [by regions]:**

1: Sara Johnson-NH

2: Ed Bakos-NJ, Hary Ching-NY

3: Lee Ann Briggs, Nancy Herb & Jeremy Hancher-PA,

4: Tony Pendola – NC, Donovan Grimwood – TN, Trayce Thomas– MS

5: Lisa Ashenbrenner & Renee Bashel – WI, Brent Goetz & Todd Nein – OH, Jennifer Dixon-MI

6: Dianne Wilkins-OK

7: Barb Goode– KS

9: Jenna Latt – CA

**August minutes:** approved as is

**Roundtable/Open Discussion: Review of EO 13777 Recommendations & Ideas for Implementation**

**Overview:** The purpose of this exercise was to prepare for when/if we are asked about comments made in our response to EO 13777. We want to be prepared to advise with ideas for implementation. The goal of the meeting minutes are to serve as a record of what our discussions were. The minutes will go through each comment that we made in the May 15, 2017 letter referencing each comment by number/general heading.

1. Integrating Enforcement and Compliance Assistance- This comment explained the approach within the comment itself, no additional explanation is needed.
2. Once in, Always In- Tony explained that this is the result of confusion created by the USEPA trying to change a policy with a rule. His suggestion was to change the policy.
3. Use of PTE for Small Businesses- The USEAP should clarify and provide guidance on the 1995 memo *Options for Limiting the Potential to Emit (PTE) of a Stationary Source Under Section 112 and Title V of the Clean Air Act*, dated January 25, 1995.
4. General Comments on Electronic Reporting- It is common practice to add the electronic reporting requirement into every new rule. The suggestion is to discontinue making it a requirement or provide some sort of easy alternative to those who cannot electronically report.
5. Paint Stripping/Miscellaneous Surface Coating NESHAP (6H)- either eliminate the portion of the rule that includes body shops or advertise/encourage the use of the exemption written into the rule. There is concern from the regulated community that the exemption notification may be a red flag and could trigger inspections or other activities, some effort could be made to minimize this. Additionally, it is common practice for some regions to send out a letter based on just a compliant, without any form of inspection. These letters are typically written in a threatening/scary tone, it is recommended that this practice is modified or discontinued.
6. One Industry Multiple Regulations- This comment explains the approach within the comment itself
7. Excessive, Redundant, and Burdensome Recordkeeping Requirements- There are many requirements throughout the rules, one good example is with drycleaners and a record keeping/testing requirement that applies to very few facilities. There could be a process within the USEPA programs to seek out these requirements or reach out to businesses for input.
8. Encouragement of States Use of Small Business Audit Policies- work to create more of these types of policies in the rules. Could expand on comment one by tying this to compliance assistance programs.
9. Compiling Regulations with Multiple Amendments- Change the CFR that requires this format for rules. Changes should be made moving forward when writing/rewriting rules.
10. 40 CFR Part 63 Subpart XXXXXX Metal Fabrication and Finishing Source Categories- Remove or decrease the monitoring of visual emissions through a rule change.
11. 40 CFR Part 60 Subpart JJJ Petroleum Dry Cleaners- Rule change to make the definition of a drycleaner in the rule match the November 17, 2015 interpretation by Region 4.
12. Small Business Regulatory Enforcement Fairness Act (SBREFA) and Regulatory Fairness Act (RFA) Application to Area Source NESHAP Regulations- Applicability determinations should be done by an outside party and/or look at the process itself and provide better education to those making the applicability determinations. RICE and 6H are good examples of failures in the current system.
13. Streamline Notification and Reporting for Environmental Response/Spills- Some states have had a hotline that was used to disseminate information to other authorities, like a “one call” notification. The challenges the various regulatory obligations and associated timelines.
14. RICE rules- Rule changes to redefine remote, emergency. Simple changes in these rules could eliminate a lot of regulations with minimal impact on emissions (i.e. emergency generators/limited use). There were good examples from states of remote lumber mills who had no source of electricity, but didn’t fall under remote.
15. Longer Rule Comment Periods- the comment is self-explanatory
16. NSPS for Small Industrial Commercial Institutional Steam Generating Units- The recommendation is in the comment that was submitted.
17. NSPS for Air Curtain Incinerators- The comment has the recommended approach. However, TN discussed that they exempt these devices during emergency situations, basically during an emergency situation this rule does not apply to air curtain incinerators. TN actually did calculations and the emissions from these devices and has the data to justify these devices not being title V.
18. Improvements to Area Source Boiler Rule, 40 CFR Part 63 subpart JJJJJJ- This comment explains the actual changes that need to be made. The clarifications recommended could be done through a memo to avoid having to make actual rule changes.
19. Unintended Consequences of EPA Rules- This could be accomplished by creating a formal policy and perhaps a program within the EPA that would be responsible for carrying out the policy.
20. Listed Hazardous Wastes- This would involve looking at the rule, specifically listings and looking at how changes in manufacturing have changed the relevancy of the listings. It would be helpful if this was done with involvement by those most impacted by the current listings on the front end of the process.
21. Solvent Contaminated Wipes Regs- This could be changed through the establishment of a formal policy specific to the laundering of wipes OR it could be changed by an exemption put into the rule itself.

**Future topics:**

* RICE NESHAP Requirements Presentation – **October 17, 2017**
* Considering future industry sector partnerships with EPA
  + Multimedia outreach comparable to AutoBody ERP
  + Solvent cleaning
  + Plating & polishing – NESHAP Subpart 6W
  + Hospital sterilizers
  + Metal fabrication – flame/plasma cutting
  + Surface coating
* Coating manufacturers: information sharing
* How different states calculate potential to emit
* Electronic hazardous waste manifests user fees
* Startup/shutdown final rule: Tony Pendola - NC & Melissa Collier – MS

Region 5 Plating & Polishing NESHAP (6W) outreach effort – current progress

**Next Technical Subcommittee Call: October 17, 2017**

1 pm CST (2 pm EST) (3rd Tuesday of month)- RICE NESHAP Requirements Presentation

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