

Minutes
Wisconsin Small Business Environmental Council

April 23, 2015
DNR Central Office
101 S Webster Street, Madison, WI
Room 613
9:00 am – 12:00 pm

Members Present: Amy Litscher, J.D. Tripoli, Richard Klinke, Vince Ruffolo, Shane Lauterbach, Mark Aquino, Rep. André Jacque represented by Jason Miller

Absent: Rep. André Jacque (represented by Jason Miller)

DNR Staff: Renee Lesjak Bashel, Kimberly Ake, Jennifer Hamill, Lisa Ashenbrenner Hunt, Susan Lindem

Speakers: Kristin Hart, Steve Elmore, Tony Knipfer

Public Participants: Patti Stickney, Tom Sturdivant, Ben Amann, Joe Schobest, Joe Knilans, Nancy Mistele

New Staff Introductions – Renee Lesjak Bashel, Susan Lindem

Two new staff positions have been recently filled to work with small businesses.

Renee Lesjak Bashel, Small Business Environmental Assistance Coordinator

- Extensive experience with the Small Business Program. Returning to the program after leaving in 2012.
- Focusing on program integration with Air Management

Susan Lindem, Non-Title V Air Policy Engineer

- Brand new position
- Working on permit streamlining and other efforts to assist small sources

Agenda Repair – Amy Litscher

Kimberly provided some background on SBEAP for public participants who were unfamiliar with the program.

Small Business Program Updates – Small Business Team

Program staff gave a brief update on recent activities.

- Presenting SBEAP overview to DNR leadership teams in the regions as well as to media programs
- Developing a cross-program tool to help those engaging in property transactions start thinking about environmental issues
- Presented an environmental overview regarding property transaction at an auctioneers association training

- Technical Subcommittee for the national organization of small business programs submitting comments on federal regulatory review and electronic reporting requirements for New Source Performance Standards (NSPS)
- Distributed copies of the Green Tier Biennial Report

Welcome – Mark Aquino

Mark Aquino is the new DNR representative on the Small Business Environmental Council (SBEC). He is the Director of the Office of Business Support and Science and is also covering his previous position as the Secretary's Director for the South Central Region. Mark introduced himself and discussed some of the big picture issues for his office.

Confidentiality for small businesses contacting SBEAP

- Exploring a range of options for ensuring confidentiality for small businesses contacting the program
- Confidentiality cannot be maintained if there is a significant threat to human health or the environment

DNR Business Portal – The DNR is currently working with consultants to evaluate options for the development of a web tool to guide businesses through the permit process. The goal is to make it easier for businesses to get the permits they need without having to know the internal structure of the DNR. The development of this tool is supported by the Governor's Office and is being fast tracked. This is part of a larger state-wide initiative to create a one-stop state agency portal.

Vision:

- Series of questions by sector to help with permit determinations
- Incorporating elements of Turbo Tax and Amazon
- All of a facility's permits in one place
- Explanations on why permits are needed
- Provide consistent answers to questions without local variations
- Incorporate information on requirements beyond DNR (local requirements, other state agencies, etc.) – portal will be compatible with other state agency portals
- Bring cross-program staff together to get all permits issued for a facility instead of having to contact the different DNR programs, may offer a single point of contact
- Can go through initial phase without providing personal information, only have to input the information once
- Program will show what phase of the process applicant is in and may be able to list costs

Process:

- Outside stakeholders will be able to provide input / beta test (including SBEC)
- Couple buttons will be rolled out first and input will be gathered (4-6 months), 6 months-1 year for full implementation – no dates are certain at this time
- Will evaluate non-statutory timelines to see where more staff are needed and where there are issues with the permitting process – Nancy and Joe from DOA's Office of

Business Development should let Mark know when businesses are encountering issues with timelines

- Recommended that banks and the Bar Association provide input and that there is a phone number for help on every page
- Will work with SBEC, industry/town associations, SBEAP, Joe and Nancy, etc. to market when complete

Update – 50% ROP/Air Permit Streamlining – Kristin Hart

Kristin Hart spoke to the council on these topics about a year ago and is following up with an update. See the PowerPoint following the minutes for a summary.

Update – Revised Total Coliform Rule (DG-15-30) – Steve Elmore

Steve Elmore spoke on this topic a couple years ago early in the development process and is now providing an update. See the PowerPoint following the minutes for more information. Steve encourages anyone to contact him with questions.

Drinking Water Program – Feedback on monitoring reminders – Tony Knipfer

Tony asked for council input on how an automated calling system would be received to remind small public drinking water systems of sampling requirements.

Background:

- Small systems might only sample once per year, need reminders so they don't miss samples and get a violation
- Reminders prevent violations, save staff time, and save the business time (avoid public noticing, increased sampling requirements)
- Save money – currently DNR contracts with WI Rural Water Association to make reminder calls, many samples due at same time, most want reminder about two weeks before deadline - large workload
- DNR contracts with some county health departments to take samples, still have about 20 counties that don't have a contract
- Other outreach has been tried (mailing postcards, etc.)

Idea:

- Use telephone software to send recorded messages to save staff time / money – one-time fixed cost, would save money over paying for manual call contract
- Want calls to be viewed as helpful to system owners
- Idaho uses this approach, have ability to opt out, 95% choose not to opt out
- Software can navigate a phone tree, not sure when recording starts when leaving message
- Could also opt for email instead (have email address for about 80% of contacts)

Tony is seeking input on how calls might be received. Council feedback:

- Rich uses automated reminders for his business, never had a complaint
- School systems use automated calling

- Mail and email can be easily ignored
- Automated calls becoming more common and acceptable
- Provide a number on the message to call in case of questions
- Option to play message again if they answer
- Opt for text message instead – possible with this software, but there are some challenges (no differentiation between land lines and cell phone numbers)
- Tie sample date to recognizable day (Earth Day, etc.) to help people remember, make sample kits readily available – would work well for private well owners
- Banking institutions remind clients if property taxes are passed due, could do the same for water sampling

Public Comment

Nancy Mistele and Joe Knilans introduced themselves and gave an overview of their Office of Business Development within the Wisconsin Department of Administration. They are working on regulatory reform and would like to hear from the public about what rules and regulations they would like to see change. They also work with state agencies to mitigate issues encountered by businesses. They frequently speak to local chambers and business associations. They also have contacts at both the federal and local level. They focus on helping businesses but also provide assistance to municipalities.

Next meeting: July 30, 2015

Air Permit Streamlining Rule

Rule Summary

- Natural Minor Exemption from operation permits
- Preconstruction activities for minor sources
- Non-expiring non-part 70 operation permits
- Restricted use engine exemption from construction and operation permit requirements
- Streamlining of revocation procedures for closed facilities
- Flexibility to use higher sulfur diesel in Ch. NR 445.09
- Other changes to clean up or clarify regulations

Air Permit Streamlining Rule

Schedule

- Final analysis and draft rule board order – October 2014
- Solicitation for Economic impacts sent Oct. 23, 2014
- Economic Impact Analysis and Green Sheet prepared Nov. 17, 2014
- Hearing authorization from NRB – Dec. 10, 2014
- Hearings – March 5 and 11, 2015, in Eau Claire and Madison
- Request NRB to adopt final rule – June 2015
- Could have a final published rule by Dec. 2015

New Registration Permit

What is a Registration Permit (ROP)?

- A general permit issued to a source category rather than to an individual source.
- For a registration permit, the category is based on amount of air pollution emitted.
- After issuing the ROP, facilities may apply for coverage under the permit – 15 days to grant/deny coverage.
- The Department has already issued two Registration Permits:
 - Type A for facilities emitting less than 25% of the major source threshold.
 - Type C for printers emitting less than 25% of the major source threshold.



New Registration Permit

What are the benefits of a Registration Permit?

- Flexibility to construct, modify, or replace equipment without obtaining a construction permit.
- Less frequent and less prescriptive monitoring and recordkeeping requirements.
- Swift DNR decisions on permit coverage—15 days or less.
- Simplified permit application process.
- Lower administrative costs—no construction permits, renewals or revisions.

New Registration Permit

What is a Type B Registration Permit and how is it different from DNR's other ROPs?

- Available for facilities emitting less than 50% of the major source threshold.
- The facility-wide emission limits are expressed in terms of consecutive 12-month totals instead of calendar year totals.
- Emissions must be calculated and recorded monthly instead of annually.
- Modeling requirements are for particulate matter less than or equal to 10 microns in diameter (PM10) instead of total suspended particulates (TSP).



New Registration Permit

Emission limits and recordkeeping requirements

- Requires modeling of sulfur dioxide (SO₂) and nitrogen dioxide (NO₂) for facilities with maximum controlled emissions greater than 25 tons per year of either pollutant.
- Prescribes the methods that must be used when calculating facility-wide emissions.
- Baghouse leak detection systems have been added to the list of acceptable monitoring techniques for baghouses and cartridge collectors.
- Flow coating has been added to list of allowable coating application techniques under the coating process line Latest Available Control Techniques (LACT).

New Registration Permit

Can a facility convert from one type of ROP to another?

Yes -- As long as the facility meets all of the eligibility requirements of the Type B ROP, it can convert coverage from a Type A or C ROP to a Type B ROP.

Type B Registration Permit Next Steps

- Preparation of draft documents
- Public notice signed, documents made available to the public for 30 day comment period
 - Draft permit
 - Analysis and Preliminary Determination
 - Draft application for coverage
- Public Hearing
- Address public and EPA comment make changes as necessary
- Issue final permit
- Begin accepting applications for coverage

Contact Information

Kristin Hart

Permit and Stationary Source
Modeling Section Chief

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Revised Total Coliform Rule

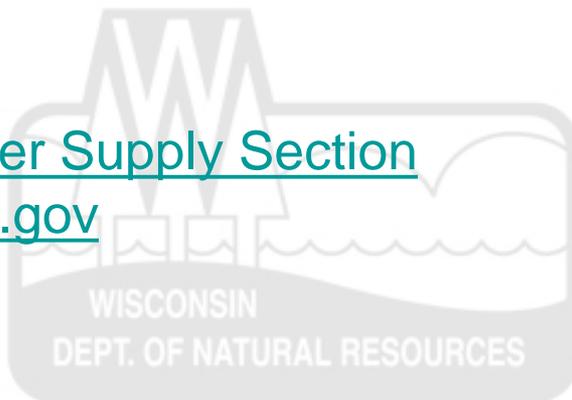
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Steve Elmore

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The Federal TCR was revised Feb 13, 2013

- Improve public health protection by targeting systems with coliform (bacteria) detections
 - Additional monitoring
 - Formal “Assessments”
 - Correction of “Sanitary Defects”



Rule Dates

Total Coliform Rule

Effective from 1989 to March 31, 2016

Revised Total Coliform Rule

Goes into effect **April 1, 2016**



Changes from current TCR



No boil water orders and notice are required after detection of total coliform – only when *E. coli* is detected



Assessments of the system following total coliform or *E. coli* detections

Changes from the current TCR



Public notice and increased monitoring if corrective action is not taken



Annual inspections/assessments may be required to remain on reduced (annual) monitoring (Not in Wisconsin)



State approved start up procedures and additional monitoring for "seasonal systems"



Small Business Impacts

- Monitoring costs
 - \$27/sample
 - WI not increasing monitoring in most cases
- Alternatives
 - No increased monitoring – more aggressive follow-up? Yes.
 - Continue total coliform boil water? No.
 - Less monitoring - larger volume sample? Sometimes.



RTCR Rule Timeline

DATE	ACTIVITY
02/28/2013	Formation of RTCR Core Workgroup
06/26/2013	Approval by Natural Resources Board (NRB) to develop rule
07/01/2013	Start of internal discussions on revisions
09/01/2013 -04/23/2014	Discussions with external stakeholders
05/26/2015	Authorization by NRB to hold public hearings
07/15/2015	Holding public hearings
10/31/2015	Approval of rule by Governor
04/01/2016	Publication of revised Chapter NR 809
02/13/2017	Submittal of primacy package to US EPA



Further Involvement

- <http://dnr.wi.gov>



Search "Drinking Water"

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