

TV Fee Committee | MINUTES

Meeting date | time 4/2/2019 10:00 AM - 12:00 PM **Meeting location:** Grantham Lane

Meeting called by Dave Fees

Type of meeting Semi-Annual Meeting

Facilitator Tony Manson

Organizer Tony Manson

Approving Manager Dave Fees

Attendees:

See Sign-In Sheet

Acronyms:

Purpose: Semi-Annual Committee Meeting

Agenda Topic

Topic: 2018 & 2019 Billing Updates

Presenter: Tony Manson

Time Allocated: 10 min

Discussion: Tony reviewed the status of the 2018 and 2019 Billing.

2018 Billing: paid in full with the exception of Lars Recycling. As previously discussed, facility abandoned, permit canceled, pursuing legal remedies for delinquent fees (yearly and late fees) through 2018.

2019 Billing: so far DAQ has collected about 87% of the billed fees.

Tony pointed out the difference in the number of facilities billed in 2018 to 2019. Later slides point out the specifics of those changes.

John Deemer indicated that the invoice arrived late this year, with only a few days remaining before the invoice was due. Tony said he would review the invoices to see how language is presented, thought it was 30 days from the date of the invoice. Post meeting, Tony confirmed that the due date on all invoices is 30 days from the date of the invoice. However, in the case of DCRC the invoice was "returned to sender" causing significant delay. The invoice was emailed to the DCRC (Larry Boyd) and paid immediately.

Tom Webster asked about the carryover balance. Tony explained that is still being finalized and would be a part of the annual report.

Conclusions: No further comments or questions.

Action Items

Assigned To

Deadline

Review invoices regarding deadline for payment (30 days from receipt, or 30 days from date of invoice?)

DAQ (Tony)
ASAP

Agenda Topic

Topic: Staffing Summary

Presenter: Tony Manson

Time Allocated: 10 min

Discussion: Tony presented staffing levels as of last meeting (85%), current as of 4/1/19 (79%) and projected out to 7/1/19 (87%) and 10/1/19 (93%).

These percentages are based on the DAQ as a whole, not specific to funding source, i.e. TV.

Noted that the previous Department cap of 57 positions as been rescinded.

A question surfaced about the total number of DAQ authorizations. . Immediately following the meeting, the authorized positions were reviewed and confirmed at the briefed 61. Tony will add a note to the summary chart to avoid any confusion.

Conclusions: No further comments or questions.

| Action Items | Assigned To | Deadline |
|-------------------------------------------------------------------------------------------------------|--------------------|-----------------|
| Add a note to the organizational chart to clear up confusion over the number of authorized positions. | Tony Manson | ASAP |

Agenda Topic

Topic: TV (& SM) Facility List Updates

Presenter: Tony Manson

Time Allocated: 10 min

Discussion: Presented change in the TV & SM universe.

Eight facilities no longer TV or SM as a result of either closure or reclassification to a Natural Minor facility. One new SM facility results in a net loss of seven facilities with a net loss of gross revenue (before fee credits) equal to \$136,930.

James DeChene commented about the challenge this change of landscape will present in the next fee negotiation process. Tony used this opportunity to remind the committee that our next round of fee negotiations will begin this Fall.

Conclusions: No further comments or questions.

| Action Items | Assigned To | Deadline |
|---------------------|--------------------|-----------------|
| None | N/A | N/A |

Agenda Topic

Topic: 2018 EPA Region 3 TV Permit Fee Accounting Audit

Presenter: Bob Zimmerman

Time Allocated: 10 min

Discussion: Status of the Audit

Conducted in July 2018, reviewing CY 2017 data. Initial findings positive. Department has draft report and is working on a response. Once that response is provided to EPA and the report becomes finalized by EPA, a copy will be provided to the TV Committee.

Tom asked if the committee’s input was needed. The response will come from the Department so not at this time.

Bob hopes to have the Department response submitted to EPA by the end of this month.

Angela indicated that during her presentation (at the request of Region 3) to the region’s air directors, there was great interest in how Delaware’s TV Fee program is structured.

Conclusions: No further comments or questions.

| <u>Action Items</u> | <u>Assigned To</u> | <u>Deadline</u> |
|----------------------------------------------|--------------------|-----------------|
| Provide committee with final copy of report. | OTS or DAQ | When available. |

Agenda Topic

Topic: Joint Training Sub-Committee

Presenter: Tony Manson & Angela Marconi

Time Allocated: 10 min

Discussion: Status of Joint Training Sub-Committee

Need to move forward and form the committee and draft a charter setting forth objectives.

Angela & Tom have had some discussions. Angela has reached out to consultants and there is definitely an interest in attending and some interest in perhaps assisting with defining the scope of training.

DAQ presented its sub-committee members:

Angela Marconi, Tony Manson, Joe Koetas, Whitney Diehl

Tony requested volunteers from rest of the committee. Three volunteers:

Tom Webster, John Deemer and Bill Harris

Tony will use Doodle to propose some first meeting dates. DAQ sub-committee members will work together to draft a charter and provide to the rest of the sub-committee prior to the meeting.

Meeting Minutes Summary

Bob asked if the training is intended to become a regularly scheduled (i.e. semi-annual, etc.) event. Tom responded yes and that some potential topics have already been identified (permitting basics; confidentiality procedures and inspection preparation)

Conclusions: No further comments or questions.

| <u>Action Items</u> | <u>Assigned To</u> | <u>Deadline</u> |
|-----------------------------------------------|--------------------|-----------------|
| Schedule first Training Sub-Committee meeting | DAQ (Tony) | N/A |

Agenda Topic

Topic: EPA TV Program Guidance

Presenter: Tony Manson

Time Allocated: 10 min

Discussion: EPA's revised TV Program Guidance (3/27/18), differences between this one and the previous one.

Tony indicated that reading the cover letter that accompanied the 3/27/18 revised TV Program Guidance showed that there were no substantive changes between the two, rather a shift away from a focus on the initial implementation of the TV program to more of a maintenance of the program focus. Also removed outdated regulatory provisions.

Tom asked that it be posted on the website. Tony agreed to post it and the original guidance for ease of comparison. DAQ will still review and compare as well and let the committee know of any significant changes.

Tony referenced Amy Mann's (DAQ) summary of allowable TV expenses and Tom asked if that should be revised in any way. Angela indicated she doesn't think it needs to be changed but DAQ will review and update as necessary.

| <u>Action Items</u> | <u>Assigned To</u> | <u>Deadline</u> |
|----------------------------------------------------------|--------------------|-----------------|
| Post current and original TV Program Guidance on website | DAQ (Tony) | N/A |
| Compare the two for any substantive changes | DAQ (Angela/E&C) | N/A |
| Update Amy's summary if needed. | DAQ (Angela/E&C) | N/A |

Agenda Topic

Topic: ECM

Presenter: Tony Manson & Angela Marconi

Time Allocated: 10 min

Discussion: Status of initiatives under ECM

Tony presented status of DNREctory, DAQ first division to go live (3/4/19). Going well. Centralized incoming & outgoing mail. Ultimate goal of becoming paperless as well as State Archive approval/certification of DNREctory as an official archival repository.

James asked how it has been working. Angela indicated that staff are happy with the improved search & retrieve capability provided by DNREctory over DocFinity.

Bob commented that the efforts put into created a department wide taxonomy will ultimately result in better search capabilities which in turn will hopefully result in “self-serve FOIA”, that the public wont’ have to submit formal FOIA requests, they’ll be able to find what they want themselves online.

Angela indicated that this is a prime time to remind facilities of the importance of following the department’s policy regarding FOIA that includes a procedure for claims of confidentiality. It is important for a facility to be diligent in identifying confidential information upfront. She described a scenario of confidential information on page 170 of a 200+ page document, with no other indicator up front. This is why this topic has been chosen as an important one for the joint training initiative.

Angela briefed on the status of e-Permitting including a graphic showing divisional progress within the initiative. DAQ in a discovery phase, focus on area sources with all other sources to follow. Angela indicated she is championing online permit application payment being available division wide when it is implemented for area sources.

Angela also briefed on the permitting metrics the Department has made available on its website. How to find the information on the website was demonstrated and while doing so, glanced at numbers for DAQ as well as some other divisions. Also showed where the metrics are defined. Tony committed to providing the committee a link to this information which can be found [here](#).

Conclusions: The committee appreciates the effort on these initiatives.

| <u>Action Items</u> | <u>Assigned To</u> | <u>Deadline</u> |
|---------------------|--------------------|-----------------|
| None | N/A | N/A |

Agenda Topic

Topic: TV Committee Requirements

Presenter: Tony Manson

Time Allocated: 10 min

Discussion: DAQ briefed on the mandatory members based on the statute and that we haven't historically been cognizant of meeting those requirements.

Tony indicated we needed to insure that the mandatory member requirements were being met and that we compile nominations and provide that to the Secretary through the Director. He pulled up the current TV Committee mailing list Excel spreadsheet and showed who was currently identified as meeting certain required members.

Tom Webster and John Deemer volunteered to be the two stationary source members, with John Deemer meeting the further criteria of a stationary source representative who is a member of the CIC.

James indicated that Rich Heffron was retired and that he was his replacement.

Some concern with the statutory language indicating the members would be appointed by the Governor, we should revise this language the next time we revise the fees.

Dave Bacher indicated the language requiring a member of a public utility is problematic. The language needs to be updated since deregulation occurred and there is no longer a public utility. In the interim, should we seek out a member from Delmarva Power or would Stu Widom of Calpine suffice for now.

Out of sequence, but belongs here, Tony advised the committee that from this point forward, the meetings would be posted on the DNREC Public Calendar website. We may schedule our next meeting at Lukens in anticipation of more than usual attendees.

Conclusions: The member spreadsheet will be updated to identify those members who meet the mandatory requirements per the statute. These member nominations will be sent to OTS through the DAQ Director. The members identified during the meeting were unanimously approved.

| <u>Action Items</u> | <u>Assigned To</u> | <u>Deadline</u> |
|----------------------------------------------------------------------------------|--------------------|-----------------|
| Update spreadsheet & provide to committee. | DAQ (Tony) | ASAP |
| Draft memo with TV Committee member nominations to OTS, through the DAQ Director | | |

Agenda Topic

Topic: OTS Updates

Presenter: Bob Zimmerman & Angela Marconi

Time Allocated: 15 min

Discussion: Regulation 1102 Fee Increase Initiative

Angela indicated DAQ is working with OTS to finalize a proposal for a new fee structure for Regulation 1102 (Natural Minor) permitting.

Bob indicated the Secretary is interested in pursuing, just need to get details. Bob also said the timing of achieving would be based on how it was pursued, i.e. via the budget epilogue language or legislation. Current fees are set per a bill.

Tom says they fully support this, have for many years.

Bob will be sure to communicate the decision to pursue since that will occur prior to our next scheduled Fall meeting.

James offered the Chamber’s assistance in pursuing this if needed.

Tom asked for some metrics regarding the quantity of Regulation 1102 permits we issue per year, how much time is spent on them. Angela indicated the quantity of permits could be provided but the time would not be something easily determined.

Conclusions: The committee appreciated the update and fully supports the action being taken.

| Action Items | Assigned To | Deadline |
|----------------------------------------------------------------|--------------|----------------|
| Regulation 1102 permits issued in a year. | DAQ (Angela) | N/A |
| Decision on whether pursuing Reg. 1102 Fee Increase Initiative | OTS (Bob) | When available |

Agenda Topic

Topic: Miscellaneous and Closing Comments

Presenter: All

Time Allocated: 10 Min

Additional Discussion:

- **2013 Refinery Penalty** – A TV Committee member was asked to inquire about the status of an Order issued to the Refinery in 2013. Angela explained the Refinery appealed the Order and negotiations are ongoing to resolve.
- **FOIA** – A TV Committee member asked what staff burden is associated with FOIA requests. Bob explained that the OTS has two staff dedicated to processing FOIA. Another member asked if TV fees were supporting those positions, the answer is no.
- **DEN** – Bob (OTS) talked about DEN and how it was created as a result of public concern over releases occurring in proximity to their homes and/or businesses. It was geographically based. The Department is looking to update and provide a broader base.

Meeting Minutes Summary

- **E-Permitting** – Angela showed some screenshots of the proposed e-Permitting system from other division perspective (hunting and fishing licensing)
- **Other** – Tom indicated it would be nice if the DAQ Director could attend the next meeting.

| <u>Action Items</u> | <u>Assigned To</u> | <u>Deadline</u> |
|---------------------|--------------------|-----------------|
| None | N/A | N/A |

Next Meeting - The committee suggested October 22, 2019. Tony will send out a doodle poll with a few other alternate dates.