



Small Business Compliance Advisory Committee (SBCAC)

Meeting Minutes Wednesday, May 25th, 2011

Meeting was held at: 1659 East Elm Street in Division of State Parks Conference Room

Members present: Dan Bunch, Pam Cain, T. Robin Cole, III, Gale Holsman, and Randy Potterfield

DNR present: Trisha Berve, Carlton Flowers, Kendall Hale, Stephen Hall, Kyra Moore, and Lucy Thompson

Others present: Brad Jones, NFIB; Ray McCarty, AIM; Jeremy Rogus, St. Louis County Health Department, and Steve Rudloff, Mo Limestone Producers

I. Call to Order

Meeting was called to order at 10:00 am by T. Robin Cole, III, Chairman

II. Minutes approved from March 09, 2011 meeting

III. Permit Assistance

Kendall Hale gave a presentation on permit topics that relate to small business (presentation attached). Committee members brought up the following comments and suggestions:

- Small business owners want less regulatory paperwork if at all possible.
- Business owners need a shorter time period for turnaround on permit applications. Ms Moore and Mr. Hale stated that the Air Program tries to work with timing issues (to provide permits quickly) when we are aware of them.
- Government stimulus contracts are often slowed by permitting requirements. Agencies occasionally work against each other's requirements.
- Emergency situations sometimes require immediate responses from businesses that could cause environmental compliance violations. This might slow the process of responding. Also, can a variance be given to businesses in situations when emergencies warrant it? Ms Moore and Mr. Hale stated that many times emergencies are called by the Governor. The Governor's State of Emergency many times allows environmental regulations to be bypassed.

IV. Guest Speakers

Discussion of Committee Objectives

The objectives and the goal of the committee are to help small businesses deal with air regulations while the businesses continue with their operations. A discussion was held on

how the committee could work with the guests (Associated Industries, National Federation of Independent Business, Missouri Limestone Producers Association). The guests were invited to convey the Committee's objectives and goals to various industry groups.

Comments from Guest Attendees

Ray McCarty (Associated Industries) mentioned that in speaking with Director Pauley, he hopes that the department is moving towards working with businesses to comply versus issuing fines on the front end to encourage compliance. While he understands that the Department of Natural Resources has to carry out the Environmental Protection Agency (EPA) regulations, his hope is that we Department of Natural Resources will stress assistance and helping businesses comply instead of focusing on being primarily a punitive agency.

Brad Jones (State Director of NFIB) explained that one of small business' greatest challenges is keeping up with federal and state regulations while trying to maintain a business and make weekly payroll. Small businesses can't afford staff dedicated to monitoring regulatory requirements. He sees the biggest issue as communication between regulatory agencies and his constituents about new regulatory requirements. He encourages the committee to reach out to more groups to help bridge the communication gap.

Steve Rudloff (Missouri Limestone Producers) talked about how much progress his industry has made with the Air Pollution Control Program, and how strong the relationship between the regulatory agency and his constituents has become. He stated that changes in ambient air regulations from the EPA on PM₁₀ (lowering allowable limits dramatically with possible draconian consequences for jobs) could change everything and create a real challenge for businesses. He asked for suggestions on how they could better voice their concerns to EPA to get them to reconsider the extent of the changes in light of questions raised about slim scientific basis for the changes.

The panel discussion with these small business industry leaders was an open, positive and productive exchange of ideas. Committee members encouraged these leaders to take the message back to their membership that DNR's Air Pollution Control Program seeks cooperative opportunities to meet with small business owners to help them find ways to comply with clean air regulations using economical means when available, rather than opening interactions with punitive actions. Small businesses are encouraged to bring their questions and concerns to the Air Pollution Control Program to find help with working out solutions. Committee members encouraged the Committee to seek additional opportunities to advance similar discussions with more industry leaders at our future meetings.

Carlton Flowers described several success stories when the Air Pollution Control Program assisting small businesses, and how the Permits staff has a history of making accommodations to those that sincerely need help and are trying to comply.

Several attendees mentioned that many small businesses are afraid of making contact with a regulator for fear of stimulating fines for existing non compliance. The solution to this could be focusing on outreach opportunities. Committee members talked about using technology to better communicate with regulated small businesses, such as using webinars.

Ray McCarty talked about using outreach and assistance opportunities to convey success stories. This would have the effect of opening up communications with small businesses and making them feel more comfortable about talking to the agency.

Steven Hall spoke about general monitoring issues and changes coming up in the regulations, and how they could affect compliance for small businesses.

V. Update of Legislation, Regulations, and Activities and Effect on Small Businesses

Lucy Thompson provided an update on regulations.

The regulation 10 CSR 10-6.405 Restriction of Particulate Matter Emissions from Fuel Burning Equipment Used for Indirect Heating will have an open hearing at the Air Conservation Commission on May 26. It will be open for comment until June 2, 2011. This regulation consolidated several regulations and if approved will make it easier for small businesses. Calculations indicated that certain fuels will always be under the limit to be regulated. The regulation was modified to exempt these fuels. Companies will not be required to calculate the level. One less piece of paperwork required.

A stay has been placed on the implementation dates on the federal boiler regulations (where the boiler is located at a major emitter of hazardous air pollutants) and incinerator regulations. What this means is that the companies do not have to implement the regulations originally defined until EPA tell them to.

VI. Adjourn

Ms Berve will coordinate with the committee on September dates for the next meeting.

Meeting adjourned at 1:00pm.