

## Title V Fee Committee Meeting to Review Annual Report and Update on Management Review

**Date/Time/Location:** The Title V Fee Committee met at the DNREC, Grantham Lane Office, September 21, 2016, 10:00am – 12:00pm.

**Attendees:** See attachment

**Purpose:** Review the 2015 TV Annual report, per legislation requirements; receive an update on the Management Review project; discuss general schedule for development of 2018-2020 fees.

**Discussion:**

1. The DAQ presented PowerPoint slides (attached) to review the 2015 TV Annual Report.
  - Delinquent Facilities Section
    - Committee member asked if there were any ERCs for Evraz Claymont Steel. Ali & Paul responded no, the facility never applied for them.
  - Program Accomplishments - Relocation
    - Committee member asked for a translation of “40% savings from move” to actual dollars saved. Tony responded that he didn’t have hard numbers but when DAQ was located at Blue Hen and attempting to justify relocation, an estimation of about \$53,000 a year in savings was used. Tony will try to provide actual monthly savings to date at the October meeting.
  - EPA TV Program Review Report
    - Committee member asked about the location of Appendix I that was referenced in the report, it was not included in the report posted on the website. Appendix I is the questionnaire used by EPA when interviewing DAQ during the TV Program Review process. Tony will post Appendix I to website.
  - Planning Accomplishments – 126 Petitions
    - Where is the financial support coming from for the efforts required to file these 126 petitions? Ali responded that for instance, modeling support was provided by Sierra Club absent our own modeler, at no cost to us. Additional modeling may be needed during litigation phase. Two 126 petitions filed thus far, two more coming. Ali hopes to get our modeler position filled. Posted position, 3 applicants after a year posted. All 3 want visa sponsoring or want more monetary compensation than he is able to give per position paygrade restrictions. Hiring a modeler is important not only for things such as this but for smaller scale projects. For example, we had to require the Middletown Data Center provide any required modeling for its ongoing permitting process. Something that is a concern, the Division relying on modeling provided by a permittee, however absent our own modeler, the Division doesn’t have many options. Ali also noted that while U of D does regional modeling which is a help, the program is not expansive enough to meet all of the Division’s needs.
2. TV Management Review
  - Contractor currently in Phase 1, the development of the preliminary work plan and questionnaire to use when interviewing other states.
    - Committee member asked if there is a list of other states they plan to contact? Contractor has a list of about 6 states to reach out to with the hope 3-4 will participate. Hoping the project results will be beneficial to the other states and will prompt participation. Had originally planned on using a couple of Gulf Coast states,

but discussions resulted in a focus on surrounding states and other comparable states (in size and type of industry) on the East Coast.

- Committee wanted to know a target date for final report. Contractor responded with a solid proposed report towards the end of January to present for comments, any required changes would be made and a final report is expected by early to mid-February.
- Committee wants to be able to use the report findings as part of determining the fee structure in the final fee legislation. Ali acknowledged this wish but stressed that progress can't be suspended until the report is finalized. Ali would like to have draft legislation by February to start the process of finding a sponsor, recognizing that the TV Management Review Report may potentially result in some changes to the draft legislation. Ali proposed, and the committee agreed, to follow meeting schedule of October and December (with their respective goals/general agendas) to stay on course, but any draft legislation could be revisited following receipt of the final TV Management Review report.

### 3. General Discussion

- Carryover Balance

- Committee expressed concern that the carryover balance will be targeted either externally (overall state government) or internally by the Department, as a means of filling in budget shortfalls. Ali responded that the statute currently protects it but did acknowledge that drafting legislation for the next fee cycle opens the door for that protection to be softened or eliminated.
- Ali suggested that part of the reason for the carryover was reluctance on the Division's part to spend money on projects that benefit the TV Program and that perhaps now is the time to consider these things. An example of this is the E-Permitting idea. Committee wants to know how that project's costs would be funded, would it be entirely shouldered by the TV account? Ali responded "no" but would definitely be an item for discussion. Perhaps it would be split evenly across all Divisions or the DAQ could be asked to take on more than that.

### Agreement/Action Items:

- DAQ will post PowerPoint presentation for 9-21-16 Meeting on website
- DAQ will post organizational chart on website
- DAQ will post Appendix I referenced in the EPA TV Program Review Report, on website
- DAQ will post base & user fee info for use in developing 2018-2020 fees (hours including 2016 projected hours & 2014 emissions), on website
- DAQ will send a Doodle poll to determine date of October meeting, committee indicated October 20 and October 21 not good dates.
- October meeting will be held at the DAQ Dover Office (Training Room); State Street Commons, 100 W. Water Street, Suite 6A, Dover, DE 19904.
  - Bob Zimmerman suggested providing a briefing on the Department wide effort to review all applications in use as well as an E-Permitting proposal for committee members at the October meeting.
    - Committee member suggested looking at Ohio's E-Permitting. Bob Zimmerman indicated Department approach may not be similar to Ohio. Looking at a modular approach that can then be customized for each Division's specific needs to save costs.

The meeting concluded at approximately 11:40am