

TNI Stationary Source Audit Sample Expert Committee Teleconference  
September 28, 2009

Participants

Committee members:

Maria Friedman, Chair  
Mike Schapira  
Gregg O'Neal  
Stan Tong  
Jack Herbert  
Ray Merrill  
Jane Wilson, program administrator

Associate members:

Shawn Kassner

- 1) Double-check of documents to be referenced in this teleconference

Maria emailed the documents for today's discussion on Friday September 25<sup>th</sup>.

- 2) Review and approval of minutes from teleconference on September 21, 2009

Jack suggested adding the specifics of some of the recommendations discussed where the recommendation was not clearly defined in the minutes.

Jack moved to accept with his proposed changes/Gregg seconded. All were in favor and the motion passed.

- 3) Continue voting on comments re. SSAS Standards (see email from Maria on 9-24-2009)

Some members have not yet voted on all the items in the September 24<sup>th</sup> email summary of comments majority vote was not achieved on all items. This discussion is intended to provide an opportunity for those who haven't voted yet to do so.

It was suggested that future discussion materials provide both the current language and the proposed changes so the committee can more easily compare the changes to the original language.

Item 1, V1M1, sections 7.1.9 and 7.1.10 – Stan voted to accept Maria's recommendation, which is to not incorporate Jack's suggestion to change passive to active voice, but to add reference to the SSAS table in place of 10.2. Gregg voted to accept Maria's recommendation as well. Ray abstains.

Maria read the existing language and the proposed changes to confirm what the proposed changes are – remove reference to section 10.2 and add reference to SSAS table.

Item 2, V1M2, Section 1.2 e) – Maria recommended not making the change to add an additional reference to Provider Accreditors as proposed by Stan.

Stan, Gregg and Ray voted to accept Maria’s recommendation.

Item 3, V1M3, Section 4.1.2 – Stan, Gregg, and Ray agreed with Jack’s recommended addition to identify and provide contact information for all participants.

Item 4, Response to Comments Participants tab, line 13 – No change to address program development per previous vote on the response to comments.

Item 5, Response to Comments Participants tab, line 20 - Jack, Stan, and Ray agree with the recommendation to add that the definition for stationary source is consistent with that used by EPA to the response.

Item 6, V1M3, Section 6.3 – Maria reviewed the history of the complaint resolution process in defined in Section 6.3.

Maria reviewed her proposal as outlined in the 9-24-09 email. Ray made an alternate suggestion that the regulatory agency should have the responsibility for developing a plan for resolving the issue, since they have ultimate responsibility to accept the audit sample results. Shawn asked how the states would deal with an issue such as how an accepted value was set by the Provider, which would need the involvement of the Provider Accreditor. Action taken in response to the complaint could be dependent on which state has authority for the source. For the current SSAS program, these issues get referred back to the EPA for resolution.

Ray motioned to put forth his proposed change as follows:

- 6.2.1 If, after 45 days, the Provider is unable to resolve the complaint to the satisfaction of the Facility, Stationary Source Tester, and/or Laboratory, the ~~complaint shall be submitted~~ complainant may submit the complaint to the Provider Accreditor and the Regulatory Agency. The Provider Accreditor will provide a recommendation on the resolution to the complaint and the Regulatory Agency shall resolve the complaint.

Jack suggested the proposal needed further discussion among the regulatory agencies and that the group should review some potential examples.

Maria asked if a timeframe was needed. Comments from Dan Tholen of A2LA had suggested referring to Provider Accreditor policies rather than to specific

timelines. The Provider Accreditor shall review the complaint according to their policies and provide a recommendation to the regulatory agency. No timelines would be involved, just reference to Provider Accreditor and Regulatory Agency policies, such as the following:

...“The Provider Accreditor will provide a recommendation on the resolution to the complaint and the Regulatory Agency shall resolve the complaint according to its policies.”

It was also determined that there needed to be consistency in terminology used across these sections. It was suggested to stay away from the term ‘appeal’ as it has legal implications and is already used for appeals of standards issues. Also the section title will need to be updated. Gregg suggested using the term “challenge”.

Maria will update the proposed language for section 6.2 and send it out for email vote.

4) Discuss SSAS Central Database field “Container type”

Not discussed.

The next meeting of the committee will be October 5, at the regular meeting time. Maria noted the committee will also be asked to review updates to the committee charter via email. Item 4 from today’s agenda will be discussed first in an upcoming meeting to ensure that it is addressed.

The committee will also meet on Oct 12<sup>th</sup> even though it’s a federal holiday.