

Small Business Regulatory Review Board

MEETING MINUTES September 15, 2022

- I. **CALL TO ORDER:** Chair Cundiff called the meeting to order at 10:03 a.m., with a quorum present, which was open to the public.

MEMBERS PRESENT:

- Robert Cundiff, Chair
- Mary Albitz, Vice Chair
- Garth Yamanaka
- William Lydgate
- Taryn Rodighiero
- Sanford Morioka
- Tessa Gomes
- Mark Ritchie

ABSENT MEMBERS:

- Jonathan Shick, 2nd Vice Chair
- Dr. Nancy Atmospera-Walsh
- James (Kimo) Lee

STAFF: DBEDT

Dori Palcovich
Jet'aime Ariola

Office of the Attorney General

Alison Kato

II. APPROVAL OF August 18, 2022 MINUTES

Ms. Rodighiero motioned to accept the August 18, 2022 meeting minutes, as amended. Mr. Ritchie seconded the motion, and the Board members unanimously agreed.

III. NEW BUSINESS – After Public Hearing

- A. Discussion and Action on Proposed Amendments to HAR Title 16 Chapter 115, Professional Engineers Architects Surveyors and Landscape Architects, promulgated by Department of Commerce and Consumer Affairs (DCCA)

Vice Chair Albitz motioned to defer this agenda item to the next meeting. Ms. Rodighiero seconded the motion, and the Board members unanimously agreed.

- B. Discussion and Action on Proposed Amendments to HAR Title 11 Chapter 60.1, Air Pollution Control, promulgated by Department of Health (DOH)

Discussion leader, Vice Chair Albitz, provided a summary of DOH’s proposed changes and introduced Mr. Barry Ching, Program Specialist from DOH’s Clean Air Branch. Mr. Ching reminded the Board that there are both covered and non-covered source permits; CSP and NSP, respectively. CSP represent the larger emitters of air pollution such as Hawaiian Electric and NSP are associated with the smaller emitters and are representative of the rule changes today.

In January 2022, when the Clean Air Branch first came before this Board, approximately 99 percent of Chapter 60.1 rule changes were approved. Subsequently, EPA Permitting made an additional revision to CSP (permits with federal oversight) whereby approximately 100 facilities will change from CSP to NSP (state only permits). As a result, all NSP facilities will now be subject to a 30-day public hearing period for new permits, changes in permits and for some modifications.

Those CSP facilities that must be converted to an NSP facility would be subject to public noticing but there would be no cost to the businesses as DOH incurs the costs. The overall effect on the NSP is that there may likely be a longer wait and potentially be subject to more public scrutiny.

In response to Chair Cundiff's inquiry regarding outreach to the business community subsequent to the EPA's additional revisions, Mr. Ching reported that members of the Clean Air Rules Team did not have any negative comments; the team includes government agencies, fire departments, Hawaii Farm Bureau, farmers and others.

Vice Chair Albitz motioned to send the rules onto public hearing. Mr. Yamanaka seconded the motion, and the Board members unanimously agreed.

IV. ADMINISTRATIVE MATTERS

A. Update on the Status of the Board's Proposed Phase II Website Project

Chair Cundiff noted that the website changes are continuing to go through the process and is coming along nicely as it is on time and on budget. We expect to make significant progress towards wrapping it up over the next two to three weeks and will plan to invite the representatives from NIC to attend the October meeting to share the website updates.

B. Update on the Board's Upcoming Advocacy Activities and Programs in accordance with the Board's Powers under Section 201M-5, HRS

DBEDT and the SBRRB will be attending the Hawaii Small Business Fair at Leeward Community College on Saturday, September 19th. Mr. Ritchie and office assistant Ms. Ariola will be manning the table at the event.

V. NEXT MEETING - Thursday, October 20, 2022 at 10:00 a.m.

VI. ADJOURNMENT – Mr. Ritchie made a motion to adjourn the meeting and Mr. Morioka seconded the motion; the meeting adjourned at 10:34 a.m.