

Permitting & Enforcement Committee Meeting
October 14, 2003
Lazarus Government Center
Ohio EPA
Room C, DAPC

Attendees: Mike Hopkins, Tammy VanWalsen, Mike Ahern, Rick Carleski, and Abdur Rahmim(CO), Bud Keim (Canton), Adam Zolciak (Toledo) ,Mike Riggleman (CDO), Kyle Nay & Sarah Harter (SEDO), Mike Kramer (HAMCO), Matt Freeman & Cindy Charles (Portsmouth), Jenny Marsee & Jeff Canan (RAPCA). Ed Fasko (NEDO) tied in via phone.

Title V Permits and Issuance Deadline update: Every one that had to go draft went draft. All of the commitment related Title V's are out draft which is a major accomplishment. We have to continue focusing on this population of permits due to commitments to Region 5 & the citizens' petition. 42 at the PPP stage will continue to be converted because it's easier to get and respond to their comments, especially where equations and exponential numbers are expressed. As they make it through the system, Erika is converting them to word perfect at a convenient phase. Kyle, why are we converting them in the middle of the process instead of when it's over, doesn't seem that the priorities are right. (Mike A. the company's want to do the comments right in the document and not easily done in STARs). Title V Renewal Tracking Form-in draft so far, based on issuance date, not on completeness review date in order to give the estimate of when the permit has to go out. Will there be a commitment on CO part to review these withing a few weeks rather than like last time? Mike H. once the first round is over, the reorganization will finally take place and the permit folks moved over to the same unit that does the PTI's. Mike H. review should be almost simultaneously and recognizes that it's not productive to have it sit for a year and then try to move it. We have to find a better way to do it. Have met with all of the offices and got a lot of input. Process will have to improve. Summary of all Title V trackers- 0 left to draft, 81 actions left before we are done. Region 5 has indicated which permits they will not waive their review and these have been noted on the tracker.

OEPA didn't ask for an extension, will give Region 5 an update thru a letter and explain how some of them will go beyond the end of the year due to comment extensions given by Bob H. and/or the Director. Should go out in a couple of weeks.

Enforcement: Improvement projects are proceeding as scheduled. Settlements now being placed on the web electronically. Handed out the form letter to be sent to any company/party that has been referred to the CO for enforcement that was developed by the legal section. A similar letter will be sent if that case is ultimately referred to the AGO. What about those that don't end up in enforcement after this letter is sent? Good comment, they should probably be sent a letter indicating that no further enforcement action will be taken. **Note: Email from the Director's Office subsequent to the meeting was received asking that this issue be placed on hold until further notice. This topic will be carried over to the next meeting.**

ERAC decisions for DP & L and GE settles most of the generic comments we were getting with

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respect to Title V's. GE's insignificant decision trumped by the OAC rule 3745-77-07 revisions that addressed the NOD (9/16/03 effective date). Not sure if it was appealed. All renewal and new Title V applications must include the EAC forms for the insignificant units that have applicable requirements.

Mike R.- are all of them being converted into word perfect documents? Yes, in order to incorporate the MACT. They have to be.

Response to the petition, USEPA has submitted a draft delegation agreement. Now modeled like the MACT delegation agreement. What they are proposing seems that the NSPS/NESHAPS will have to be handled like the MACT. Draft only, we will have to work with USEPA. Our legislature doesn't allow us to incorporate by reference. Environmental groups have taken the position that each and every requirement has to be incorporated into the permit. Contradicts preamble of the Title V and contradicts the white paper. CO will keep the DO/LAA's apprized of the negotiations.

NEDO: is the WTI Title V permit going to be converted to a word perfect document before going to the next stage? Yes. All of the requests have been forwarded in WP form to USEPA in order to see if we can get the pre-CFR version in WP format, then it will help a lot in expediting the conversion process.

CDO: CO needs to do a better job of communication with the field offices when there is a change in deadlines, etc. CO did not inform CDO of a change in the priorities so permit writers came in on the weekend to meet a deadline for a particular permit that had been changed to a lower priority, without telling CDO.

Issuance date versus effective date- "what is the effective date"? The intent was to shift the effective date three weeks later than the issuance date to satisfy the regulated community. Legal question...if within the two-three week time period, then would be tough to enforce. If later, 6 weeks, etc. harder to justify. Last fall was when the shift was made. To be consistent, should shift it just to be consistent with the spirit of the change. Issuance date used to be effective date, now effective date is the effective date. All offices should change any references to "issuance date" in the permit to "effective date".

PMU- No progress on the revision and renewal process guide. External guidance to be on the web to assist folks in getting their renewal applications together (starship issues as well)

NOD- rule in effect. Email went out re; the practical implications of the rule (EAC forms) and for mods. As these permits get issued, will begin to hear about deviations from the insignificant units. Went to the Ohio Chamber of Commerce meeting and explained the need for the rule, no news of an appeal.

Mike A.: New issues, monthly report format changed a few months ago. Trying to identify areas that will be in each and every monthly report. Also with the August report, "other" when we send out guidance, issues, emails, etc. will be referenced in order to better communication. Section on emission inventory now included. How frequent are the reports done? Reports due second Friday of each month for the previous month. Unreliability of support staff availability in CO primary cause of the lack of receipt of the reports in a predictable, timely manner. Revamping the non-title V fee system. Will have live access to the information as soon as CAU finishes the work.

HAMCO: Title V contract language- In stars user manual, the time frames to get each step done was established when Stars was initially developed. CO doesn't follow the time frames set for CO, yet expects the locals to follow the time frames set for them. HAMCO/RAPCA brought this up during the most recent contract negotiations. Time to re-evaluate whether or not the time frames are still appropriate. Mike K. would basically like a two-way accountability. If they get us permits in a timely manner, they should get our comments back in a timely manner. More appropriate to re-evaluate them thru P & E, reorganization, stars rebuild, not just thru the contract. Mike H. -Need to think about it more and talk about it next time.

Stars rebuild- RFP being tweaked, not out yet. What's new section best way to let people know what's up with respect to CO progress in this area..

Mike H. & Abdur Rahim- Once in Always in guide for MACT, revisions for review. Would like the comments by the end of the month. Hope to finalize it by November 15 of this year. Find out from TK the number of the next EG.

Abdur developed a Frequently Asked Questions re: the MACT standards, to be put on the web. Would like input as to how it should look, what should it include and how often do we want to see it. Want to keep an archive of the questions and answers but every month give us a representative sample of what is doable, rather than getting burnt out. Abdur would like comments and suggestions in writing (email). Most of the time there are attachments. Should be included in the NSR guide book. Only a couple of things have been added to it. Will cc Misty in order to get these updated into the guide on a regular basis.

EG on emission factors, no progress due to suspension of technical PAG.

NSR reform rules. DAPC initiated the process of collecting "interested parties" to discuss rule revisions and get their comments due to heavy political pressure from Ohio industries and their trade organization representatives with respect to the NSR revisions/adoption of the reforms published recently by the Bush Administration. Will hold interested party meetings throughout the rest of the year. Then will draft the changes and send out officially as the rule package. Due three years from issuance date (early 2005). Have fully approved program so rules have to be

changed. No change in how to deal with PTI requests until new rules finally revised. If any particular case comes up or anything specific in the meantime, refer them to your NSR contact. We can listen and may have other avenues to assist them. Director met and heard folks talk about how they wanted it done. Decided to have these meetings up front with 'interested parties' to work out any contentious issues up front. Some states who have delegated saying that if you want a PAL, go ahead and ask but not interested in allowing them until Title V's are done. We are required by law to adopt the changes; however, we can be more stringent- if we can get the backing. Feds view the revisions as being "as stringent or more stringent" than existing requirements, so we have to be able to incorporate them but our rules differ greatly. Concerns and discussions will be flushed out during this process.

NSR- Annual report to the Governor (2002 timeliness) re: issuances of PTI's. Has a lot of information with respect to the various group efforts in improving the efficiency as well as stats. If anyone needs extra copies, please contact Mike H.

Rule changes- OAC rule 3745-31- package where we took the 31 rules and split them up into 3 specific divisions and included the general permit provisions are done. Will be effective on the 17th of October. Will be linked in the What's New section of our web page. More simple taking out the solid waste stuff. The general permits part- step 1 out of the 3 steps that need to happen. (Logistics of issuing them working on along with the mechanism to actually issue them). Several groups working on general permit drafts, being reviewed internally. Once revised, they can be reviewed by other interested parties and we'll have a better idea of what they will look like.

Landfill letter- prepare a memo to CJ for Bob's signature. One way is for us to take the approach in the letter, another one is to have PE's in solid waste sign off on it. Has to come from the Director. Part of the rules, so each office has to make a recommendation on each request; however, we don't have the expertise on evaluating it. Mike H. wants to make it specific and not imply that we don't do our own rule interpretation. Two facilities in Cinci that have requested the change and are out of compliance with Title V permit as finalized. Would they be considered significant change that would require a Title V modification? Needs to be discussed in the memo (Title V ramifications and concerns about the underground landfill fire issue). May have to modify the existing Title V now but build in language so that future approvals do not trigger a mod. To the permit.). **Tammy to prepare the memo for Mike H's review from Bob H. to the Director.**

VE Observation Engineering Guide: One comment received from Pat Shriver. Most of the comments were addressed during the development of the inspection form. Need to get the # of the EG from Tom K. Guide should be ready for final distribution at the next meeting upon approval from Bob H.. **Get Bob Hodanbosi's approval so final guide can be distributed at next meeting.**

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CETA- Distributed the Compliance Monitoring Strategy stats from the 10/1/02-10/1/03 FFY. Feds extended the AFS entry deadline for this period to 11/15/03. Bob H. sent a memo to all of the DO/LAA's giving them until 12/1/03 to catch up the data entries. During conference calls with AFS & Region 5, Ohio and Indiana are the only states in the Region entering their own data into AFS, despite what Region 5 told us during the previous two years of negotiations re: grant commitments. AFS starting to create the data cells to be able to add all of the partial compliance evaluation activities into the federal database, Tammy predicts that this will be added to our grant commitments next year or the year after.

SEDO & CDO- No environmental benefit in having to document the periodic report reviews and enter them into CETA. Too much time to enter the data, waste of resources. Should stand up to USEPA and refuse to do it.

Tammy: NWDO seems to be able to accomplish entering the information and has entered over 10,000 PCE's since the last meeting.

Kyle: NWDO only completed 70% of their required full compliance evaluations, they probably couldn't meet their obligations due to all of the time spent entering data into CETA. (NWDO not at the meeting, so unknown as to whether they've completed all of the FCE's and just not entered them yet, or whether or not they did indeed miss the commitment goals.)

Tammy: Why don't you want the public to know of all of the effort that goes into the compliance evaluations? Instead of making the public go to physically to the field office and do a file review, the information can be accessed through ECHO.

Mike Kramer- objects to CO requiring the paperwork reviews to be entered into CETA thru the contract, instead, Ohio EPA should object and fight the feds on this.

Bud Keim- CETA goes way beyond the mandatory federal requirements and CO not recognizing how much time it takes to enter the data.

Jim Braun- Why not track how much time it does take to enter the data?

Kyle- Already did that and no one pays any attention to it.

Mike H. - Obviously we are not going to be able to resolve this here. Each office should present their concerns to either OLAPCOA or to Bob & Cndy during the monthly district office conference calls.

Tammy: All district offices need to submit the inspection/full compliance evaluation commitments for the FFY 10/1/03-10/1/04 to CO asap so that we can forward them all to Region

5 . (All the LAA's but the Toledo Agency have submitted theirs thru the contracts.)

17-08/17-11 guide: No progress to report.

R. Carleski - Permit by Rule Update: Industry has submitted 5 proposed categories: GDFs, natural gas boilers up to 100 MM BTU/hr, auto body shops, printing facilities, and NSPS Kb storage tanks. (See handout) The current strategy is to add these new categories to the current PBR categories specified in OAC 3745-31-03(A)(4). Proposed PBR language for GDFs already on second round of comments by the 5 Stage II area field offices. Other industry groups working on rule language now, and drafts will be sent to all field offices for comment. Central Office also working on Q&A summary to address administrative processing issues related to the new PBRs. Goal is to finalize rule language for each new PBR by December 31, 2003, then combine all five PBRs into one package for the formal rulemaking process beginning January 2004. The workgroup estimates 20% of the current permit workload could be eliminated by the new PBR categories. Will be discussed more at next meeting.

EG#33 Revision- Draft distributed for review. No longer acceptable to approve on a district or local level, must be done thru Director's signature. Comments from Cleveland with respect to this revision distributed for all to see. Concerns expressed in that email and CO's response was shared as well. To be carried over to the next meeting.

Jim Braun: will include all of the topics we didn't get to as the first ones to be discussed at the next meeting. Meeting ended at 2:00 p.m.

Next meeting is scheduled for December 9, 2003 at 9:30