

Permitting & Enforcement Committee Meeting  
January 10, 2006  
Lazarus Government Center  
Ohio EPA  
6<sup>th</sup> Floor conference room

**Attendees:** Co-Chairs - Jim Orlemann (CO), Jim Braun (Cleveland)  
Minutes - Ed Fasko (NEDO)  
- Mike Ahern, Cheryl Suttman, Mike Hopkins, Mike Ahern, Andrew Hall, (CO), Jim Carney, (OCAPP), Mike Riggleman, Adam Ward, Todd Scarborough, (CDO), Alberta Mellon, (HCDOES), Jeff Canan, Andy Weisman, (RAPCA), Joslyn Summers, (Toledo), Don Waltermeyer, (NWDO), Sara Harter, Glen Greenwood, (SEDO), Anne Chamberlin, (Portsmouth), Duane LaClair, (Akron)

## **1 - Enforcement update**

**Enforcement improvements** - No update on enforcement improvement projects, but Jim Orlemann did report the AGO is now up to full staff with the addition of Nichole and Carla.. The revised open burning rules to utilize the ability to issue unilateral orders have made it through the interested party review. It should be noted that there are appeal rights to unilateral orders. There were minor changes and a formal hearing will be scheduled after the director signs off.

**Enforcement issues** - Jim Orlemann handed out three items. The first was the update on the 2005 enforcement activities. All the goals were met but the compliance percentage for high priority facilities. A concern was raised as to what degree of control we have over the percentage of complying facilities, as HPF's are not a priority for resolution in enforcement cases. Penalties amounted to 1.2 million dollars in administrative settlements and 1.1 million in consent orders/court orders. 500,000 in penalties were assessed in December alone. 64 F & O's were issued for the year. 109 cases were resolved over the year and all the old cases were resolved. An old case is that which will be 21 months from the submission of an EAR.

Next Jim handed out the listing of the cases resolved since 7/05. Our docket is now down to 82 cases, the lowest ever. The AG's docket, which Jim also handed out, is higher than ever, but for the first time in a while, the AG is fully staffed.

## **2 -Title V Permits and issuance update**

**Title V Issuance** - Mike Ahern gave an update on the issuance of Title V permits. There were 244 actions in '05, 71 draft, 60 PPP, 56 PP, and 57 Final. Ohio is still leading the region in actions. Mike's concern is the number of potential FESOP actions that are out there. As some applications are pretty old, the DO/LAA's should get on these to see if a FESOP is even in order anymore.

**Action Item - DO/ LAA's should look at their FESOP workload, determine what facilities still need a FESOP and process those applications.**

***Federal Audit Comments*** - Mike Ahern indicated the USEPA Audit comments showed the USEPA is pleased with Ohio's Title V program.

***Permit Review*** - Mike Hopkins announced Andrew Hall as accepting the section manager position. No changes are being made for Andrew's assignment for now, but a transition is forthcoming. Mike's goal is to replace the vacated position as soon as he can, but it might not happen that quickly. Mike is also cross-training the staff of NSR and PTO/Title V as the field offices may have noted by assigning PTI's to PTO/Title V staff and vice versa. Mike wants to move on PTO's and has asked the field offices to provide lists on PTO's that need to be moved. Central Office acknowledged that all permits cannot possibly get a complete review. Andrew and Mike are going to work out a plan as to what permits will be reviewed, (how much and what level) and what permits will only get cursory review. Since Central Office acknowledged the fact that complete reviews of all the permits cannot be accomplished, some suggestions were proposed to reduce the load that Mike and Andrew will look at.

1. PTI's - no review for final after draft if there are no changes
2. PTO's after synthetic minor PTI's - no review after SMPTI. This may be able to be applied to any first issue PTO after a PTI if within a year of PTI issuance .
3. PTI's and PTO's - ES3 review in field office on certain permits would preclude a review from Central Office. This could also apply to a stage in the Title V review process.
4. Title V - As the permit moves through the stages, no comments and no changes could result in no review.
5. FESOP - No comments and no changes after issuance of draft should have no review and be issued by PIDM directly...
6. Using General Permit Template for PTO's should have minimal if any review, DO/LAA will notify Central Office of use of General Permit Template.

Ideas from the brainstorming sessions from STARS rebuild will also be considered. In developing a plan for what to review and not to review, we must realize the importance of consistency throughout the state in issuance of permits. A coating line template was suggested, as some feel consistency in this kind of permit is missing. Mike Hopkins indicated he is drafting a plan for overall review. This plan may be sent out to generate additional ideas.

***Sources of "example" permits*** - Mike Ahern wants to create an index, but this is off in the future. In looking for an example PTI, the best way right now is to search the local DO/LAA LAN for issued permits. It was suggested a permit be identified on PTI 2K that would be a good example and then track it down by number. Now if you search the word perfect directory with key words, you will end up with a lot of documents. If you have any ideas for template permits, contact Cheryl Suttman. Right now, the landfill template is the only one written as a template. Future guidance will be provided by the listserv address that Jennifer Nichols sent out. All should sign up

***All permit reviewers should sign up for the listserv, Central Office to develop plan for permit review in conjunction with resources.***

### **3 - New Source Review -**

**General Permit development** - The asphalt plant general permit was sent out to industry for comment. A meeting with industry is to occur soon. DO/LAA's need to send comments to Mike Hopkins. Mike pointed out, that in theory, General Permits are designed for new plants. You can, however, modify the general permit terms for the Emission Units that are existing. Emission limits may be a topic for the asphalt industry in meeting with Mike Hopkins, as brand new plants are not seen that often.

**Legislative action from industry** - The proposed changing of BAT to eliminate the case by case review, and allow for rule based limits only is to be addressed in meetings with industry. Some of the other proposals include no air toxics except for the MACT, elimination of monitoring, reporting and recordkeeping that is beyond what the rule requires and to limit civil action in nuisance cases. Industry is also looking on a clarification of the start of construction.

**Permit Processing Efficiency Committee** - The threshold group has morphed into a coalition of legislation issues. So at this time the Threshold group, as it was known, is on hold.

**180 day waiting list** - Mike Hopkins continues to send out his 180 day warning list. There was some concern about the accuracy of permits being on this list. Apparently there is a match up issue with PTI 2K, as it does not allow for completeness or the comment period. The numbers, therefore, will not be exact and are ballpark, and used as a tracking tool. Be advised, some may be in danger that are not on the list. This could have to do with the 30 day issue of draft vs. direct final. The 180 list should be correct in the new permit system.

**Permit wizard** - The permit wizard is now on the main web page and should guide the regulated community as to whether a permit is needed or not. (Basically addresses de minimis and exemptions. On that note, Mike Ahern indicated he had polled the permit system to note the issuance of final PTI's has dropped. 847 in '05 and 950 in '04. There were 1025 permit actions in '05. The highest amount of PTI's was 2000 in one year. Mike believes the exemptions may have helped reduce this workload. Further, there are 100 applications/month made statewide; 350 in process at any given time.

### **4 - Permit Issuance and Data Management PTI Issuance -**

**PTO Revocations** - PIDM now has signature authority. Elisa Thomas did 40 revocations in December.

**Portable Source Relocations** - Sarah Harter was working directly with Mike Ahern in regard to public notice issue. Elisa Thomas may be new contact at PIDM in future.

**Blue Card Hell** - DO/LAA contact to be sent to Elisa. Training will be held on Feb. 2 for all fees. Let Elisa know who will attend from DO/LAA's. 04-05 NTV has changed categories and fees. System is set up so a sign off is necessary on each report. The degree of review is dependent on the decision by the DO/LAA. A review benefit is that the company may have units now available for permit by rule. **Non- Title V sources will have to to NOX and VOC emission reports for Ozone non-attainment.**

## **5 - Engineering Guide Revisions**

- #1 - PTI/PTO for non-criteria pollutants - NWDO** - Issued final, 11/21, updated on web
- #5 - VOC Exemption for fixed roof tanks. - Akron** - No update at this time
- #6 - PTI for coal to oil conversion - Cleveland** - Comments received. Being modified and will be redistributed.
- #7 - Inclusion of Wt of water in PWR - NWDO** - Rough draft by next P & E meeting, will include air as well as water in review
- #8 - Compliance Tests at Bulk Gasoline Terminals - RAPCA** - Shipped back to Jim Orlemann..
- #9 - PTI/PTO for Grain Dryers** - NWDO will provide a status report at the next meeting
- #10 - Applicable Rules for Stone Crushing Plants - Toledo DES** - Comments received, should be incorporated by next P & E meeting.
- #44 - Portable Plant -NEDO** - Mike Ahern to get flow charts changed, Jim to finalize. When flow charts are done, NEDO to distribute final draft for use till posted. .
- # 53 Open Burning Standards** - Work on this engineering guide will be on hold until the rule is finalized.

**6 - Library of terms and conditions.** - The request form and the instructions are available electronically at <http://www.epa.state.oh.us/dapc/terms/termsintro.html>  
Cheryl Suttman noted the ASTM standards are wrongly specified and is working to correct them. She is also working on the HAP terms that Bob Goulish sent her for the coating MACT. Cheryl has almost completed the Auto, Miscellaneous Metal and the Plastic Parts terms.

**Landfill terms and conditions.** - This was the only one that was set up as a template at the request of those who assisted Cheryl in the development of the terms. At this point, Cheryl has received no comments on these terms. .

**7. CETA -Web-based CETA** -The new program should be used by all. Be advised there is a help tab as well as the FAQ. If you have problems, check with the CETA office representative or E-mail Mike Van Matre, Adam Ward, or Arunee. Please double check all unresolved enforcement cases in CETA A suggestion was made to run the query for each county and make sure it is accurate. It is important to update the file in order to close cases. The data transfer from old CETA to new CETA had a problem. The enforcement data did not transfer correctly. The list of the last quarter of out of compliance facilities may be wrong. CETA is sent to USEPA every 30 days. Air supervisors should check enforcement information for accuracy. Status is a main concern on enforcement.

## **8. Stack Testing**

*No issues at this time.*

## **9. Landfill Operating Scenarios**

Solid Waste is to meet with Cheryl Suttman

## **10. - Other Issues -**

**Wood fired residential boilers** - Complaints have been received on these, mostly in NWDO. Although it looks like the unit may be deminimis, the way the thermostat is set up on these units creates a situation where these units could be smoldering when heat is not called for. The NY study on these units seemed to indicate the best approach is to address these units with local ordinances. Although they are mostly used in winter, reports of the devices being used to heat water in the summer have been noted. If we receive complaints indicating the operator of the unit is burning anything other than clean, dry, untreated wood, we should investigate and inform the operator that any future burning of unacceptable fuels will result in a determination the unit is no longer deminimis and subject to permit requirements. Manufacturing designs would be a USEPA task. This is not likely to happen unless it would affect the PM 2.5 levels. This will be put on the agenda for the federal call. A PBR at this point is not in the picture at this time.

**Portable concrete crushers and NSPS** - Nothing to address at this time. Be sure that the capacity does not require these units to meet NSPS. If so, proper permitting must be followed.

**Director's signature** -

1. - Internal process to be set up for specific situations
2. - Audit disclosures are from director only
3. - Deviation form on public web page.

## **Parking lot items**

Multiple emissions units with common control - Input received from J. Nichols under review.

Engineering guide on emission factor changes - No progress

Engineering guide on 17-11 and 17-08 - No progress

RACM/BAT on portable drills - NWDO will pursue this in summer (inspections)

Procedural issues with CEMS - NEDO to discuss with Todd Brown

CD & D landfills, H<sub>2</sub>S emissions - H<sub>2</sub>S as BAT appealed. Solid waste rules may address H<sub>2</sub>S emissions in the required plan. It will be a case-by-case basis.

P&E minutes  
1/10/06  
Page 6 of 6

The monthly permit call notes will be posted on with the P & E notes at  
<http://dapcnet/>

**Reminder - All agency staff should review permit call notes as well as P & E minutes and comment where appropriate prior to information being posted on the internal web page.**

*-----Next meeting is March 14 at 9:30 in Central Office-----*