

## Permitting & Enforcement Committee Meeting – November 10, 2009

Lazarus Government Center  
Ohio EPA  
7<sup>th</sup> Floor DAPC conference room

**Attendees:** Co-Chairs – Jim Orlemann (CO), Jim Braun (Cleveland)

Minutes - Ed Fasko (NEDO)

- Andrew Hall, Mike Ahern, Mike Hopkins, Cheryl Suttman, Erica Engel-Ishida, (CO), Todd Scarborough, Kelly Toth, (CDO), Jeff Canan, Chris Clinefelter, (RAPCA), Sarah Harter, (SEDO), Peter Park, (Toledo), Anne Chamberlin, (Portsmouth), Mark Budge, (NWDO), Frank Markunas (Akron), Ed Pabin, Carl Safreed, (Canton), Paul Tedtman, (HAMCODOES), Jim Carney, (CO/OCAPP)

### 1. **Enforcement issues** - Jim Orlemann

Jim handed out his graphs; we should meet our goal if we resolve the “old 22” cases. 83 new cases were received in October; F& O’s should approach 50 this year. There is an old large penalty case in NWDO (asbestos) that needs to be resolved. The Shelly responses have been completed and sent to the court with a pending \$350,000 pending penalty. 38 rulings were in favor of the state, 32 for Shelly. The judge indicated that the state did not correctly determine PTE; he used actual emissions, not the federal definition that we have used for years. The state is to file a brief in response to this. % compliance graphs do not reflect the resolution of the Shelly cases; it is 90.7, not 89.4. 97.5% of the HPV facilities have been inspected this year, 1% better than last year. There are 100 air cases on the EC docket. \$750K has been assessed in penalties so far this year. We expect a high penalty \$ from the AG this year; over \$4MM potential. The GDF enforcement initiative has a dozen facilities which are to be resolved. Sarah Bloom of the AGO will be handling any referred GDF cases. Bob Hodanbosi is to speak to the Ohio Petroleum council; the enforcement activity seems to be a monetary concern to small dealers.

### 2. **New Source Review** – Mike Hopkins

Mike handed out the draft BAT guidance document. He would like comments by 11/20. The guidance seems to be in the middle of the SIP requirement for BAT and SB265. Mike also stated the rule package for BAT is on hold. To approach BAT now, we must first see if the project qualifies for BAT, then look for any MACT, BACT or LAER rules followed by applying any RACT rules for the source. Be careful to look at the date the rules are promulgated before applying them.

The Temporary case-by-case BAT is applied per the draft guidance as follows: Choose only one of the four options in the memo. This is the format for the limit. Mike wants to know if the format table for industry is OK. Comments to him by 11/20.

Use the guidance as it is, it will probably be modified several times. USEPA is not happy with no BAT and feels we have to use the SIP which still contains BAT. The guidance applies to all TV, SMTV and NTV facilities unless a BACT applies. If a company does not want BAT; the feds will be copied on the permit and the company may be subject to federal enforcement. A question was raised as to splitting out the BAT between fugitive and stack.. The answer is yes. A complication with no BAT is evident at Advanced Organics in NWDO. An incinerator

was installed as BAT for control on the old plant, and the company does not want to install an incinerator for control at the new plant.

BAT example for an asphalt plant. Require .03 grains, but not the baghouse. Some parameter monitoring to support the limit is needed. There will probably be no burner tuning language. Compliance demonstration in testing, not so much in monitoring.

Identify new BAT in a no review permit by inserting a comment in the workflow notes so Central Office will be sure to take a look at it. Mike is thinking about developing a white paper on the whole subject before the BAT rules are developed.

Industry may battle with Ohio or with the Feds; keep a copy of the draft permit; maybe more permits should go draft on a controversial basis. A question was raised about issuing a permit without BAT because of the <10TPY exemption. The answer is yes, even though the rule does not directly cite this, the intent is to use the <10TPY exemption. Remember, a voluntary BAT is still possible.

Mike Ahern handed out the installation permits survey. Right now we have 243 application workload. The 1/1/11 goal is 200. A jump in September was due to the Toyota warranty spray booth permits developed in Central Office. Mike said we look good in the survey; 10% response and all positive comments.

Rod Windle's position is to be posted; the MACT coordinator has been posted and is down. The annual DAPC training is being held on December 8 on the 31<sup>st</sup> floor of the Riffe Center. There is no update on the rocket docket.

Adam Ward handed out the guidance that CO developed for Potential to emit determination. Please get comments to him by Jan 5.

### 3 **STARS2 and permit issuance update – Mike Ahern**

Erica Engel-Ishida reported there is no update for the file review group or on the signature document. She asked that the fee report review tasks be resolved by 11/20. E-mail has been sent out twice on this. Erica is going to send out a list of facilities that she is planning on sending NOV's for failure to file Title V renewal applications. DO/LAA's are to review and report on inaccuracies. The on-line help in STARS2 is being updated; the external help will be updated first. Contact Erica if you have issues.

ITR's are not all in STARS2 at this time. Erica's group is scanning old documents into STARS2. Revocations are now complete up to the Toledo office. Continuing on.. not doing extensions.

### 4 **Terms and Conditions - Cheryl Suttman**

a. A work group was formed to revise the Miscellaneous Metal Coating GP. This group consisted of:

Eileen Morgan, Jennifer Marsee, Maria Cruset, Amy O'Reilly, Sara Harter, Peter Park, Bud Keim, Cheryl Suttman

Jim Orlemann reviewed the final revised monitoring and recordkeeping section of the revised permit.

The GP posted on our website is missing: 17-11(C) and the requirements to control PM from overspray (for processes using 5 or more gallons of coating per day) and the requirement to send recovered solvent off-site for disposal or recovery. A copy of the proposed changes were passed around for additional comments.

- b. We have been working with the Aggregate Industry (Ohio Aggregates & Industrial Minerals Association) to draft general permits for aggregate and mineral extraction. Jay Liebrecht has been working on these two General Permits and we are very close to a final draft for each.
- c. We have also been working with the Aggregate Industry on stationary compression ignition (diesel) internal combustion engines, from 60 Subpart IIII. Cheryl Suttman has drafted 41 templates based on the size and model year engines, and for the limits contained in the 3 tables (for < 30 liter/cylinder engines) in Part 89, Part 1039, and Table 1 from Subpart IIII. Mike Hopkins is working with Cheryl to try to draft a smaller number of General Permits for the aggregate industry (and for others).
- d. The recission of 21-08(B) has been adopted/approved in our SIP by U.S. EPA, so the temporary term that was used in Title V permits, till this approval was provided, will be removed from the Library Terms and Conditions (Term ZZZ.9A).
- e. Cheryl Suttman will start drafting terms from the NSPS D terms (D, Da, Db, and Dc), unless otherwise directed by Mike Hopkins. Cheryl has proposed that she first draft a term for Method 202, as it is referenced in Da, Db, and Dc, so that permits will not need to be modified after U.S. EPA publishes revisions to "minimize artifact measurement" from that Method. Da, Db, and Dc also requires the permittee to enter their own testing results into a U.S. EPA database (WebFIRE) or mail the results to U.S. EPA after 7/1/11 and w/i 90 days after completing a "correlation testing run".
- f. The DAPC/DSIWM HOV group is still working on the Landfill Higher Operating Value and alternative timeline guidance documents. The landfills are still not happy with the guidance. We have also received comments from RAPCA and Cleveland local (Jim Braun). We will be posting our final proposed guidance on Listserve for your opportunity to review and provide additional comments on the guidance before it is published as final.
- g. Be careful if you are entering combined limits, since our new PTI/PTIO says the limits are for each emission unit (listed above), i.e., you must write out that "the following limit is for emission units xxx, xxx, xxx..... combined", e.g./etc. or the limits will appear as doubled or tripled for the individual units.

## **5 Engineering Guide update-**

- #6 - PTI for Coal to oil conversion - Cleveland – No Progress, may need to be re-written
- #18 - SO2 compliance determination for boilers – Toledo – No Progress
- #20 - VE limits, determination for stack sources - Akron - No progress
- #21 – BAT Requirements for New Fugitive Dust; non-Appendix A Areas – Cleveland – Jim Braun and Jim Orlemann are working on this.
- #22 – Manual covers for open top degreasers – Cleveland – In signoff
- #23 - Significant figures for TSP emission limitations - SEDO – No Progress.
- #24 - Application of Fugitive Dust Requirements to Affected Facilities – Toledo - No Progress
- #25 - Determination of source numbers and Permit fees for fugitive dust sources - Cleveland – Tom Kalman to review
- #26 - Inclusion of weight of water in the weight of “refuse” charged for incinerators.- NEDO – Draft by next meeting.

- #29 - Applicability of the PTI Rules to Increases in Capacity of a Derated Boiler -CDO – No Progress
- #30 – Discontinuation of fugitive dust control measures – non- Appendix A areas – Cleveland – No comments. – Jim Braun working on this
- #31 - Grouping of similar process units, figure II – Cleveland – Jim Braun working on this.
- #32 – Variances from visible emission requirements. – Cleveland – Jim Orlemann working on this.
- #34 - Conditions for Issuance of PTI/PTO for an Inactive Source – RAPCA – No update.
- #35 – Registration Status for Floating roof storage tanks. – Cleveland – Comments due October 14.
- #36 – Fuel burning equipment, physically and operationally united – Cleveland - Comments due December 18.
- #44 - Portable Plants - NEDO – Sarah and Michael of SEDO working on this with Erica.
- #53 - Open Burning Standards - Central Office - Hearing resolved; no progress on guide, Decision appealed
- #70 - Toxics – Hopkins reviewing; #69 may need changes due to changes in #70. – No progress.
- #72 – Grouping of Emissions Units for fee purposes – Jim Orlemann and Mike Ahern to meet
- #74 - Classification of PM - Central Office – Surrogate policy issue (PM10/PM2.5) .
- #XX- New guide for crushers and non-metallic material - NSPS OOO - Mike H. - No progress
- #77- 21-07 language – Finalized 8/24.

General Permits - Cleveland made changes to the general permit for crematories. There is an issue regarding mercury and modeling. It was also pointed out that radioactive parts are not removed from bodies prior to cremation.

PBR issue; 18 month limit on soil extraction, does shield only good if they apply for a PTIO? The answer is to use enforcement discretion.

Jim gave us a rule update; the RACT rule for composites has been refilled with JCARR on 11/16. If approved, the director will move it forward as a SIP revision and old 21-07 will go away. It looks like the Chapter 17 changes will be approved except for issues surrounding the Marietta plant.

RAPCA reported running a test on asphalt plant with using shingles. The filter was heavy and there were lots of fugitives.

The first time the FTIR was used in Ohio to test a flare was conducted recently; this is not an approved method, but the Feds like this method. The Feds are looking at flares on refineries..

Canton made an announcement that Angela Glosser passed away. Keep her family in your thoughts.

***Meeting minutes will be relocated to the answer place***

***-----Next meeting is Tuesday January 12. Happy Holidays!!!***