

Permitting & Enforcement Committee Meeting - November 13, 2007  
Lazarus Government Center  
Ohio EPA  
7<sup>th</sup> Floor conference room

**Attendees:** Co-Chairs - Jim Orlemann (CO), Jim Braun (Cleveland)  
Minutes - Ed Fasko (NEDO)  
- Mike Ahern, Mike Hopkins, Cheryl Suttman, Mike VanMatre, (CO), Rick Carleski, (OCAPP), Mike Riggleman, Todd Scarborough, (CDO), Jeff Canan, Chris Clinefelter, (RAPCA), Sara Harter,(SEDO), Paul Barnhart, Mary Lehman-Scott, (Toledo), Duane LaClair, (Akron), Dan Aleman, (Canton), Valencia White, (Cleveland), Paul Tedtman, (HAMCO)

1. **Enforcement issues** - Jim handed out his documents and graphs on enforcement. Regarding old cases, the remaining 16 are expected to be completed by the end of the year, with 3 being referred to the AGO. He expects to meet the goal of resolving 40 cases with F&O's. So far, 22 Cases have been resolved by F & O's. Jim thinks we can make this. The goal of 90 total cases to be resolved by the end of the year probably will not be met (44 so far). Jim also handed out a graph regarding timely submittal of EAR's within the statute of limitations. We are at 96%. His graph regarding compliance % of 95.5 was based on the old method of HPV reporting... As of 1/01/08, the new HPV format will be used. Based on a universe of 1655 HPF's, our goal is to maintain a level of 95% compliance.

Jim also handed out an E-mail from Lisa Holscher of Region V which indicates facilities that were to be inspected in FFY '07, but were not reported as such in CETA. If you have a facility on this list, please investigate and report the results to Jim Orlemann, John Paulian and Mike Van Matre.

Jim handed out the pages that he felt were important regarding the HPV guidance. He then presented the slide show from Region III. This presentation may be posted to the web in the future...

Our numbers for HPV's have been historically higher than other states within the region due to the way we report HPV's. Using USEPA's method, we should have lower numbers. For the most part, HPV's will only be Title V facilities; a minor or synthetic minor will can only have an HPV when the violation puts the minor status of the facility in question. There is one other discretionary situation in which a minor can get on the HPV list, but that is only with mutual agreement between Ohio EPA and the Feds. HPV's will get elevated to quicker action on the state level. He also said HPV's will be almost always major facilities, and the violation must be for a pollutant that the facility is major for, as well as violation of a federally enforceable limit or parameter. There are three ways a violation can be an HPV. -

- 1 of the 10 general criteria
- fits the matrix
- Discretionary HPV
- General Criteria
- 1 - PSD, NSR, BACT, LEAR

- 2 - Air Toxics; NESHAPS or MACT Emissions or parameters
- 3 - Synthetic minor, emissions or permit conditions that affect its synthetic minor status.
- 4 - Violation of a substantive term of a local, state or federal order/decreed substantive is determined on a case-by-case basis
- 5 - Title V compliance certification - inaccurate, late, not submitted. Substantial.
- 6 - Failure to file Title V application, new or renewal. Substantial
- 7 - Substantial violation of testing, monitoring, recordkeeping and reporting.
- 8 - Emissions violation from stack test. Automatic HPV. Same as matrix 1
- 9 - Chronic long term or recalcitrant violator.
- 10 - 112(R)
- Matrix criteria
  - 1 - Stack test violation. Same as general #8
  - 2 - Emission violation; process or formulation data
  - 3 - Surrogate limit violation
  - 4 - CEM detected violations
  - 5 - Opacity violations; by COM or method 9
- Discretionary HPV - Jim does not expect many of these violations not covered elsewhere  
Could be minor source, health hazard. Mutual agreement between agency and USEPA
- Note - substantial, substantive= case-by-case

Mike VanMatre showed us the modification made to CETA to allow us to enter the HPV in the enforcement page for CETA. A column will be added for HPV. If yes is indicated, a pop up box will display a selection of codes. This will be activated January 1, 2008. You must choose at least 1 code, but can choose up to seven. An HPV is automatically listed as formal. If a change is needed to make it informal, contact Mike VanMatre or Arunee. Jim Orlemann and Mike have asked that any NOV sent as a result of a HPV be listed as such on the NOV along with the appropriate code. Updating the case in CETA is critical, just like inspections. No formal training is planned, Jim had contacted Lisa Holscher on any possible training and has not received a response.

Jim indicated the final report on the audit is out and the Feds are moving on to the next state. Ohio is done for this cycle of enforcement audits.

**Action Item:** Evaluate violations by this method, enter in CETA as such, and note on NOV with code as high priority violator. Tracking will start January 1, 2008.

2. **Title V and permitting update** -Mike Ahern handed out a sheet which listed non-Title V and FESOP permits issued as well as a listing of the current remaining workload. He feels that all did a good job in utilizing the interns and getting applications into STARS. The list also included the Title V workload. If any inaccuracies are found, please let Mike or Erica know.

Mike indicated that there has been a change in Chapter 77 in regard to ethanol facilities. Fugitives will not be included in the PTE. He also indicated that STARS2 will have some tie-in with CETA. There are some tight time frames with the cut-over test to STARS2, along with application

and production server issues, but they are being worked on.

Odor nuisance rule - An internal meeting was held to take a new look at the rule due to information from the public hearing. The Texas rule has information and approach which is bien looked at as a good model for Ohio. We are restarting the rule making process for this rule on the first of the year.

3. **New Source Review** - Mike Hopkins noted the following -

SB 265 guidance is on Andrew Hall's to do list

BAT rule project - meetings have been held and priorities for source groups are being identified. Jenny Hunter is working with Master list of categories. Permit writers will be solicited from the DO/LAA's to assist in SCC priority determination. The list will be sent out and volunteers will be solicited to determine the BAT of the particular source categories. A list of requested volunteers for the first phase of the project was provided; get your volunteers to Mike Hopkins by November 26. The initial review of the spreadsheet will involve 2-4 hours and no trips to Columbus. This basically an in house review of priorities.

Boiler MACT - No update

NSPS OOO - No Progress

Chromium EAC form sent out by Jim Braun - Send comments to Jim Braun.

4. **Engineering Guide update** -

#6 - PTI for Coal to oil conversion - Cleveland - Mike Hopkins - no progress

#7 - Inclusion of weight of water in PWR - NWDO - Jim O. reviewing

#9 - PTI/PTO Determinations for grain dryers - NWDO - Jim has NWDO's marked up changes

#12 - GDF guidance - NEDO - Back at NEDO - Issued final 8/14/07 - Now on web

#16 - Conditions requiring additional testing - NWDO - No progress

#18 - SO2 compliance determination for boilers - Toledo - No changes - Jim O.looking this one over in light of the Fed's acceptance of our SO2 rules replacing the FIP. May need complete re-write. Jim is to get with Toledo in reference to the actual question in the guide. No progress.

#19 - Coke plants - PM rule applicability -HAMCO - Jim has final for issuance.

#20 - VE limits, determination for stack sources - Akron - Address stack issue only - no progress

#23 - Significant figures for TSP emission limitations - SEDO -SEDO looking at comments. Changes to go to Jim. Suggest that while 3745-15 is under review, one ton of toxics be changed to 1.0. - No progress

#44 - Portable Plants - Mike Hopkins and Central Office to respond to NEDO's questions. NEDO discussed issue with Mike. New draft to go out soon.

#53 - Open Burning Standards - Central Office - Hearing resolved; no progress on guide

#74 - Classification of PM - Central Office - There were comments on reviewed guide. Andrew Hall working on this. -no progress

#75- New guide for crushers and non-mettalic material - NSPS OOO - Mike H. working on this

#70 - Toxics - Jennie Hunter reviewing. #69 may need changes due to changes in #70.

#27 - Determination of Heat input during a boiler stack test - RAPCA - looking at layout. Should have something for next meeting - 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 - no progress.

#26 - Inclusion of weight of water in the weight of "refuse" charged for incinerators.- NEDO - no progress

**P & E and permit call notes are still only up to 11/14/06 and 10/19/06 respectively on the web (Hollywood may not be the only place subject to a writer's strike :))**

**Action Item - Updated notes need to be posted to web site..**

5. **Terms and Conditions** - Cheryl Suttman is re-writing the hospital waste incinerator terms. She has looked at the tub grinder terms and conditions and handed out example terms.. Please send and comments to Cheryl. She is also working with Solid Waste on HOV for landfills, as well as emergency generators. The latest air toxics terms are on Mike Hopkins' desk. Mike Ahern indicated that he and a group are working on an open burning form that will be consistent statewide. He will send it out for comment when complete. There has been a lot of discussion on local fire department sign-off. This may be resolved as an optional sign-off, with a copy of the approval going to the local fire department. Jim Orlemann handed out the codes for the HPV matrix.

Other points of discussion -

- Asphalt roofing recycling - Cleveland has some issues on this. Tim Fischer of NEDO has a facility that recycles rejected new shingles. We believe Akron has a facility permitted to do this.

- PM-10 condensable issue - Some discussion on inconsistency between AP-42 factors and test methods.

- Residential wood fired boilers - Jim Orlemann is looking at a draft rule by Carolina. Cleveland has a local ordinance on these units. Contact Jim Braun.

- Building capture efficiency for foundries - "0" unless company can establish efficiency and support it with valid data.

6. **STARS2 update** - Linda Ours presented the STARS2 update. For 2008, and only 2008, fee emissions reporting, emissions inventory and emissions statements submission deadline will be moved to June 6. This will allow applicants to familiarize themselves with the new system. Synthetic minors will have the hard copy as well as the electronic version of reporting. In 2009, the submission date will return to April 15. The "go-live" date for STARS2/PTIO is planned for March 1, 2008. Business will have to go through a culture shift to submit stuff on line. The company must get a pin and a notarized statement in order to meet security requirements. While STARS2/PTIO (Air Services) is poised to be launched, E business gateway, where the state will do all its electronic transactions with business, still is undergoing completion. This link is the high-risk point. A one time training (roadshow) for STARS2/PTIO is being planned for internal people (DO/LAA), and web tutorials will be available. There is an issue with access to the locals, which appears to be a firewall issue at the state level. For the facility, they will have to build the facility profile only once, before proceeding with data entry. Every unit will need an SCC.

7. **CETA update** - See Mike Van Matre's presentation under the Enforcement Section.

8. **Stack Testing** - No update

9. **New items and parking lot** -

P & E minutes November 13, 2007

The DAPC Web Applications page is accessed by Ohio EPA Central Office and District Offices through:<http://dapcnet/>

LAAAs who are not on the DAPC intranet need to use the following link:

<http://dapcnet.epa.state.oh.us/>

**Next meeting is January 8, 2008**

***Happy Holidays to all, see you next year, Just remember, Happy Thanksgiving and don't forget to give the turkey his day!!! ( Ben Franklin wanted the turkey instead of the eagle)***