

## Permitting & Enforcement Committee Meeting – January 12, 2010

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, Eric Yates (CO), John McGarvey, Adam Ward, (CDO), Jeff Canan, Mike Maleski, (RAPCA), Sarah Harter, (SEDO), Peter Park, (Toledo), Anne Chamberlin, (Portsmouth), Mark Budge, (NWDO), Frank Markunas (Akron), Bud Keim, Carl Safreed, (Canton), Paul Tedtman, (HAMCODOES), Rick Carleski, (CO/OCAPP)

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

Jim handed out his graphs; our goal to resolve 80 cases this year was easily met ; we resolved 95. The goal for F&O's issued final was 40 for the year, 52 were issued. Our goal for "old" cases was to get to "0", we have 10 left which we plan to complete by the end of January. A few of these were ready for the Director's signature at the end of December, so they should be easily completed by the end of January. Jim handed out a schedule for processing these cases. We are still working toward our compliance goal of 93%, not quite there yet.

Jim handed out a graph regarding our High Priority Facilities Facility Compliance Evaluations for the first quarter. Some offices have completed 25% of their scheduled inspections; Jim wants everyone to keep the inspection goal in mind. Jim also handed out a list of the pending AGO cases listing those which are scheduled for trial. Jim also wanted to let us know about the appeal in the Shelly Case which was filed last Tuesday. There are 4 issues of concern. The one of biggest concern is the PTE determination issue. The judge used the actual emissions as the potential. Another issue was if we have an ongoing violation when a stack test shows an operation does not meet compliance. When does the length of the violation start and stop? The language used in the compliance section of the permit may determine this. Jim also was wondering if the Feds would weigh in on this issue. Finally, Jim asked if we had any enforcement goals, we should send them to him.

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

Mike handed out a graph which indicates the installation permit workload trends. Our goal for 2009 was 225 permits statewide. We finished the year at 203. Keeping this below 200 is the goal for 2010. Title V renewal permits are a concern; we have had a poor performance in 2008 and 2009. There may be a meeting scheduled with the supervisors soon to establish some specific goals. Since we have a five year cycle for these permits, we should issue about a fifth of the facilities permits each year. That is just not happening, and this issue is high on Bob Hodanbosi's list of activities to be addressed. FESOP renewals are just as important and should not be forgotten.

Mike indicated that the MACT coordinator position interviews were complete, and the position is to be offered. The CO permitting position (Rod Windle's job) interviews have also been completed. Robyn Kenney's job was posted and the packet received. The interviews are to be scheduled.

Although the final document was issued for the SB 265 guidance, it was also sent out for comments which are due by the end of the month. Mike also stated that if a company chooses **not** to have BAT, notify CO as we are required to notify the Feds. This is especially true in a no review permit. A question was raised about the guidance. Is the table at the end a work in progress? Yes, as this may change based on comments, or categories may be added by letting Mike Hopkins know. Another question was applying BAT for roadways and parking areas in Non-Appendix A areas. Mike was asked if this could be added to the document. Mike says he expects significant adverse comments from industry and environmental groups. He also feels that specific BAT may be an impossible task. Also, industry has different interpretations as to what SB 265 says.

Adam Ward indicated that he got a lot of comments on the PTE guidance; he is taking the time to incorporate the PSD issues as well. He is still accepting comments.

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

Mike handed out a draft technical incompleteness letter that will appear as a template on Friday 1/15 with the STARS2 deployment. This letter will be sent after communication breaks down between the permit writer and the facility. This is well after the preliminary completeness letter which we are now sending to Title V applicants. Basically, the quality checks in an air services submission grants an application shield, as the application will not be accepted unless almost all of the preliminary complete are met. One of the items that will not be checked for in the QA is a missing emissions unit in the application. There are four steps to take before sending the technical incompleteness letter.

Step 1 - The permit writer establishes formal contact with the company's environmental representative, documenting the action in STARS2 and a letter per procedures sent with a fifteen day time frame for response.

Step 2 - This is an informal step in which a meeting is offered to be set up if no response is received from the Step 1 letter. Document this action in STARS2.

Step 3 - This is a formal step in which a letter is prepared to the Responsible Official. A response is required in seven days. Document in STARS2.

Step 4 – Informal verbal contact is made by the LAA director, his designee or the DO Air Unit Supervisor with the responsible official. If no contact is made, proceed to the notification to Mike Ahern and Andrew Hall to coordinate the final formal determination of technical deficiency for the Director's signature.

The letters are not NOV's and do not go into CETA nor are copies sent to USEPA. If Director's letter is not appealed, a NOV can be sent if proper information is not received from the company. Comments should be sent to Mike Ahern by 1/14/10. Please note that a technical incompleteness letter can be sent at any point in the Title V process; the **preliminary** completeness letter should be sent to the facility as in the past.

Mike pointed out that this is a year for non-TV emission reporting; there were 1000 PER reminder letters sent out in January and all TV Compliance Certification letters and FER reminders will be sent out by the end of the month. The non-TV reminders will be sent out by the end of February. There will be a new deployment of STARS2 on Friday 1/15; a demo will be conducted at the 1/21 webex. Two significant changes are the error message that will be sent out if EIS info is missing for sources over 100 tons/yr., and the HAP inventory issue about the responsible official **not** certifying to info in the table. There is also a hard signature option; this allows the environmental manager to submit info with an attached hard copy signature document from the responsible official.

The 2010 list of reports due is at answer place 2142; there is a new way to get to the answer place and to coordinate the internal and external access. You will always start at the

external answer place from the Ohio EPA web page. Go to the log in tab for internal answers. DO staff are to use their email address and password. LAA staff use email address and STARS2 password. Per Mike Ahern 1/15/10 e-mail: "When you log into the Answer Place enter just your email address without a password if you have not previously set a password. Contact me if this does not work for you." After login, search by keyword. Internal guidance list is in answer place, as is the P&E info and other non-public information. Public guidance is under publications. This will allow access for both LAA and DO to get to both internal and external guidance in a more consistent fashion. Engineering guides under review are planned to be added on. PIDM is working on the HTML migrated TV documents to become text editable PDF documents. Mike will verify this and renewals should be able to be developed by cutting and pasting (for all iterations of TV permits)

**4 New Rules and SIP update – Paul Braun**

Paul is presently updating Rule 3745-18 under the 5 year review plan. There are a number of specific references to facilities that need to be looked at by the DO/LAA's as these places may be shut down. If this is the case, Paul needs to know. He only wants to be told if the entire facility is permanently shut down. He needs this information by the end of January. Regarding the NOx SIP call, the sunsetting language is being reviewed. All issues may be addressed in CAIR and the NOx SIP call may be removed. This means that the NOx SIP call language may not be needed in permits in the future as CAIR will replace it. . In the meantime, continue to include Chapter 14 in permits. The Cleveland VOC RACT ( chapter 21) comments were received in the draft period which ended on 1/08/10. Paul will try to get through this by the end of May. This includes boat making, industrial adhesives and miscellaneous metal parts. The five year review for the TV rules is moving forward. No one was at the public hearing on 12/30. No comments have been received. There were no comments on the lithographic printing rule ( 21-22) at the 12/30 hearing. The anticipated effective date for this rule is February. The second draft of the Outdoor Woodburner rules is in the Director's hands. The BAT rule is on hold and in process.

SIP items – 21-25 – Reinforced plastic parts; effective 12/14/09, submitted to USEPA. If you recall, the controversy around accepting 21-07 was holding this up. The official request for Hamilton County to be reclassified attainment for the '97 ozone standards has been accepted by the Feds as of 8/27/09. Paul indicated the AAQS redesignations are in Chapter 25, sent back to USEPA on 9/10/09. If you want the monthly SIP report, contact Paul Braun at 614.644.3734.

**5 Terms and Conditions - Cheryl Suttman**

1. Jay Liebrecht has drafted the Aggregate and Mineral Extraction General Permits for the Aggregate work group and the Ohio Aggregates & Industrial Minerals Association (OAIMA). It is ready to be posted for Public Comment. Please contact Cheryl Suttman if you would want a copy before it goes final.

2. Cheryl Suttman has drafted ~40 permit templates for compression ignition internal combustion engines, from the NSPS Subpart IIII, for the Aggregate Group and OAIMA. Mike Hopkins is considering Cheryl's suggestion to remove the ton per year (TPY) limits, in order to drastically reduce the number of permit templates for this source. The mix of engine size, along with any variation in the annual or rolling 12-month diesel fuel usage, creates too wide of a margin to establish a TPY limit for a General Permit. If sections of the Parts 89 and 1039 emission limit Tables, and/or Tables 1, 2, or 4 from Subpart IIII were copied into a permit, without establishing a TPY limit, the number of template permits required could be dramatically

reduced. The permittee would be required to calculate the annual TPY emissions from their fuel usage records, using the appropriate emission limit, for the fee emission reports, etc. If you would like a copy of one of the 40 Subpart III templates (with fill-in-the-blank fuel usage and TPY limits) please contact Cheryl Suttman for a copy and/or the list of available permit templates.

3. Cheryl is almost finished with terms for NSPS Subparts A, D, and Da (>250 MMBtu/hr fossil fuel-fired steam generators). A list of all of the emission limits from Subparts D, Da, Db, and Dc (by solid, liquid, and gaseous fuel) have been in the Library for about a year. If you or your facility would like a copy of these terms, they are completed but under review (by Cheryl). Please contact Cheryl if you or your facility would like a copy.

4. Mike Hopkins has met with Cheryl following the P&E meeting (1/13) and it has been decided that most Federal terms will be included by reference in our permits. Therefore, NSPS Subparts Db and Dc will not be completed as suggested in the meeting. And instead, Cheryl will be attempting to build flow diagrams for "well used" federal terms. And it has been decided that Library terms should be Public Noticed in order to solicit a review from Industry and provide an opportunity for review by all permit writers.

5. The Miscellaneous Metal Parts Coating General Permits have been revised by a Work Group volunteered by Cheryl. Rules 17-11(C), the GACT Subpart HHHHHH, and requirements to maintain records of recovered solvents (used to credit emission reports) have been added. Sarah Harter first discovered the missing 17-11(C) about 6 months ago. This General Permit (GP) will be posted, along with the Aggregate and Mineral Extraction (GPs) for Public Comment as soon as the CI ICE General Permits are done. If you want a copy of these revisions (7 GPs) please contact Cheryl Suttman.

6. It is time again for Cheryl to review all of the recent OAC rule revisions (incorporated by Paul Braun) and update the Library OAC terms. If you find a term for a rule that has been revised and it needs a revision, please contact Cheryl ASAP.

7. The "sunset" terms (Federal side-terms pending SIP approval) for 21-08(B), now RESERVED, that were in the ZZZ.9 file have been removed.

## 6 Engineering Guide update-

- #6 - PTI for Coal to oil conversion - Cleveland – May need to be re-written, Misty looking it over
- #18 - SO<sub>2</sub> compliance determination for boilers – Toledo – Draft almost ready for review.
- #20 - VE limits, determination for stack sources - Akron - No progress
- #21 – BAT Requirements for New Fugitive Dust; non-Appendix A Areas – Cleveland –. Finalized but not on web yet.
- #22 – Manual covers for open top degreasers – Cleveland – Finalized and on web
- #23 - Significant figures for TSP emission limitations - SEDO – Comments recieved.
- #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 – Version 2 sent to Jim Orlemann for review.
- #26 - Inclusion of weight of water in the weight of "refuse" charged for incinerators.- NEDO – Draft handed out, minor changes, comments due by February 15.
- #29 - Applicability of the PTI Rules to Increases in Capacity of a Derated Boiler -CDO – No Progress

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- #30 – Discontinuation of fugitive dust control measures – non- Appendix A areas – Cleveland – No comments. – Issued final 12/09/09
- #31 - Grouping of similar process units, figure II – Cleveland – Issued final 12/09/09
- #32 – Variances from visible emission requirements. – Cleveland – Issued final 12/09/09
- #34 - Conditions for Issuance of PTI/PTO for an Inactive Source – RAPCA – Shutdown definition needed.
- #35 – Registration Status for Floating roof storage tanks. – Cleveland – Issued final 12/11/09
- #36 – Fuel burning equipment, physically and operationally united – Cleveland - Issued final 12/29/09
- #37 – Whether or not product separation/recovery equipment constitute control equipment – Cleveland – Draft distributed 1/12/10, comments due by 2/12/10
- #44 - Portable Plants - NEDO – Sarah and Michael of SEDO and Erica’s final work given to Jim Orlemann for final review.
- #53 - Open Burning Standards - Central Office – Rule was appealed with hearing in Feb. 2007
- #70 - Toxics – Hopkins reviewing; #69 may need changes due to changes in #70. – No progress.
- #72 – Grouping of Emissions Units for fee purposes – Revoked; replaced with guidance in Air Services
- #74 - Classification of PM - Central Office –Federal Register for PM 2.5 is effective Need to address test protocol for condensables and the Hopkins NSR guidance.
- #XX- New guide for crushers and non-metallic material - NSPS OOO - Mike Hopkins to review and address recent changes to subpart OOO.

General Permits – Crematories general permit - Sarah VanderWielen of Central Office is to run the AERMOD model in respect to the mercury emissions issue. There has been no progress on the tub grinders general permit.

Landfill guidance – Appears to be some conflict with Solid Waste and the NSPS regarding approvals of HOV. One solution suggested was looking at a tiered approach. 150 degrees Centigrade should not be a critical temperature and it was suggested that these requests be easily approved. A second tier might be placed at solid wastes definition of fire, as this tier involves other parameters.

Director’s letter – A general letter might be posted in the answer place; otherwise, check with your CO contact to get the most current examples.

Audit disclosure – The procedure should be posted in the answer place.

Duplicity in the EAR form – Akron will look at this and provide suggested changes to Jim Orlemann.

Due to the promotion of Ed Fasko at NEDO to the Unit Manager’s position for Air Pollution Control replacing Dennis Bush, we will need a volunteer to take the minutes for the P&E meetings.

**-----Next meeting is Tuesday March 9.**