

## P & E minutes January 8, 2008

Permitting & Enforcement Committee Meeting - January 8, 2008

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, Andrew Hall , (CO), Kelly Toth, Todd Scarborough, (CDO), Jeff Canan, Chris Clinefelter, (RAPCA), Sara Harter, Marco Deshaies, (SEDO), Brad Faggionato, (Toledo), Frank Markunas, (Akron), Bud Keim, (Canton), Paul Tedtman, (HAMCO), Mark Budge, (NWDO), Craig Osborne, Madhava Dasari, (SWDO)

1. **Enforcement issues** - Jim handed out his and graphs and tables on enforcement. The major goals were pushed in the last month. 29 cases were resolved in the last week of December and 37 in the last month alone. 28 were F & O's. 40 was the goal for the year for F & O's; we made 52. 90 was the goal for cases resolved; we made 85. All the old cases were gotten off the docket. Jim handed out the schedule for resolving the new list of old cases; there are 28. Jim pointed out that HPV cases, in the new classifying method, are taking priority over old cases. 85 cases are presently on the docket, 90 in the AGO's. Jim also reminded all that NOV's sent since 1/01/08 must be listed as HPV NOV or non-HPV as appropriate, as well as list the code. Copies are to be sent to Lisa Holscher as well as your CO enforcement contact. A formal action is required fo HPV NOV's. Arunee has revised CETA for HPV reporting. Jim handed out the summary of what will be going to the Director on a quarterly basis. Jim is looking for a 95% compliance rate for TV and Synthetic Minors. He feels as we go through the year, the number of HPV's will go down, as our previous method of reporting inflated the numbers. In 2008 we resolved 85 cases; we received 7 more than we resolved. We did well in penalties, \$720,000 in December alone; \$1.4 million for the year. This is the largest amount since the memorandum of agreement with the AGO was issued.- Reminder from Jim - Keep CETA updated, CO will be contacting the DO/LAA's if schedule of inspections or enforcement progress is not being adhered to..

**Action Item:** New HPV methods started January 1. Evaluate violations by this method, enter in CETA as such, and note on NOV with code as high priority violator. Keep CETA updated.

2. **Engineering Guide update** -
  - #6 - PTI for Coal to oil conversion - Cleveland - Mike Hopkins - no progress
  - #7 - Inclusion of weight of water in PWR - NWDO - Issued 1/3/08
  - #9 - PTI/PTO Determinations for grain dryers - NWDO - Don Waltermeyer and Jim Orlemann working out issues.
  - #16 - Conditions requiring additional testing - NWDO - Mark Budge sent changes to the group. Please send comments to Mark by end of February.
  - #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.

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#19 - Coke plants - PM rule applicability -HAMCO - Issued 1/3/08.

#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. - SEDO to submit changes by next meeting.

#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

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

#44 - Portable Plants - NEDO incorporated changes to address PTIO, rule changes, and clarifications for the flexible pavement industry. Send comments to NEDO by end of January. Andrew Hall is to submit an additional question that came up as a result of the SB 269 guidance.

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

#70 - Toxics - Jennie Hunter reviewing. #69 may need changes due to changes in #70. -No progress

#74 - Classification of PM - Central Office - There were comments on reviewed guide. Andrew Hall working on this. -Non-attainment issues must be resolved before guide can go forward.

#75- New guide for crushers and non-mettalic material - NSPS OOO - Mike H. - no progress

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

BAT rule project - The list of prioritized categories and the request for volunteers for the groups was sent out and volunteers will be solicited to determine the BAT of the particular source categories. Volunteers for the categories are due January 11. Packets will be sent out.. the limit is to be determined along with the appropriate monitoring, recordkeeping and reporting. Also, the supporting data is to be submitted. This is what was selected, this is the research. Volunteers may want to network with other offices. BACT/LAER database, past permits can be used for support. Cost effectiveness may not be needed. There is a concern about opacity and whether it can be required as BAT, as it is not a design parameter. BAT for different groups, such as coating lines, can be all over the place. Size may be the determining factor for control equipment. Asphalt plants rule has been started. BAT is being written by the source and the pollutant.

BAT can be -

Work practices

Source Design

Raw material or throughput limit on 12 month rolling

Monthly allowable on 12 month rolling.

Mike had recently sent out a rewritten version of the permit terms and conditions that would make the permit easier to read. Please have any comments to him by Friday.

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This is part of the Advantage Ohio project. Industry wanted a separate document that tells them what they must do, but there is a concern that this would be confusing as well as open up questions to enforceability

Testing is also of concern in this format. The general terms seemed better with the plain language. Mike also reminded all that the requirement that PTI's with MACT must go draft has been lifted. MACT requirements by themselves do not constitute a requirement for the PTI to go draft.

Andrew Hall indicated work is progressing on the BAT guidance as it applies to SB265. They will go with 9.9 instead of less than 10 tons per year. A new Q & A is being developed as well as the flow chart being updated. Sample permits will also be developed. The whole package will go out as website guidance in the next few months. Mike Hopkins and Mike Ahern met with the director on permit improvement as well as process improvement. They showed the director the 180 day list, tracking methodology and the details of how a permit is written. For last years PTI's , 42% were done in less than 45 days, 68% were processed within 90 days, and 89% were completed in the 180 day window. SWDO, RAPCA and HAMCO all met the 180 day standard for all PTI's issued last year. NEDO was 97%. The director will want monthly #'s in PTI issuance and an explanation as to why any are late. The director may visit the field offices on these issues. The director supports PTIO.

Regarding migrated documents into STARS2; work is in progress and the although we may not use some of the documents, they could be important for enforcement cases. There was some confusion as to what would be migrated and what would be lost when the E-mails from the listserve on this topic were issued. For the most accurate and clear description of the process, see the last E-mail from the listserve (through Jenny Hunter) authored by Erica Engel-Ishida (1/07/08). Mike Hopkins indicated that he has instructed his staff that if they cannot get to a PTO within 2 weeks after it has been received, that the reviewer should just issue the permit. A question came up about the old Title V applications and how we could view them once STARS2 comes on. There will be a way that they can be viewed through STARSHIP. Mike Ahern said he was not sure if additional applications which were not acted on will be kept. The old STARS will be demolished as there is no economic justification to continue the program. But he did advise that in-process state PTO applications would be pulled in. RAPCA raised a question about the development of a general permit/permit by rule for area MACT facilities. Central Office needs a volunteer to work on this. There is no outreach planned at this time for the area source MACT facilities.

- 4. STARS2 update** - Linda Ours presented the STARS2 update. There are still access issues for a couple of the locals. Staff should start working through the program just to familiarize themselves with the operations of the system. Linda will send a quick reference guide on this soon. Linda also wanted all to be aware that QA/QC for hard copy entry for STARS2 will be more stringent. Incomplete applications will not go into the system. The new system will tie into the agency core database. If a new facility exists in the core but not in STARS2, anything that is entered in STARS2 will be lost. Info should be sent to CO to affirm this determination of the core entry. Training is scheduled for STARS2 - Chance that STARS2 may not go on line on March 3, decision will be made the week of January 14. Emissions reporting still set for June, no matter if STARS goes live on 3/3 or not. Please note, each page in STARS2 will have "help". Unlike the past, DO/LAA's will be able to provide more help to industry with the program. The

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building of the facility profile will be better handled with the DO/LAA. Word '07, Windows XP is needed as well as internet explorer. Windows defender is needed for the locals. When STARS2 goes up, STARS and PTI 2K will go down. There will not be a snapshot like STARdust. There will be a quiet period in which work will not be able to be done... This presently is February 18 through March 2, but could change.

5. **Title V and permitting update** - Mike Ahern indicated the open burning processing guidance document will be completed between now and the next P &E meeting. Both the guidance and the application should be available electronically. Chapter 77 changes are to be going out soon. Included will be the transition in and out of Title V, area source categories and shutdown emissions units. Mike also indicated the Statement of Basis will be a part of STARS2 and will continue in its present form, although there may be some minor changes along the way. Wordperfect to Word conversion will be available at the transition.
  - Residential wood fired boilers - Jim Orlemann is looking at a draft rule by Carolina. It involves setbacks and stack height. At this time, there are no plans for a grandfather clause for already installed units. The draft rule is to be sent to interested parties early this year.
6. **Terms and Conditions** - Cheryl Suttman developed the terms and conditions for tub grinders based on AP-42. These terms are now on hold till BAT issues are resolved. Cheryl is now involved with the BAT rule project. She has been looking at the boiler terms and removed the MACT language since the rule has been vacated. It was agreed that general permits can stand for now, but may be changed in the future as a result of the BAT rule re-write. Cheryl indicated that she has an instructional sheet for subpart IIII of the NSPS, diesel engines. She also mentioned that we are able to grant the HOV for landfills.
7. **CETA update** - Nothing at this time.
8. **Stack Testing** - All should review the USEPA guidance on testing for the next meeting in order to address the confusion on maximum process wt rate and worse case conditions. This was a subject of discussion in the stack test call. The USEPA "National Stack Testing Guidance" & the July 25, 2006 Workshop presentation (same subject) is available for downloading.  
<http://www.epa.gov/compliance/resources/policies/monitoring/caa/stacktesting.pdf>  
<http://www.epa.gov/enforcement/resources/publications/data/systems/air/2006conf/afs2006-july-25-miller-stack-test.pdf>
9. **New items and parking lot** - 21-07 rule revision; the JCARR conference has been held off. Bob Hodanbosi and the director received concerns from the attorneys as well as from Honda on issues. As changes need to be made, JCARR meeting will probably be held in the end of January or early February. The revisions for Chapter 17 have been signed by the Director. The revised rules have been posted on the DAPC web site.

The DAPC Web Applications page is accessed by Ohio EPA Central Office and District Offices

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through:<http://dapcnet/>

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

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

**P & E minutes and permit call notes have been updated on the web page. Thanks!!!**

**Next meeting is March 11, 2008**