

Permitting & Enforcement Committee Meeting - January 9. 2007
Lazarus Government Center
Ohio EPA
7th Floor conference room

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

Minutes - Ed Fasko (NEDO)

- Mike Ahern, Mike Hopkins, Andrew Hall, Cheryl Suttman, (CO), Rick Carleski, (OCAPP), Todd Scarborough, (CDO), Ed Pabin, (Canton), Jeff Canan, Chris Clinefelter, (RAPCA), Mark Budge, (NWDO), Glenn Greenwood, Sara Harter, (SEDO), Frank Markunas, (Akron), Craig Osborne, (SWDO), Joslyn Summers, (Toledo), Anne Chamberlen, (Portsmouth), George Baker, Sarah Rehner, (Cleveland DAQ)

1. **Enforcement issues** - Jim Orlemann first hand-out consisted of three sets of graphs and tables regarding enforcement and compliance. In December, 63 cases were resolved, 30 of which were the Shelly cases that were referred to the AGO. For the year, 110 cases were resolved, exceeding the DAPC goal of 90. There were 41 F & O's issued for the year; the director's goal was 50. All But 2 "old" cases were resolved. The last 2 were sent as referrals for the AGO to the director, but the director did not forward them on. Once again, over a million dollars in civil penalties were assessed by DAPC this year. The next handout listed the schedule for processing "old" cases in 2007. It is down to 22; the lowest number of old cases ever. It is a DAPC goal to resolve all of these by July of this year and then begin working on "old cases" for 2008 if possible. The last item Jim handed out was the pending AGO cases. Jim believes the Shelly cases should result in a very large settlement. There has been a lot of turnover at the AG's office; we have a lot of new faces in air enforcement. Teri Finrock is the air unit supervisor in the AG's office. All of the AG's were requested to submit resumes to the new AG management. Jeane Mallet retired; Brian Zima is the new air unit supervisor for the agency Legal section. Brian is familiar with our program as we have worked with him in the AG's office. The AG's office is now at full staff. Lately, a lot of time has been put into appeals by the AG's office.

Action Item: Continue work on EAR's, work with AG on resolving cases.

2. **Title V permits and issuance update** - Mike Ahern said there are now 217 extended Title V permits; that is, expired but having filed a timely renewal application. This number was at 205 last meeting. 28 facilities with expired Title V permits are now operating under orders. There are 608 active Title V permits and 245 in the renewal phase. The total TV population has been reduced from 744 to 688. The reduction is mostly from the information that Erica Engel got from the survey in December. The Feds are now tracking the renewals and Mike is to report the progress every six months. We will probably have to track this similar to the initial TV issuance. 12 Title V actions were issued in December. Issuance numbers will show up in the monthly report. There will be a graph by office on permit actions. PTI productivity will also be tracked in the monthly.

Mike Hopkins talked about the issuance of PTO's. The field offices have been sending lists of permits to be processed to their central office permit reviewer. Most of the work has been concentrated on Title V permits and FESOPS but state PTO's are also being issued. Mike indicated he is planning to direct the Central Office reviewers to issue PTO's with a quick oversight review and with no review if they have been on the "list" for more than two weeks. Mike also

talked about the need to identify the universe of PTO's. He asked each represented office if they had all the PTO's applications (basic info) entered into STARS, so he could determine the PTO backlog. He was hoping to assess the percentage of PTO applications entered into STARS for each office. Expired population is accounted for so renewals not entered in are accounted for, but these facilities could be shut down and not be needed to transfer into STARS2. The benefit for the field offices to get the information into STARS now, is that there are more fields required for PTO hard copy entry into STARS2. The answers were as follows:

Akron - Generally do not enter renewal applications, expressed concern about the facilities that have not submitted renewals and how we would account for them. They have been working on the first issue PTO's.

NEDO - Enter PTO's that come with PTI's, renewals and backlog PTO's were entered by an intern a few years back. Recent hard copy renewals not necessarily entered. Also working on first issue PTO's.

CDO - Not entered, but asked about the priority of PTO's.

SWDO - About half of the PTO applications have to be entered.

SEDO - Majority of renewal applications are entered, but they are not chasing down delinquent renewal applications.

NWDO - Low percentage of renewals are entered; same as with first-issue PTO's.

RAPCA - Mostly not entered unless they are going to be worked on. First issue PTO's are a priority.

Toledo - Pursues old renewal applications.

Cleveland - PTO's entered as they come in. Have processed some first issue PTO's.

Portsmouth - Majority are in STARS; same as with first issue PTO's.

Mike indicated that field offices could suggest the facility request a PBR or General Permit when they start to work on a renewal, even if it is an old application. Mike Ahern indicated he could supply a list of renewal applications in STARS and PTI's with installation certificates without first issue PTO's in STARS. The window of opportunity to enter these applications into the present version of STARS is probably less than a year. A suggestion was made to remove exempted facilities from entry into STARS and thereby reduce the workload.

Mike Hopkins said we were doing well with PTI's and thanked all about the efforts made in getting the MACT PTI's for miscellaneous metal coating out by Jan 2. Abdur is to put together a list of upcoming MACT compliance dates so we can keep on top of MACT related PTI's. Don't need another crunch. The change in the "once in always in" policy was discussed. As written, the draft allows sources currently in the MACT to still become area sources but that becoming an area source would not be a defense for violations committed while being a major. This is draft and is currently undergoing a 60-day public comment period. A new PTO reviewer is to start in Central Office. Jenny, from Hazardous Waste, will be doing PTI's in Central Office.

Andrew Hall mentioned that he had sent sample CAM plans around. He also pointed out that PM10 is the regulated pollutant for Title V and also the regulated pollutant for CAM. Potential uncontrolled emissions are PM10 and that is the data we use. If no PM10 data exists, we look at PE. We do not want to overregulate. The guidance for this issue is on the STARship newsletter.

Action Item: DO/LAA's to check for MACT related PTI's. Make sure they are applying CAM properly. Abdur to provide a list of upcoming MACT compliance dates. Between Central Office and the field offices, a resolution to the PTO backlog needs to be developed. Continue working on the TV renewals

3. **New Source Review** - Mike Hopkins reported nothing new in NSR. . Andrew Hall reported the

guidance on BAT, permits and SB 265 will be updated by the end of the month. The flow chart will not be changed, but the language regarding controlled and uncontrolled will be clarified. Yes, BAT stays on old sources.

Concrete crushers and NSPS. Mike Hopkins is reviewing the memo written by NEDO. Asphalt and concrete crushers have been added to the PBR. A question was raised about built in generators and how they should be permitted. Permitting a generator for a portable plant defeats the purpose of the PBR for the plant. A PBR may be in order for generators, and Mike is looking for volunteers. The generator situation becomes even more complicated as it could be part of the crusher, separate from the crusher, used for moving the unit, available on the unit, but not used if the unit is t powered off the grid.

Action Item: Volunteers for writing a PBR for generators should contact Mike Hopkins. CO to finalize SB265 guidance. Central Office to review NEDO draft on portable crushers, Concrete and Asphalt *plants* are now in listed in OAC 31-03(A)(4)(d) , which could be misinterpreted; issuance of the memo might clarify this prior to going through a rule revision.

4. **Permit Issuance and Data Management** - Mike Ahern announced that the short form of the Title V compliance certification should be coming out soon. There is an issue with threshold values in 15-05. These are being clarified. Jim Orlemann discussed the round off issue for 10 lb/day and 1 ton/yr. (for example, 10.499 would be compliant with 10 lbs/day) . Should we specify 10.0 or just state that anything greater than the number specified is not De Minimis and do not address a round off issue? Since the rule is open, should this be addressed in the rule? Would we have to modify other rules? Could a change in the Engineering Guide 23 cover all the issues of rounding off? Jim also commented the hearing held regarding 3745-15 had a lot of comments on the nuisance issue.
5. STARS2 update - Trial screens are being developed. Comments on new application format should go to Glen Greenwood.
6. **Engineering Guide update** -
 - #5 - VOC exemption, fixed tanks - Akron - Jim O. finalized January 4
 - #6 - PTI for Coal to oil conversion - Cleveland - Mike Hopkins to review
 - #7 - Inclusion of weight of water in PWR - NWDO - working
 - #9 - PTI/PTO Determinations for grain dryers - NWDO - Jim O. sent comments to NWDO
 - #10 - Stone processing - Toledo - signed 11/13
 - #11 - Table I of 17-11 - Cleveland - No comments received - Sent to Jim O. to finalize
 - #12 - GDF guidance - NEDO - Changes from comments sent to Jim O.
 - #13,14,15 - No changes - Jim Orlemann will post a review date on the guide
 - #16 - Conditions for requiring additional source compliance tests - NWDO - in progress
 - #17 - Boiler operational rate for compliance tests - RAPCA - signed 11/13 -
 - #18 - SO2 compliance determination for boilers - Toledo - No changes - Jim O.to review
 - #19 - Coke plants - PM rule applicability -HAMCO - HAMCO not at meeting
 - #20 - VE limits, determination for stack sources - Akron - Address stack issue only
 - #23 - Significant figures for TSP emission limitations - SEDO - No progress
 - #44 - Portable Plants - Mike Hopkins and Central Office to respond to NEDO's questions
 - # 53 - Open Burning Standards - Central Office -Rule hearing in February
 - #74 - Classification of PM - Central Office - revising based on comments received.

New guides to be assigned at next meeting.

7. **Terms and conditions and Policy distribution -**

Cheryl Suttman handed out a list of changes recently made in the library. 84 templates now exist for three MACT rules (Subparts I I I I, MMMM, and PPPP) rather than tables for terms and conditions. The portable source term will have the BAT terms removed. Terms and conditions for the toxics language are under review in light of the 80% of the MAGLC issues. A new navigation of the library is to be linked to STARS2

P & E and permit call notes are up to date on the web

8. **CETA update** - Mike Van Matre mentioned a few things about the enforcement case information being entered in CETA. Penalty amount must be entered with F & O's. Make sure the sequence of events are correct in enforcement cases (for example, the sequence should be "Issue F&Os then Case Closed" not "Case Closed then Issue F&Os"). When you update an action, make sure you add to an existing action rather than create a new I.D.#. Things are getting better. An upload to USEPA was sent on January 9. Mike handed out a list of unresolved cases in CETA as well as a list of what was entered between 12/01/06 and 1/07/07. John Paulian had sent out CETA info for % report. Get any corrections to John.

9. **Stack Testing** - No update

10. **New items and parking lot** - A training program for HON groups I and II is available through Jim Orlemann. Steve Friedman got it from STAPPA/OLAPCOA .

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

LAA's who are not on the DAPC intranet need to use the following link:

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

Next meeting is March 13, 2007