

To: Jim Braun
From: George P. Baker

Date: April 8th, 2004

Re: Minutes from February 10, 2004 P & E Meeting

Attendance

Jim Braun	Cleveland
Jim Orlemann	OEPA, DAPC
George Baker	Cleveland
Bridget Byrne	NEDO
Bud Keim	Canton LAA
Mike Riggelman	CDO
Ed Fasko	NEDO
Cindy Charles	Portsmouth
Curt M.RAPCA	
Adam Zokiak	TDOES
Kyle Nay	SEDO
Sarah Harter	SEDO
Laura Miracle	Akron
Adam Ward	CDO
Jenny Marsee	RAPCA
Bradley Miller	HCDOES
Rick Carleski	COC/WDO
Mark Budge	NWDO
Mike Hopkins	DAPC

Co-Chairpersons: Jim Braun and Jim Orlemann

Title V Permits (Jim Orlemann)

Jim distributed two handouts: the STARS Title V Permit Issuance Tracking report, and a table of permits issued by month.

Twenty-one first round permits were issued in January 2004, but no PPPs, and only 1 PP. For February 2004, 20 PP were scheduled. Issuance is falling behind; there may be a day of reckoning. If a local or district office is falling behind, they should contact the Central Office. All offices are encouraged to meet the schedule dates. Schedules have not been given to the director yet, but when they are given, C. Jones will expect them to be met. Dates should be realistic (dates that can be met). The group discussed the responses received from the Central Office (CO). It was recommended that LAAs should check periodically once they send a Title V to CO. Most Region V states are having some problems. Ohio is not the worst. Illinois is probably ahead of most.

Area Source Title V permits: U.S. EPA extended the deadline to at least the end of the year. STAPPA/ALAPCOA may propose a rule on area sources. Last year, data was collected. They may exempt aluminum and other smelters **except** for lead.

Engineering Guide 61 Applicability: Presumed Inherent Limitation. Meant to be a transition guide for facilities. Transition issue was dead at the end of 2000 (?). Facility is a true minor if actual emissions are <20% of threshold. Need clarification on whether that is only for Criteria Pollutants, or also HAP. (J. Orlemann and M. Ahern to follow up)

Enforcement of Title V permits at Renewal: No new information.

PTOs and FESOPs: Title V is still the top priority, but they are moving on some FESOPs. Let Jim Orlemann know when a company's FESOP is close to being ready. State PTOs are still a low priority. K. Nay stated that about 850 of 900 state PTOs are expired. He suggested getting some good sample PTOs issued and using them as templates. J. Orlemann stated that LAAs can work on state PTOs if they have time. The concern is quality: they should be as good as Title V permits. CO will only do a cursory review and then send them out. Only glaring mistakes are likely to be caught. FESOPs are being reviewed as thoroughly as Title Vs.

Enforcement (Jim Orlemann)

There has not been much improvement due to lack of resources. The penalty rule was scaled down to just open burning. There has been a lot of turnover at the Attorney General's Office. The goal is to settle at least 40 cases with findings and orders by the end of the year. Another goal is to no cases on the docket older than 21 months by the end of the year. The effect is to force down the age of cases. K. Nay suggested that attorneys call the locals to let them know who each case has been assigned to. Is statute of limitations letter is coming in about 6 weeks. The "Zero Date" is the oldest date of a violation in an EAR. If older than 18 months, civil violations will not be pursued. They will still address violations if appropriate.

Clarification of Title V Operational Restrictions for Baghouses, etc. (Bud Keim)

See Handout #3, E-mail from B. Keim to J. Braun. Ohio EPA sets Differential Pressure (DP) based on stack tests. DP equipment should be installed per manufacture recommendations. But, the installation may not include adequate instrumentation (e.g. discharge to first inlet).

B. Keim suggested watching DPs during stack tests to see if the cleaning cycle significantly affects them. He would like to see any experience reports on this issue from field work / stack tests.

J. Orlemann stated there is no such thing as an administrative violation.

A. Zokiak asked: If monitoring systems detect a condition that indicates a violation, is an NOV required? There is no discretion not to send the NOV.

B. Keim Stated that they are trying to keep honest companies honest. There is a mixture of policies on sending NOVs, LOWs, or anything based on deviation reports.

Look at six month deviation reports to indicate if required record-keeping was done. Would not report deviations discovered in the monitoring. Look at quarterly reports for compliance with specifications (terms & conditions).

Because of the considerable interest, this topic will be kept on the agenda.

K. Nay stated that virtually every facility will be NOT in compliance on annual certification.

Curt M stated that he would not rate an overall facility as not in compliance if the only issue is a missed report.

Clarification is needed on CETA entries for Compliance or Non-compliance. (J. Orlemann and T VanWalsen to follow-up)

New Source Review (NSR) Topics (Mike Hopkins)

The Engineering Guide on emission factors is on hold due to time being spent on processing efficiency working groups. Will probably be the case through this Summer.

NSR Reforms: Comments received and reviewed; feedback summaries prepared (?).

The "Interested Party" package will hopefully be ready by the end of May.

Question: When an attainment area is redesignated as non-attainment, and a permit is in process, what kind of permit can be issued? Is the application date the important date? U.S. EPA opinion has been that the permit issuance date is the determinant. On further review, the U.S. EPA still feels this is the case. The final permit must be issued before redesignation in order to use PSD rather than NSR. Once the redesignation is published in the CFR, the areas officially become non-attainment 30 days later, and that is the critical date for permit issuance type. A 182 F waiver may be possible in parts of the state, but no areas would immediately be given 182 F waivers. States would have to apply. Reference J. Paul's testimony to the Senate Democratic Policy Committee hearing on New Source Review. There may be some fallout.

Routine maintenance and repair allowance: his issue is in the courts. It may be settled there by the end of the year, so there is no movement to revise it at this time.

Curt M. commented on J. Paul's testimony. The rollback of requirements is easier on industry, but not better for the environment and not simpler for regulators. Some Plantwide Applicability Limits (PALs) may be good in the long term; we don't know yet.

M. Hopkins stated that this is no longer NSR simplification; it is more complicated. Regulators need to be more like economists. PALs do not change the need for BAT, state PTOs, emission limits etc. They are just for the purposes of NSR.

Emission Threshold

This is not a replacement for de minimis. Emission threshold only gets you out of the need for PTI and PTO. A facility still must comply with the rules. Expect an e-mail shortly on this topic. Emission threshold will also include screening for toxics. It is necessary to reduce the number of sources requiring permits

3745-21-09 (U)(2)(f)

This was "inadvertently approved". It will be withdrawn when other sections are revised. The U.S. EPA is currently not approving, but approval is required for permit processing. Things are stuck. There will be no grandfathering when the rule changes. They are trying to figure out how facilities have them now. E. Engel-Ishida is working on this. Site-specific BAT limitations may be used if facility cannot meet (U)(2) requirements. B. Juris has been in discussion with the U.S. EPA on this issue since last Summer. 21-09 is a RACT rule whereas 21-07 is not. The U.S. EPA wants to maintain the integrity of RACT definitions. The question then is "What is RACT for the emissions unit?"

Once in always in: Should be resolved shortly. Expect an e-mail on this.

Title V scenario: A Title V facility doesn't want to be nonattainment for NSR. PTI rules say they can voluntarily restrict PTE for NSR, and get a synthetic minor to avoid NSR, but they would stay Title V until renewal. During that time they would have to comply with Title V and synthetic minor restrictions.

Multiple Emission Units Controlled by a Common Device (J. Braun)

J. Orlemann will review J. Braun's letter to R. Hodanbosi regarding multiple emission units. J. Braun is proposing an option to present to U.S. EPA that is more stringent than NSR. It would restrict PALs to controlled emission situations where you know what the emissions are. J. Braun will inform the group after he meets with R. Hodanbosi.

Landfills

J. Orlemann will talk with T. VanWalsen for an update.

Visible Emissions draft Engineering Guide

J. Orlemann will talk with T. VanWalsen for an update.

CETA Implementation / CMS Commitments (A. Ward)

The group has met once for a general overview of what needs to be done in the future.

Applicability Guidance Document for 3745-17-08 / 17-11

J. Orlemann will talk with T. Kalman to find out a date for when it will be done.

Stack Testing

A handout on resources was provided by E. Fasko. Guidance on appropriate methods for PM-10 limits was discussed.

CO Reorganization (J. Orlemann)

The reorganization is in effect except for J. Orlemann. He will stay on Title V at least until Title V done.

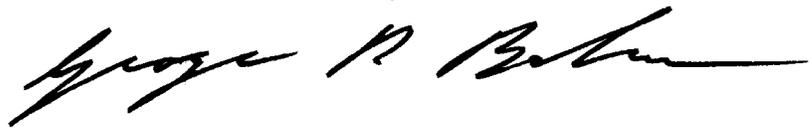
Future Agendas

E. Fasko proposed emission reports for an agenda item.

A. Ward proposed an update on the status of updating and adding Terms and Conditions for an agenda item.

Next Meeting: April 13th, 2004 at 9:30 a.m.

Minutes submitted by

A handwritten signature in black ink, appearing to read "George P. Baker". The signature is fluid and cursive, with a long horizontal stroke at the end.

George P. Baker