

Permitting & Enforcement Committee Meeting – March 10, 2009

Lazarus Government Center
Ohio EPA
7th Floor DAPC conference room

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

Minutes - Ed Fasko (NEDO)

- Cheryl Suttman, (CO), Kelly Toth, Todd Scarborough, Kelly Saavedra, (CDO), Jeff Canan, Chris Clinefelter, (RAPCA), Sarah Harter, (SEDO), Peter Park, (Toledo), Anne Chamberlin, (Portsmouth), Mark Budge, (NWDO), Frank Markunas (Akron), Bud Keim, (Canton), Paul Tedtman (HAMCODOES), Rick Carleski, (CO/OCAPP)

1. **Enforcement issues** - Jim Orlemann

Jim presented the enforcement totals for 2008 in a power point presentation. This report, as well as the 2009 goals was sent hard copy to all the DO/LAA's. For the year, 99 cases were resolved; the goal was 100. F & O's were used to resolve 57 cases (goal was 50), 18 were referred to the AGO. Over three million dollars was assessed in civil penalties for the year. 93 new cases were received and 80 cases remain pending. All but two of the 44 old cases were resolved before the end of the year. Goal is to do them all. The goals for 2009 are:

Resolve all 37 old cases

Resolve a total of at least 80 cases, at least 40 with F&O's

Calculate environmental improvement for each resolved case

Achieve a compliance percentage for HPF's of 93% or greater – hit 86.7% in 2008

Priority resolution of HPV cases

2. **New Source Review** - Mike Hopkins

Mike handed out the draft BAT Requirements rule, 3745-22-02. This is being prepared for the interested parties package. We are not making anyone happy with this rule; USEPA is concerned about backsliding; Industry does not like BAT restrictions, and citizen groups do not feel we have enough BAT. Basically this rule will replace 31-05, identifying the applications and exemptions. (E) in the rule addresses determinations prior to 8/03/06; (F) addresses the gap between 8/03/06 and 8/03/09, and (G) addresses the installations after 8/03/09. (G)(1)(a) and (c) seem to fall back to RACT and BACT. The original idea was to write this rule based on SCC codes. There are over 27,000 codes, to write rules and update them every five years is an impossible task. Mike asked all to check for categories that do not need short term limits in addition to the ones listed in (E)(7). He also asked all if they knew of an additional operations that should be listed under (G)(1)(d). Further, since time is tight to get this rule issued, Mike indicated he would accept BAT limits for sources that seem obvious, and the supporting data could follow later. He requested it be in table form; the blank table is available from Mike Mansour, as the table in the rule writing software only accepts equal columns. Mike also talked about "late" permits, specifically initial installations and Ch. 31 Mods. There are 260 permits in process across the state, 120 are "late", in "anger" or in warning status. This is high; we have to reduce this. Andrew Hall is tracking this, as the goal for next year is 225 for an average; the goal for 2008 was an average of 250, which we met, but it is climbing away from us. It is suggested that we use the management reports tool to track these permits; under

Permit status; select PTI, PTIO, Chapter 31 mods, initial installation and not yet assigned. To track the late permits, select late permits and use the same filters. Mike asked that we chip away at these. He also mentioned the new addition to the reports with a show notes spot. This shows the notes from the workflow where notes are automatically added when a task is reassigned. You can add notes at the workflow page to better identify any issues that are holding up a permit. One thing to remember is that workflow status numbers are calculated differently than permit status numbers.

There will be a Shelly hearing with ERAC next week regarding the burner tuning, waste oil, and other issues that Shelly is objecting to in asphalt plant permits. Mike stated that the slag and high SO₂ mods to the 13 permits have all gone draft per the director's commitment. An aggregate industry group is being formed to develop a general permit for rock crushers and aggregate handling. A question was asked if you have two different facilities, same owner for TV purposes, can you reference one EU from one permit in the other. The answer is yes.

Regarding the burner tuning issue, Mike asked if there were any successes or problems with the burner tuning reports. Let him know. If any calls are received from Mr. Altman for information on SB 265, refer him to Nichole Candellora or your CO contact.

There was some discussion about deviation reporting and the confusion of the requirements that are listed in the older permits. (See agenda) Mike said the EU terms supercede the General terms, and as soon as something is specified in regard to reporting, the EU terms become the default rather than the general terms. In new language, PER replaces 1/4ly no deviation reporting unless the writer specifies otherwise. Other reports, rule based and federally enforceable, stay on the same schedule as specified by the rule.

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

You may have noted the web and stimulus project issues. There is an extreme focus by the governor's office on issuance of permits for these projects. If you have any permits for asphalt plants in which shingles are being used, E-mail the information to Mike Ahern.

Mike and Rick Carleski talked about the 181 Synthetic minors that do not have a serviceable PIN in STARS2. There are also 68 Title V facilities that have no PIN. Fee reports for all these facilities are due on April 15. Mike will E mail a link so the DO/LAAs can follow up with phone calls and log the progress made in getting the companies to correct this issue. Use the answer place item 1653 as guidance for helping these facilities get their PIN. If you contact the company, log your progress on the link. Place your name under the OCAPP contact. For the fees themselves, Elisa and Erica are the contacts. Elisa will return on 3/16.

Another new tool in management reports is the expired permits report. You can select any range to determine what permit will expire. Some compliance certifications (a few of the old non-renewed Title V permits) are due on March 16 since March 15 is on a Sunday. All others are due on April 30. A company can fill out short version on the web and attach it to Air Services or use the form directly in Air Services.

With permits being submitted electronically, do we still need to submit a copy of PSD permits to the Feds? Yes, but the most conservative way is to have the company send a hard copy to the USEPA. The company can print out a PDF and just mail it to the Feds. Ideally, an electronic application should suffice, but this has not yet been resolved with the Feds.

Terms and Conditions - Cheryl Suttman

The T&C Coordinator has been working on removing all of the old quarterly deviation reporting terms, due to the Chapter 15 changes, and has been replacing them with a reference to the generic reporting term (named RPT) in the Library.

The reference for the TV and FEPTIO quarterly reporting terms includes the replacement "list" of requirements to report, i.e., the XXXX fill-in-the-blanks of the generic RPT term. The new PER term describes what is required to be submitted in the generic PER report, which only states that it will be mailed and must be submitted.

The T&C Coordinator has removed the 3-hour parameter monitoring terms from the coating 21-09 terms, to get rid of the duplication, and has updated the same in the "J" parameter monitoring terms, with the reference to the "J" terms left behind in the coating "B" terms. The reporting terms in the coating terms reference the appropriate "J" term set, based on the control device and monitored parameter to "pick up" the RPT fill-in-the-blanks (XXXX1); and the J reporting terms reference the generic "RPT" reporting terms.

One exception is the Can Coating terms from 21-09(D), terms B8C & B8T, which maintain their "3-hour" parameter monitoring terms because they are slightly different, and they would have made the J terms a little more complicated and messy. The can surface coating reporting terms are handled the same as above.

Please e-mail the T&C Coordinator if you notice any terms or parts of terms missing. There were many terms, or their parts, discovered missing, accidentally deleted by an Intern during the outlining set-up in WORD. This is especially true in terms that do not show a current update in the term number.

The Aggregate GP has been re-assigned to the T&C Coordinator and Jay Liebrecht to complete, with meetings planned every other month with the Industry, till resolution. The Industry has also requested GPs for their diesel generators (CI ICE) and for mineral extraction. Jay has provided terms for both the Agg GP and the mineral extraction GP, as well as, the qualifying criteria, and the calcs!. Cheryl will be drafting the GPs for the generators. NEDO started on this project and will forward any work to Cheryl.

4. **Engineering Guide update-**

- #6 - PTI for Coal to oil conversion - Cleveland - Mike Hopkins is having Misty work on this.
- #9 - PTI/PTO Determinations for grain dryers - NWDO – Finalized and issued on 12/24. On web.
- #16 - Conditions requiring additional testing - NWDO – Finalized and issued. On web.
- #18 - SO2 compliance determination for boilers – No update.
- #20 - VE limits, determination for stack sources - Akron - No progress
- #23 - Significant figures for TSP emission limitations - SEDO – Working on revision.
- #24 - Application of Fugitive Dust Requirements to Affected Facilities - No Progress.
- #25 - Determination of source numbers and Permit fees for fugitive dust sources - Cleveland – Changes made, comments to Jim by 4/15.
- #26 - Inclusion of weight of water in the weight of “refuse” charged for incinerators.- NEDO – Should be getting a work group together soon. No progress
- #27 - Determination of Heat input during a boiler stack test - RAPCA – Finalized.
- #28 - Methods for Ascertaining the Uncontrolled Mass Rate of Emission for Figure II – CDO - Finalized.
- #29 - Applicability of the PTI Rules to Increases in Capacity of a Derated Boiler -CDO – No Progress
- #34 - Conditions for Issuance of PTI/PTO for an Inactive Source – RAPCA – No progress.
- #44 - Portable Plants - NEDO – Will be updated based on Portable Plant group determinations, working with SEDO
- #53 - Open Burning Standards - Central Office - Hearing resolved; no progress on guide

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#70 - Toxics – Hopkins reviewing; #69 may need changes due to changes in #70. – No progress.

#72 – Grouping of Emissions Units for fee purposes – Erica and Mike Ahern are working on this.

#74 - Classification of PM - Central Office - Andrew Hall and his group can start working on this now that the Feds have passed the PM 2.5 rules. No progress.

#XX- New guide for crushers and non-metallic material - NSPS OOO - Mike H. - No progress

#75 – 17-08 scenarios – Comments to Orlemann by 1/31. Final issued on March 6, 2009

#XX – 21-07 sunset language – Comments received, under review.

Cleveland is working on comments for the general permit for crematories. Number of units is an issue for the general permit. The GP can either cover number of units or issue a regular permit using the general terms as a template. The Board of Building Standards and Appeals in Cleveland denied a variance to put a crematory in a residential area, as it was a zoning issue, citing concerns for mercury emissions. Mike Hopkins indicated that the threshold that has been used with industry for determining if an air toxics analysis for mercury emissions is needed is 100 lbs/year, not 1 ton/year. CDO and Tub grinders general permit is being looked at. NEDO needs to move on General permit for Generators and get with Cheryl.

***Last entry of P & E notes is November '07----- Action item--- Update page---
-----Next meeting is Tuesday May 12***