

## Permitting & Enforcement Committee Meeting - March 11, 2008

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)

- Mike Ahern, Cheryl Suttman, Andrew Hall, (CO), Luke Mountjoy, Mike Riggleman, Todd Scarborough, (CDO), Jeff Canan, Chris Clinefelter, (RAPCA), Marco Deshaies, (SEDO), Brad Faggionato, Peter Park, (Toledo), Frank Markunas, Duane LaClair, (Akron), Bud Keim, (Canton), Paul Tedtman, (HAMCO), Mark Budge, (NWDO), Craig Osborne, Madhava Dasari, (SWDO), Rick Carleski, (CO/OCAPP),

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

Jim Orlemann discussed the 2007 enforcement activities report. The report will be passed out this week to the DO/LAA. Some of the report highlights are as follows, please see report for specifics; In 2007 DAPC had a 89% compliance rate, 2008 compliance goal is 93%, DAPC resolved 85 cases in 2007 with 52 sets of F&Os, 18 are at AG's office, and 20 were resolved internally. 92 new cases, 86 cases pending, 90 cases are pending at the AG's office (40 are Shelly Materials). We received 12 million in civil penalties and 107 million since 1984. The environmental benefit by the resolved cases are as follows; CO 6 TPY, PE 515 TPY, VOC 170 TPY, NOx 1077 TPY, and SO2 3196 TPY. DAPC currently has the largest number of court cases filed and are in various stages.

DAPC submitted the 2008 goals to the Directors office and are awaiting comment. The 2008 goals were handed out.

**Action Item:** \*Reminder\* USEPA mentioned to review all annual certifications, and enter them into CETA once completed.

- ### 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. Questions were forwarded to Don, progress unknown.
  - #16 - Conditions requiring additional testing - NWDO - Mark Budge sent changes to the group and received 3 – 4 comments. Next meeting should have them addressed. The comments are significant and may possibly need to redistribute the guide.
  - #18 - SO2 compliance determination for boilers – No Update
  - #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 expected until stars work is further along.
- #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. 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 -

As many of you know Director Korleski has titled the 2008 calendar year "the year of the permit". The Governor and Chris Korelski have received many complaints from industry about the time it takes to receive a DAPC permit. Chris Korleski has gone around to the DO's discussing his and the Governor's philosophy about Ohio EPA service to industry and his expectations of the staff. DAPC is being asked what can we do to assist this permit goal, how can DAPC be more timely. See DAPC memo dated 1/31/2008 Short Term Projects (copy of memo was handed out).

Andrew Hall discussed the MACT general citation approach. PTI's are required to develop a general approach and the detailed approach for PTO's & TV's. The detail citation approach is what we are currently doing. This is meant to simplify work and lower the amount of copying text in permits. You still need to look and know which MACT that applies. Stars2 library will be a compliance tool and check list.

Regarding Item 3 on memo, Andrew Hall sent an email to all LAA/DO to identify all PTO's and what can CO do to help/move the permits. Mike Hopkins

Andrew Hall discussed the Senate Bill 265 Guidance. The guidance document is complete with a last revision date of March 2008. Page 33 on is the new guidance and includes updated BAT decision flow chart. Both documents were passed out. There is always the possibility for other revisions. The documents will be posted on the public web.

Mike Riggleman, posed the question if this group was open to the idea of creating more general permits. Create a list similar to the engineering guides for groups or individuals to adopt and draft new general permits. This could assist keeping the project of developing more general permits on the front burner and streamline the permitting process. Mike asked what specific general permits are needed? CO does have a list to offer. A comment was made that we need to revise at least 75% of the existing general permits. The consensus of the group was, to make any further decisions on the topic we will need to see the list of GP's that need revised, look at the list of GP's CO has, and at that time the group may make an informed decision to take on the project or not.

Please email any new general permit ideas to Mike Riggleman.

BAT rule project – CO is still working on the project, there has been a lull in the progress. CO is still putting together directions and a guidance packet. FYI – USEPA mentioned problems or issues with SB 265. We may be backsliding our SIP. The BAT work deadline is 5 to 6 months away, so there will be increased activity to meet the deadline.

OAC rule 3745-21-07, the terms and conditions are not in our SIP. We need to include the language from the 3745-23 rule changes and apply it to the 3745-21-07 rule. A white paper on this issue is available and posted on the web. There is also going to be a 3745-21-07 guidance prepared in the near future.

<http://www.epa.state.oh.us/dapc/regs/3745-21/3745-21-07WhitePaperRefile.pdf>

USEPA will not approve sheet mold compound (SMC) exemption. USEPA may elect to disapprove the rule in its entirety or specific sections. The old rule and the new rule are required to be in all federally enforceable permits. The state only permit will have only the new rule included. Todd has finished the 21-07 package, so we will request USEPA to make a timely decision.

4. **STARS2 update** - Linda Ours presented the STARS2 update. Stars2 is still on target for the June 30, 2008 launch. The director has indicated he did not want any more delays. Bugs are still being found and worked out.

On April 14, 2008, CO is hosting a training session on PTOs and air services from the external side at the Riffe Center. We will send out invitations to the regulated community and if space is available OEPA DAPC staff will be invited.

Stress Testing is extremely helpful and thank you for your participation. Please continue to participate. In the last test, we found that 20 users was too much and maxed out the system. All changes are being monitored to locate solutions. The next stress test will include the LAA. Upon completion of a stress test, please email Chris Anderson and Mike Ahern. Emails will be sent with more information and with the corresponding times. DAPC has contracted with Unicon thru mid July, plus the contract includes warranty issues. Next week five Unicon members will be leaving.

The quiet period guidance is complete and will be sent out soon. Data migration review is ongoing, and some search functions are not working. Overall it appears the data is migrating properly. As a note never use the “back button” in Stars2, please use the reset button.

5. **Title V and permitting update** - Mike Ahern passed out TV workload by district and application status handout. NTV fee reminder letters will be sent out the last week of March or the first week of April. (Which is the first information generated from Stars II). The annual certification letters were sent out during the first week of March to all TV. Facilities may still use the long version but this will be the last year for the long version. Andrew Hall discussed the recently vacated Boiler MACT and USEPA indicating that 112J applies. Andrew wanted to get an idea of

how many permits are being held up state wide by the MACT Hammer and possibly address this problem regionally.

**Action Item:** Please email Andrew Hall with the number of permits that are being held up by the MACT Hammer 112J by the end of week of April 1, 2008.

Mike also mentioned that the PTIO "plan language approach" guidance is complete. It is in a Q & A format for the Terms and Conditions. The type of information contained in the guidance is - Who is responsible for the permit, more guidance, explanation of the terms, and frequently asked questions. Finally, we develop forms for open burning requests and notifications. They are currently posted on the public web page. The open burning contacts will be able to enter information which will assist in better/quicker notifications and permits.

The June 2007 Open burning pamphlet was created by PIC and is the most recent document on open burning.

6. **Terms and Conditions** - Cheryl Suttman

Some of the Library terms have become outdated with the issuance of new rules in Chapters 21, 17, and others.

The VE terms have been updated for changes made in 17-03, e.g. the elimination of the Method 9 "as existed on 7/1/02".

The PE control requirements for non-exempt coating operations (at the end of the "J" terms) have been updated for changes made in 17-11.

The terms representing Chapter 21 are next on the list for updating, to include those "numbered" in the Library as B thru H, and Q. These should not take too long, as they are usually only 3 to 5 pages of OAC rules for each set.

Now that we are only going to reference U.S. EPA rules, it should be easy to get terms drafted for all of the OAC rules for which terms are needed.

Three summary tables of the limits found in the steam boiler NSPSs, Subparts D, Da, Db, and Dc, have been to the added to the Terms-by-Rule page, for the three major fuel groups, coal, oil, and gas. A summary table for wood and the calculations for the limits for a mix of fuels can be added later. The terms for Subpart Da are drafted, but will probably not be used due to the new "reference only" policy. They might later be useful in drafting a General Boiler permit?

Since the new OAC rules are not approved in the SIP, the revised and new terms will be segregated from the "old" terms that will still need to be used on the "Federal/State" side of the permit, in order to comply with the existing approved SIP. This new format has not yet been determined.

Jim O said that the new term might also be included on the Fed/State side of a permit, with a notation that it will become effective (and replace the old) upon U.S. EPA's approval of the new SIP.

A question was asked about the status of the new Toxic Air Contaminant Statute (Toxics Policy), Engineering Guide 70 (EG 70). Cheryl Suttman will ask Jennifer Hunter about her progress. EG 70 is available as a draft on our website. Jennifer is very busy with STARS2 projects and it is doubtful she will be working on the final of the EG at this time. The terms for the new Toxic Policy have been posted as final, in the terms "numbered": ZZZ.2A, ZZZ.2B, and ZZZ.2C in the Miscellaneous T&Cs.

Andrew Hall talked about the vacated boiler MACT and the "reference only" policy that will help to speed up the permitting process. However, the vacated boiler MACT terms (near the bottom of the "Terms by Rule" page) do contain some parameter monitoring terms that can be used and easily found by selecting the appropriate combination-control device listed down the left first column, and in the Monitoring/Recordkeeping and Reporting sections. The compliance testing term would also work better than drafting one from the "K" testing term, for a steam boiler with site-specific controls (very little MACT detail might need to be deleted).

7. **CETA update** - Nothing at this time.
8. **Stack Testing** – Some confusion regarding the maximum process wt rate and worse case conditions. This was a subject of discussion in the last stack test call. Stack tests shall be run at a run of representative conditions or worst case. What operating conditions will cause the most severe emissions? Will the agency need to tweak the language to make sure we can dictate the operating conditions during a stack test? The general consensus of the group is the current language does not need changed, always include necessary wording in the permit to help with test requirements, and conduct pretest meetings.

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-july25-miller-stack-test.pdf>

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

**Next meeting is May 13, 2008**