

Permitting & Enforcement Committee Meeting
March 14, 2006
Lazarus Government Center
Ohio EPA
6th Floor conference room

Attendees: Co-Chairs - Jim Orlemann (CO), Jim Braun (Cleveland)
Minutes - Ed Fasko (NEDO)
- Mike Ahern, Cheryl Suttman, Mike Hopkins, Jenny Nichols, Andrew Hall, (CO), Rick Carleski, (OCAPP), Mike Riggelman, Adam Ward, Todd Scarborough, (CDO), Bud Keim, (Canton), Jeff Canan, Chris Clinefelter, (RAPCA), Joslyn Summers, (Toledo), Don Waltermeyer, (NWDO), Sara Harter, Glen Greenwood, (SEDO), Cindy Charles, (Portsmouth), Frank Markunas, (Akron)

1 - Enforcement update

Enforcement summary presentation - Jim Orlemann handed out two items. The first was the highlights of the 2005 enforcement activities. Jim conducted a power point presentation and was satisfied all the goals were met; but the compliance percentage for high priority facilities fell below the goal of 95%. When counting emissions violations only, the compliance percentage was 93% at the end of 05. When counting all violations, including administrative, it falls to 80.4%. 110 cases were resolved last year, goal was 100. There was a record number of referrals to the AGO's office. In 2005, the lowest # of new cases were received; the highest # was in 2004 when there were several enforcement initiatives. 40 cases were resolved in December; this year the goal is to have all old cases resolved by the end of the year. It is also a goal to develop all the new cases by the end of the calendar year. Jim also handed out the list of 48 old cases to be resolved by the end of the year. Jim stated that the list of 48 pending cases will be the priority for enforcement and wants to get appropriate enforcement documents processed by June. If a case becomes part of a global settlement, USEPA will take the lead. OEPA can be part of the case. OEPA can and does process NSR violations. A comment was made about what appears to be duplicity in the EAR forms that we submit. Jim will look into this.

2 - Title V Permits and issuance update

Title V Issuance - Mike Ahern is presently concerned about the 59 initial Title V applications that we presently have. 4 are from the original commitment; that came "back". He is also concerned about the 60 FESOP actions that are out there. There are 4 that need to be processed to get out of a particular MACT. There are 31 expired Title V facilities that did not submit a timely renewal and are presently operating under F & O's. He believes the renewal process is increasing in speed, but the FESOPS and Initial TV need to get issued. Mike has posted the FESOP list on DAPC's intranet Web Applications page.

Action Item - DO/LAA's should move FESOP's, especially with a MACT deadline, and also work on the initial TV and renewals.

Abbreviated TV Renewal Application - Mike Ahern handed out a draft version of an abbreviated renewal application. This was designed specifically for a facility that will not be renewing their TV, but must file an application to legally continue to operate until they either get

a FESOP or shut down operations to take them out of Title V. Comments should be given to Mike Ahern by March 24. He wants to look them over before the next PAG meeting..

Permit Review - PTO's after synthetic minor PTI's - It was again suggested that these types of permits be pushed through. Mike Hopkins indicated that any changes, such as EU's not listed in the SMPTI, be noted so they can get through Mike's review. No further progress was reported on last meetings proposal of minimal review of certain groups of permits.

3 - New Source Review -

Legislative action from industry - Mike Hopkins handed out copies of two bills pending regarding industry position on BAT and air toxics. SB 264 has seemed to move further and is less draconian than SB 265. SB 265 proposes to restrict air programs such that the state can be no more stringent than the federal rules. The bill proposes that if a facility is in compliance with their permit limits then a private citizen will not be able to claim that it is causing a nuisance. Jim O. stated that this would not preclude Ohio EPA from pursuing enforcement if needed. The bill also proposes that in order to establish an emission limit for an air toxic pollutant the limit must be established in a rule first. Oddly, though, this bill would establish the Air Toxics policy as part of law for the first time. For facilities that obtain a Plantwide Allowable Limit (PAL) permit, the bill suggests that further PTIs will not be needed for future modifications at the facility. BAT can continue, but must be established in a rule. The most stringent short term limit would be in months, there would be no lb/hr or grain limit, etc. The shorter the time on the short term limit, the easier it is for industry to trip the modification definition. Putting BAT in a rule like this eliminates flexibility; the Feds may have issue with this. They can always threaten to take the program if they feel Ohio is not meeting the requirements. Operational restrictions and monitoring and recordkeeping and reporting would also be affected by the legislation; as no limit can go beyond what a rule states. .

Permit by rule - Mike Ahern said the PAG had some concerns about the conversion from PTI/PTO's to PBR and waiting for a revocation. This is not an issue with a new source. Language to address this is being developed. Mike reported there are 800 PBR applications, 400 processed, and 400 waiting revocations. GDF's and small printers had made up the bulk of these. A question was raised about revocation of PBR's and issuance of a PTO due to the agency feeling the facility should be in the system.. Is a PTI necessary since the PTI was revoked and PTI's generally live forever? The consensus is that a PTI would probably not be needed, unless a modification was triggered.

4 - Permit Issuance and Data Management PTI Issuance -

Use of CETA for data tracking - Training will be held for Central Office Staff this week . The goal is to develop a system of combining data through CETA.

PTI search - Mike pointed out that there is a problem searching for PTI's in the XP environment. Mike is looking at the possibility of purchasing an Adobe search tool that will help in searching the PDF's for issued PTI's. He would like to set up an index on the web. Acrobat 7.0 would be required. The idea is to try this with PTI's first, and possibly do Title V in the future.

PTI format - As an outgrowth of a problem that NWDO was having with the terms and conditions document, Mike has developed a new format for the PTI document. He has tried to

resolve the issue by removing the columns and replacing with a table to make the development of the document easier. This would also tighten up permits and eliminate misalignment. PTO's and Title V would remain the same as they are in the STARS format. The form he handed out is a step to the PTIO with multiple emissions units. If you have any comments on the format, please get them to Mike.

Model General Permit - A question was raised as to the Qualifying Criteria document. Is it necessary for the company to submit the Qualifying Criteria document in order to issue the General Permit? The answer is yes in order to be able to issue a General Permit (PTI or PTO). However, if the company does not submit the Qualifying Criteria document then you can use the terms from the General Permit, but process and issue the permit as a normal PTI. Let Central Office know that you have used the General Permit terms to process the normal PTI. Note that General Permits must be processed in a separate PTI action than normal PTIs. If not, there will be a hang-up in the macro.

5 - Engineering Guide Revisions

#1 - PTI/PTO for non-criteria pollutants - NWDO - Issued final, 11/21, updated on web

#5 - VOC Exemption for fixed roof tanks. - Akron - No update at this time

#6 - PTI for coal to oil conversion - Cleveland - Under review by Mike Hopkins and Jim Orlemann.

#7 - Inclusion of Wt of water in PWR - NWDO - Draft by next P & E meeting.

#8 - Compliance Tests at Bulk Gasoline Terminals - RAPCA - Finalized. Handed out by Jim Orlemann. Issued 3/7/06; posted on web.

#9 - PTI/PTO for Grain Dryers - Draft at the next meeting

#10 - Applicable Rules for Stone Crushing Plants - Toledo DES - No update

#44 - Portable Plant - NEDO - Some discussion on PTI requirement language. Jim Orlemann to modify language; "permit to install may or may not be needed".

53 Open Burning Standards - Work on this engineering guide will be on hold until the rule is finalized in about three months.

New Engineering Guide - Andrew Hall is looking for volunteers to work on the PE, PM condensable issue as it applies to Emission inventory and fees. He handed out an E-mail from Canton outlining the issue. These issues comes up every year at FER/EIS time. For FER, the best data available is used, and a test cannot be required to get this data. The guide will expand regarding the PM2.5 issues. Contact Andrew with volunteers.

6 - Library of terms and conditions.

- The request form and the instructions are available electronically at

<http://www.epa.state.oh.us/dapc/terms/termsintro.html>

Cheryl Suttman is working on the coating terms. The Landfill terms and conditions are under review. Cheryl has a meeting on 4/06 with DSIWM on the issues. Landfill approvals of higher operating value (HOV) Demonstration Reports may now be promulgated by local agency and district letters rather than requiring director's letters.

User-Friendly library - Adam Ward handed out a charter for a work group for the T&C library reorganization. If you have a volunteer for this project, please contact Adam by 3/24.

7. - CETA update -

Training - Central Office will be training on 3/15. .

Enforcement Update in CETA - John Paulian and Mike Van Matre will be working on update. Please update enforcement issues. Once a case is at Central Office, Central Office will handle the updated enforcement entries for that case in CETA.

8. - Stack Testing

No issues at this time.

9. - Other Issues -

Abdur Rahim indicated the MACT information in CETA is not correct. He will send information to DO/LAA's to verify MACT applicability..

Parking lot items - not addressed at this meeting.....

Multiple emissions units with common control - Input received from J. Nichols under review.

Engineering guide on emission factor changes - No progress

Engineering guide on 17-11 and 17-08 - No progress

RACM/BAT on portable drills - NWDO will pursue this in summer (inspections)

Procedural issues with CEMS - NEDO to discuss with Todd Brown

CD & D landfills, H2S emissions - H2S as BAT appealed. Solid waste rules may address H2S emissions in the required plan. It will be a case-by-case basis. P&E minutes

The monthly permit call notes and P&E notes will be posted on the DAPC Web Applications page.

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/>

Reminder - All agency staff should review permit call notes as well as P & E minutes and comment where appropriate prior to information being posted on the internal web page.

-----Next meeting is May 9 at 9:30 in Central Office-----