

Permitting & Enforcement Committee Meeting
March 8, 2005
Lazarus Government Center
Ohio EPA
Room C, DAPC

Attendees: Co-Chairs - Jim Orlemann (CO), Jim Braun (Cleveland)
Minutes - Ed Fasko (NEDO)
- Mike Ahern, Andrew Hall, Mike Hopkins, Jenny Nichols, Cheryl Suttman(CO)
Bud Keim,(Canton), Mike Riggleman, (CDO), Paul Tedtman (HAMCO), Jeff
Canan, Chris Clinefelter,(RAPCA), Pam Barnhart (Toledo), Glen Greenwood,
Christina Wieg, (SEDO), Frank Markunas, (Akron), Don Waltermeyer (NWDO),
Jim Pellegrino, (SWDO),Cindy Charles, (Portsmouth)

1 - Enforcement update

Enforcement improvements - No update on enforcement improvements.

Enforcement issues - Jim Orlemann presented the results of the year's enforcement efforts. He will be sending out the report hard copy to the DO/LAA's. 127 cases were on the docket at the end of the year. The number of cases in air equal approximately the total of all the other divisions combined. The number of High Priority facilities jumped from 1176 to 1446. This number changed on the basis of facilities found in the project John Paulian worked on with each of the offices. Jim reported a 93.2 % compliance rate based on emission violations alone. When combined with administrative violations, the number drops to 87.4%. The division goal is 95%. This report will be updated quarterly. NEDO leads in the number of enforcement cases. DAPC had a record year in civil penalties in 2004; \$1.22 Million in F & O's alone. Over the past 4 years, DAPC has pulled in over a million each year. The amount of penalties taken in with the AGO, including SEPS, was \$2.55 Million. When the locals are added in, the number is \$3.86 million. The Director's goals were to resolve 40 cases with F & O's in 2004. 67 were accomplished. All old cases were to be resolved (An old case is one that is 21 months after the EAR is received in Columbus); all but 5 of 43 were resolved. Of the 115 cases resolved, 67 were with F & O's, and 11 of the 13 referrals to the AGO were resolved. 143 new cases were received, and 127 were on the docket as of the end of the year. AK steel was the biggest settlement.

- 2005 goals. Resolve 100 or more cases; 45 with F & O's. Resolve all old cases on docket by end of the year. Jim feels we can meet these goals. The enforcement productivity went well for 2004 in spite of personnel loss. In determining compliance percentages, administrative violations are not counted unless pursued with enforcement referral to Central Office.

- GE appeal - The EBR decided in our favor that operational restrictions were lawful, but they had a problem with the reasonableness of the terms. The thought is there must be a correlation between the emission rate and the restriction. The state has to decide if they wish to appeal this.

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2 -Title V Permits and issuance update

Initial Title V - Mike Ahern handed out the Title V quarterly report sent to Region V. Of concern was the applications older than 18 months of which there are 59. Also of concern are the FESOPS that need to be issued. The permit writers must be aware of the significant modifications that have not been processed in the eighteen months since they have been filed (15); especially if they pose an operational problem for the facility. There are 25 minor modifications not processed within 90 days; some of these may be resolved at renewal.

Action item - DO/LAA's are to process FESOPS and Initial Title V

Deviation Reports - Canton has devised a format which was suggested that companies may want to use. There seems to be a general concern that the management at a lot of the facilities do not know what they are signing. Mike Ahern will send a PDF file of this form to all for comment, discussion on the use of the form will be held at next P & E meeting. The concern about electronic submittal of reports is the requirement for a signature and a hard copy for record reviews. Each office may be handling this differently; it seems there should be consistency throughout the state. Mike said he would talk to legal about this.

Action item - DO/LAA's to review form, legal to be consulted on electronic submittal

MACT - initial notification - Abdur Rahim E-mailed the revised FAQ sheet on this topic to all.

3 - New Source Review

NSR reforms - Mike Hopkins indicated the reforms packages are being worked on. The Permit By Rule package should be going into sign off. Emission threshold is still on hold, as it will need more work. The general permits that will be published by March 24 are Asphalt, Concrete, Roadways and parking areas. Three or four drycleaner general permits have been issued.

NSR "projects" - A question was raised about different projects for NSR review purposes. Projects for NSR occur within one year; the planning cycle has to be looked at, as does financing, management and goal of a project. This is how Ohio is looking at it, not sure if the Feds see it exactly the same way.

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4. Permit Issuance and Data Management

Repository for guidance - Mike Ahern has indicated that he will have Mike VanMatre post all the permit call notes to an unpublished web site similar to the way the P & E minutes are posted. http://www.epa.state.oh.us/dapc/Per_enf/P&Ehistoryweb.htm. Ideally, this would be a listserv, but the unpublished web page will do the job until the resources are available to develop a listserv. The minutes are listed as a PDF file which can be searched and will be added on to as time goes on.

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.

Default emissions unit ID# - In order to list deminimis and PTI exempt emissions unit in Title V permits, the suggestion was made to continue using the "Z" numbers in order to list them in Title V. Consensus was to use this designation rather than assigning the usual emissions unit designation (B for fuel burning, P for process, etc.). **(Note this follow-up issue brought to Mike's attention)** However, Erica Engel-Ishida has brought up a potential problem associated with the P&E decisions. Namely, if we assign "Z"s in PTIs2000, a STARShip user could assign the same id to a different operation in STARShip. This will cause a problem when STARS II is developed and could cause a problem for issued Title V permits in the interim. Erica suggests continuing to assign emissions units as we have traditionally done for consistency and to avoid the problems cited above. Please let Mike know if you have any comments or questions about continuing to assign valid emissions unit IDs to these types of affected units. This should be followed in PTI 2K where it applies.

Other PDIM issues - Nancy Murphy is now at CDO. Erin Milner, Sandy Craig, and Loretta Crumb are splitting up her work. Erin Milner will be leaving for a job in Cleveland.

Library of terms and conditions. - Cheryl Suttman and Jenny Nichols will now attend the P & E meetings, Cheryl is in charge of the library of terms and conditions, the website is <http://www.epa.state.oh.us/dapc/terms/termsintro.html> New terms are available for gasoline plants and terminals, external floating roof tanks and gasoline dispensing stations. Jenny is now responsible for rule making guidance.

5. Communication - Central Office and DO/LAA's

A request was made that when Central Office deals with a facility directly, the appropriate DO/LAA should be kept in the loop. Copies of letters are normally sent to the

appropriate office; but there are occasions when this may not happen. It was agreed that efforts would be made from *both* Central Office and the DO/LAA's to keep each other in the loop.

6. Engineering Guide Revisions

#44 - Portable Plant - NEDO - The latest draft with comment changes was E-mailed just recently. Most comments have been addressed, any comments of the last review should be sent to Joe Loucek or Ed Fasko. Revised flow charts, templates will be electronically circulated within the week. Final version will be sent to Jim Orlemann for approval. NWDO brought a concern about crushers that were portable with engines. Should they be considered one unit or treated as engine separate from the crusher. Jim indicated we could address this later, as the guide at this time is mostly for procedural purposes.

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#1 - PTI - PTO for non-criteria pollutants - NWDO - Don handed out the marked up version with corrections. He asked for comments by the end of April

#2 - PTO for SO₂ sources - Toledo - No additional comments. Jim Orelemann to finalize

#3 - Bake-off ovens/incinerators - RAPCA - Jim Orlemann to finalize.

#4 - VOC definition of Potential to Emit - CDO - Changes in progress_

#XXX - VE guidance - NEDO - Ready to be issued. Tim Fischer to send electronic version to Jim Orlemann to issue number and finalize.

#53 - Open Burning - Open burning issues resulting from recent storms are to be clarified in the guide per Cindy DeWulf's request. Jim Orlemann will talk to Lee and distribute.

7. CETA update

Adam Ward was not at the meeting, but no CETA issues were raised.

8. Stack Testing

Noon start policy - Nothing heard about issuance of the policy. Ed Fasko to re-send document to Bob Hodanbosi for him to sign off on.

Action Item - Bob Hodanbosi is to sign off on the Noon start policy to make it statewide.

9. Landfill Operating Scenarios

No action on this item, HAMCO's letter is with Director. Concern was raised about the recent complaints of H₂S odors from the acceptance of drywall, often with east coast shredded waste, PTI mods are being requested; Joe Loucek of NEDO is working with Paul Koval of

Central Office on levels of H₂S that trigger remedial actions. Don Waltermeyer of NWDO handed out an article from MSW Management regarding H₂S in landfills, the problem, and control methods.

10. CEM issues - Concerns about statewide policies on CEMs

Action Item - Fasko to get with Todd Brown on this issue. --- Parking Lot

-----Next meeting is on May 10th at 9:30 in Central Office -----