

PERMITTING AND ENFORCEMENT COMMITTEE MEETING
MINUTES FOR APRIL 14, 2000

OEPA Central Office, Room C, 6th floor, Lazarus Government Center, 122 S. Front Street

ATTENDEES: Tammy VanWalsen and Mike Ahern (Central Office), Jim Carney (SBTAP), Harry Schwietering and Mike Kramer (HAMCO), Mike Hopkins (CO), Todd Scarborough (CDO), Matt Stanfield (Toledo), Jane Bell (Cleveland), John Curtin (NEDO), Jim Braun (Canton), Jenny Marsee and John Olachea (RAPCA), Sean Vadas and Frank Marcunas (Akron), Ron Hancher and Kay Gilmer (SEDO).

Item 1- New Source Review

Mike Hopkins: Feds being more aggressive reviewing after the fact PTI's (emissions units installed without first obtaining a final PTI), 1990 enforcement guidance is what USEPA is pursuing. If that situation comes up, then the PTI folks will contact the enforcement people to coordinate how to handle the situation. Example: Timken, USEPA saying that they can't use the past netting credits (pretending that the permit was being issued at the time the company should have applied vs 2000 criteria). If actual emissions above the thresholds, no choice, must do the PSD route. If synthetic minor, the USEPA's position is that the company still has to employ BACT. Historically, OEPA hasn't agreed with that approach. USEPA says that they should be "punished" for not getting the permit in the first place. Sometimes because of the current attainment status, it could work in the company's favor; however, then the USEPA says that well, "it wasn't attainment at the time of the modification or installation." Enforcement driven, therefore USEPA will ask for the most stringent interpretation of the rule. USEPA says that this will act as a deterrent for companies installing/modifying units without first getting the PTI. Enforcement driven, therefore, if a PTI is being worked on for a unit already installed, you should call your enforcement contact to discuss the specifics of the situation to determine if formal enforcement action is necessary.

Mike will get to the group an example PTI to show the new nuisance reference, pursuant to Todd Scarborough's request.

Laura Keurderle & Mark Hartman are the two new source review employees.

112(G)- Case-by-case MACT determinations. No current database. Only a couple done in Ohio so far. Contact Radhica to do the homework for you. **Radhica is getting together the MACT workgroup and will be asked to provide an update at the June meeting.**

Discussion regarding "practically enforceable" situations involving control equipment, federally enforceable to get them out of major, needs to go out draft. If practically enforceable and has BAT, then may not have to be issued draft, but to be on the safe side, issue it draft. If PTI did not go out draft and the limit is <5 TPY, through "practically enforceable" language, then it is treated as insignificant in the Title V permit. If a PTI established a limit under BAT, regardless of whether or not it was originally draft or not, it goes on the Federal side of the Title V.

Landfills-discussion regarding the fact that new tanks installed at some of the landfills subject to the NSPS, are de minimis in terms of actual emissions but they cannot be exempted from needing a PTI because they are subject to the NSPS. (See OAC rule 3745-31-05(E)(4)).

Crane Cortec and Cooper Tire and Rubber's OAC rule 3745-21-07(G)(9)(g) exemptions have been approved by USEPA.

Portable generator issues: Rock Concerts use them for the lights. Defn. Of major stationary source, section 305 of the CAA, exempts them from permitting because of how they were designed; however, Ohio Rules still require a PTI. Making recommendations to the Director that we modify our rule to exempt them. GE has some peaking units (3-5 hp- 3500 hp) and may have over 100 of these in Ohio. The first determination is to make sure whether or not they fall under the CAA exemption as a stationary source.

Item 2- Permit Management Unit

Update on Title V. 30 issued per month last year versus about 15 now. 80% of the PTO's have been issued within the last week of the month. HAMCO concerned that they haven't had any issued in recent months.

State PTO's- Approximately 30,000 emission units that are non- high priority facilities. Breakdown by jurisdiction shows the workload. Mike Ahern will be sending out the list electronically so that CO records match each office's records. The QA will be very important to give reporters or any public requests regarding the backlog of PTO's.

New PTI form- some weird problems. It underlines things that shouldn't be. Mike Ahern says that it's happening when they cut and paste things. Go into the beginning and change the text color options. Wordperfect quirks. Try to fix it, if can't, call Susan Parkins and let her take a shot.

PTI modifications. Changes made to PTI 2000 and Susan will be providing training on the revised process. Mike Ahern and Mike Hopkins are meeting tomorrow to discuss how to do the modifications and try to simplify/coordinate the process. This draft will be shared and once the offices have had a chance to talk about it, only then will the absolute procedures be distributed for final implementation. RAPCA suggests that Susan give the training now. Manually issuing high priority ones. Those that have already been shipped, then CO will be dealing with them on a case-by-case basis.

STARS slow down. Really impacting productivity. Very frustrating. Changes in Data & Systems these last six months is effecting the entire network. CO doing the PTO issuances on the weekends to try to determine if it's how many people are logged on to the system. That didn't help. Then looked to see if it's because there is so much data. ORACLE decides how things are indexed independent from the DAPC side. The program background may need to be changed, like taking away the tickler feature. Meeting with D & S on a weekly basis to try to figure this out.

STARS is being completing rebuilt from the ground up. Really early in the process. One of the steps is to reevaluate how permits are done across the board. STARS 2.6 will come out to address some of the old problems and coordinate with ORACLE.

Inspection increase to 20% in this year's contract does include GDF's.

Item 3- Title V Permits- Issuance Deadline- No change since the last meeting

Item 4- FESOP Update

Need update from JO. Akron and RAPCA concerned that their FESOP's have not moved.

FESOP/PTI issue. SEDO worked on a permit for Convertapak and received comments from USEPA regarding the use of stack testing as the compliance method. Stack testing for VOC was the compliance method in the draft, but USEPA said it wasn't satisfactory. Glen changed it to a one-time calculation and that was ok with them. Feds said emissions testing wasn't sufficient to show compliance with the lb/hour limit.

Item 5- BAT for Fugitive Dust Sources

John O. Passed out the latest document and nothing has changed since the original. Data from other agencies show that >50% of the time, they can't comply with the limitation. RAPCA still can't see how the white paper came up with what they did. Need OEPA interpretation and how we can change it. They can meet the one minute but not the three.

Same issue with Storage piles. These are major SIP issues that will be involved with any relaxation of these limits.

Item 6- OC emissions from the asphalt plants

At this time, only new sources (or portable plants moving to a new location) are being required to test for NOx, VOC, PE, CO and SO₂. If you suspect that existing plants are causing a nuisance due to the number of odor complaints, then in that situation, because they are not allowed to be causing a nuisance, the company can be required to test. If any office has that situation, please call your enforcement contact to determine if a survey is necessary prior to initiating enforcement. **Tammy will ask Bob Gengerally to summarize what information has been gathered so far for the next meeting.**

Item 7- MACT Sources and Standards

Starting up the workgroup and newsletter. Should have more to report next meeting. Will invite Radhica.

Item 8- Application of OAC rules 3745-17-08/17-11

RAPCA has a current permit being reviewed that directly relates to this issue. Apparently Tom Kalman told them not to use the draft guidance until he had revised it. **Will ask Tom K to**

provide us with an update for the next meeting.

Item 9- Concrete Batching Plant Template

JO needs the set up scenarios that the field offices would like to see templates for.

Item 10

New Business-

(1)

SBTAP-OAC rule 3745-31-03(A)(1)(kk)- as it applies to automobile body shops and wood furniture manufacturers. If the NSPS or MACT is applicable, then exemption not available. It all depends on the applicability statement of the NSPS or MACT, as to whether or not the exemption can apply and whether or not recordkeeping/control requirements are necessary. Start with applicability. It can only be eligible for de minimis status if the NSPS or MACT does not apply. Kay reminded them that the MACT for the wood furniture industry has an out for those sites not using more than 250 gallons a month. **Mike Hopkins to follow up. Need guidance with respect to the auto body shop situation more so than the furniture, since no NSPS or MACT applies.**

(2)

EIS statements coming in now with the fees and there has been no guidance as to what to do with them. Frustration expressed that no guidance has been given. Are they supposed to be reviewing these? **Will ask Tom Velalis & Tom Rigo for guidance and possible attendance at the next meeting.**

Next meeting will be held on June 8, 2000 at 10:00am.