

Permitting & Enforcement Committee Meeting
Minutes for April 8, 2003

Attendees: Jim Orlemann, Radhica Sastry, Mike Ahern, Tammy VanWalsen, Abdur Rahim, Mike Hopkins and Rick Carleski (CO), Kay Gilmer & Kyle Nay (SEDO), Ed Fasko, (NEDO), Jim Pelligrino (SWDO), Bud Keim (Canton), Don Waltermeyer (NWDO), Mike Riggelman (CDO), Adam Zolciak (TESD), Mike Kramer (HAMCO), Jeff Canaan and Andy Weisman (RAPCA), and Jim Braun (Cleveland).

Item 1- Title V Permits and Issuance Deadline- detailed listing and summary by field office of remaining actions necessary to be taken by April 24. (3 handouts). Doesn't include some PPP's that we are trying to get issued this week. (total of 9 that isn't included). Very small safety cushion. If every action did take place, we would be 6 over, but isn't realistic due to unavoidable delays. USEPA still agreeing to waive the 45-day review. PPP meetings will take up valuable time and will be difficult, perhaps multi-day meetings necessary to get thru these bigger Title V permits. Director approved delegations for Andrew, Mike and Dave M to handle the PPP meetings so that there can be more done without Bruce and Jim's presence (although they will be there if needed.) Jim Braun, who is scheduling these meetings? JO- normally the central office contact will be setting up the meetings. Field office staff always welcome, but if they want to be tied in via phone, that's ok too. JO will be getting together with the staff to see how many meetings there are (after getting out 5 permits today, will be addressing the PPP meetings.) Will not tolerate delays beyond the 5/1/03 deadline. Only have 4 months to get the 70 drafts yet to be crafted out before the 9/1/03 deadline. May have to talk to the Director regarding this last commitment, but won't worry about it until 5/1/03.

Item #2- Enforcement update- Enforcement Improvements, update from the March 19, 2003 meeting of the workgroup. Concentrated mostly on I.a Case Prioritization (too many cases in system). 1. Create a workgroup that would make recommendations for the types of violations that shouldn't be referred to the Central Office. Would be settled at the field office level. 2. create a work group to develop a rule that would define the civil penalties for specific, well-defined violations (i.e., first time asbestos notification, open burning, failure to apply for PTI, etc.) then we could just issue unilateral orders for the violations. The entity could appeal it, but if done as envisioned, would cover all of the violations identified in 1. 3. create a workgroup to make recommendations for performance standards for the development of enforcement cases (revisit what's in the manual to deal with the SOL). Another meeting scheduled for April 22, 2003.

Item #3- Mike H- EG on emissions factors. Met with PAG subcommittee and discussed proposals. Need to review proposal from one of the members that basically reorganized the guide. **Will carry over to next meeting.**

NSR- Mike H. working on the annual permit to install report that includes 2001 and 2002 (failed to issue one for 2001). In 1993, we issued around 2000 PTI's. Last year just over 1000. PTI exemptions significantly reduced the number of PTI's issued. CO in-house permits went from over 600 to around 300. Backlogs at field offices has dropped significantly. Everyone doing

well in meeting the 180 days requirement (>90%) same as last year. 99% in 2002 were issued within 180 days.

Workgroups developing new rules to get more of the emissions units out of the permitting, general permits, etc. for work load reduction. Sent out the most recent 180-day list. **Requests each office to review the list to see what is the status of each of those permits.** CO will be reviewing the list to see what assistance is necessary to get those moving. Prior to the 2002 permits, older permits got pushed back and we need to pay attention to that backlog. Not sure how significant that problem is but will be looking at it to see what options there are to getting the older ones moving. Abdur and Radhica will be shifting duties somewhat to keep us organized for guidance on permitting. Mike has asked them to participate in the group. Haven't sat down to determine what the new duties will be but first will be to make a list of the guidance that is currently under development so that they don't fall through the cracks and that they will be coordinating guidance, and facilitating the development, not necessarily writing the guidance themselves. SEDO, currently gets bits and pieces of guidance thru email, should be a repository for this type of guidance so that it is all in one place and available to everyone. Mike H. they will be responsible for organizing it and that will be their biggest function. Ed. PTI/PTO conference calls the minutes should be included because those calls are very helpful and not everyone can participate in every meeting. Mike H. problems in the past of development of the notes but that's not to say that that information wouldn't be helpful but that's part of what Radhica and Abdur will be looking at. Would need volunteers to do the minutes. Jim Braun- shouldn't matter who takes the minutes, but Radhica and Abdur could coordinate what questions need formal guidance. If there is a topic for guidance, then Radhica and Abdur can coordinate that effort. Misty distributed 3-ring notebooks that include all hard copy guidance documents for NSR. Must be organized and accessible for everyone. Those ideas will be generated in the next few months as they begin to embrace these new duties. Canton- must be available electronically and able to be processed via Adobe Acrobat in pdf format for search/find using key words, dates, author, etc. Discussion of ideas and how to determine which topic needs formal guidance. NSR review manual is being worked on to make it available electronically.

Mike Ahern: From what we are hearing, if it's the ability to search using key words that seems to be the focus, Canton has recommended that electronic file copies of IOC, TOCs, guidance documents, permits, letters, etc. be converted using Adobe Acrobat software into Portable Document Format (pdf) in the full version (not just reader). This pdf format has associated with it an icon with binoculars to search by key words, etc. If only a hard copy of a letter (without electronic version) is available, then re-typing the letter or scanning into computer may be necessary before converting to pdf format. (Patric Shriver e-mail of 4/21/03 to Abdur and Radhica gives some URL examples). Topics that have State-wide significance can be given to Radhica and Abdur and then brought to the P & E Committee for processing.

Radhica Sastry- "Once in, always in" Guidance Development- Received 3 comments on the draft guidance. Case studies will be included, if any offices have any examples, she would be happy to receive that. Is the format acceptable? (FAQ) Frequently Asked Questions. Once our draft is complete, RS will send it to Genevieve for their review. Brief background explanation doesn't hurt, especially when it is reviewed by outsiders. Rule citations within the guidance, comment

was that it should be in outline form, not sure what they meant. (Outline form means to make synopsis in “bullets” and/or “key point” condensed format, unless the whole rule needs to be cited.) **To be carried over to next meeting.**

Item #4, Mike A- Title V modification guidance. Draft sent out and received comments back. Erica making the changes based on those comments. Put on back burner due to EIS and FER deadlines. (Bud Keim e-mail of 4/21/03 to Tom Velalis noted that some FER/EIS have been submitted without PM2.5 and NH3 entries per STARship Newsletter and OEPA CO letter? Also, do FESOP and SMTV have to submit EIS and PM2.5 data?) See 4/28/03 email from Erica for more information regarding this matter. Once the April 15 deadline has passed, then she can refocus her efforts. Revised guidance distributed and request for additional comments. Application review guidance checklist also distributed. Estimate of dates based on expiration of the permits. **List of pending renewals distributed, asked for each office to check the list to see if someone is left off.** Should distribute guidance to permittees because they are not submitting the CAM plans and not including the EAC forms for the insignificant units. Mike will also bring it up to the PAG members. Can make it available on the web-site.

CAM plans need to be highlighted as one potential area of incompleteness in addition to the necessary EAC forms for the insignificant units.

NOD progress- rule package out, review period ending May 5. Must review all comments by 5/15 in order to propose the rule by June 2, 2003. That will establish the public hearing date and public comment period. Feds will start their process in parallel so that JCARR's approval and USEPA's will be together so that then the USEPA can withdraw the NOD. Only received clarifying questions so far but will probably get more as the deadline draws near. Drop dead in November. Shouldn't have to refile.

Revised PTI application form- workgroup finished their recommendations. Next step is to get Bob H's approval on it.

Mike Ahern's well deserved promotion was acknowledged by a round of applause.

Jenny's guidance on adm. modifications that have increases (but not significant) that can go through without going draft. Don't tell people yet it can be done, Jenny still working it out with Bob H. and USEPA. Some of the comments were based on what is going on in other states and not sure yet if it would be OK. Right now needs to have Title V modification before they can make the change. Companies making decisions based on this idea, need to have this resolved. Jenny has checked with USEPA and they are telling her it can be a minor modification. If headquarters overrules Region 5, then it would awkward. If guidance can't be released yet, maybe we can get that answer out. Can tell them now that it would be a risk, but that we believe it will be ok.

List of renewals distributed and asking each office to check the list. OEPA has 18 months

from expiration date or when application is deemed complete to issue the permit, pursuant to OAC rule 3745-77-08(A)(6).

Item #5-Landfill issue- no progress to report. Intention is to draft a letter to the Director.

Item #6-Portable plants, email out yesterday re: assigning the new codes to new emissions units. Drafting the guidance for the existing units. Snagged because of the information is in so many different places and trying to make sure none of the units gets lost. Still planning on assigning individual facility id's for each new operation. email to be distributed to everyone. Common control and quarry operations re: title v applicability. City codes that are not used in each office. For example, 98 asphalt, 99 portable, etc. City code is the third set of id numbers (office, county then city), this way everyone can identify which units are where. Don W. working on a PTI that has 50 units, would this have to be split up? Mike H. can we do it by giving each unit an id number? Because of the way PTI 2000 is set up, each will need it's own PTI. If portable, just give it a separate number because it will be moved around. What about the portable tanks? Giving them separate PTI's, listing them as "other" for now unless it becomes a big issue. If we have a class of operations under Other that becomes a big enough population, then we could make a change down the road. A portable asphalt plant will have several emissions units associated with it and these should be carried into each permit (roadways, storage piles, crushers and the plant.)

VE observations- when and how frequent. Resource issue. Discussion about guide and frequency. Can company be required to do them. Yes. What about multiple stacks? If no VE's, then can be done. If form not filled out correctly, then gets thrown out entirely. For doing a full compliance evaluation how long do they need to stand there? **To be carried over to the next meeting.**

Item #7-Tom Kalman- not ready yet

Item #8- CETA updates. Most common mistake is to forget to identify the pollutant being tested for and the date of the test or inspection. With respect to App. K. data, Mike Matney revising CETA to eliminate the need for the separate database in App. K. Everyone seemed pleased by this announcement. Canton- Reiterated the need for an updated manual. For example, if he had not asked directly, he wouldn't know how to delete history when incorrectly entered. Need a decision or legal memo re: what is a formal enforcement action vs. informal. Tammy will call Lisa Holscher to confirm. Mike Matney will email a response to Bud' issues. **DO/LAA's may cease entering data into the App. K database, using CETA instead beginning May 5, 2003.**

Item #9- Kyle- update of revisions, CDO/RAPCA. 90% confidence that it is ok. Ready to distribute their findings. CETA requirements highlighted. Set up for one emissions unit, but also a version that includes a table. Some offices really liked using the table, so a version is included. Contains instructions. 4 district and 4 local air agencies participated. **CO to review streamlined versions.** The appendix for the PSD portion of the inspection has been drafted and is being reviewed. **Will distribute and discuss at the next meeting.**

Item #11-Multiple emission units- Had a March subcommittee meeting with Don Vanterpool bringing him up to speed and to access whether or not it will be legal to do this type of approach. Once the legal issues addressed, then move forward. If we do regroup them and at a later point in time if they want to replace one of the units, then they wouldn't need to get a permit. What would public say if we don't issue a PTI, don't we have to give the public some opportunity to comment? May be easier if we only allow the grouping for those with permanent total enclosure to eliminate fugitive concerns. April 25 is the next meeting. Also evaluating how it fits into the NSR revised policy (like a PAL). Will be contacting enforcement folks to anticipate how to deal with the grouped emissions units in the enforcement process. Mike H- with a replacement unit how are you going to deal with BAT?

Item #12-Annual certifications- Kyle looked over CDO and RAPCA's procedure. Came up with a checklist. Concludes with a yes or no and whether or not any follow up action is necessary. Electronically, if you use it, it already has the top part completed. Melded CDO & RAPCA's versions. Distributed for review. Main change to annual certificate language is that additional language that deals with the NOD.

General discussion regarding the distribution of information. Important to get information to the folks that needed it. Attendees can forward Tammy's email of the minutes.

asphalt plants- no congress, burner tuning language close to being finalized, VOC assessment with respect to converting "as carbon" test data to mass was assigned to Jim Tichich as part of the Kokosing enforcement case, Kenmore Asphalt language defines well-tuned burners and will track fuel use per ton of production as the means of determining whether burners are still in tune. Should be finalized by the end of the month. Kyle- no matter what restrictions SEDO is finding that they are > 1 ton for formaldehyde, ethylene, etc. in terms of calculating PTE for synthetic minor applications or fuel switching.

New Business- Ahern, April 15th, EIS and FER's going to come in. Based on Title V commitments, he recommends continued focus on Title V's until July (except for special cases) in order to keep the Title V commitments Director Jones gave to Region 5. EIS information due this year. EIS only for the Title V facilities.

Dry cleaning handbooks from SBAP completed. Distribute at will.

Next Meeting: add CAM, credible evidence and stack testing resources. June 10, 2003 next meeting.