

Permitting & Enforcement Committee Meeting
May 10, 2005
Lazarus Government Center
Ohio EPA
5th Floor conference room

Attendees: Co-Chairs - Jim Orlemann (CO), Jim Braun (Cleveland)
Minutes - Ed Fasko (NEDO)
- Mike Ahern, Mike Hopkins, Cheryl Suttman, Rick Carleski (CO)
Greg Clark,(Canton), John Nicora, (Cleveland), Mike Riggelman, Adam
Ward,(CDO), Greg Howard, Alberta Mellon (HAMCO), Jeff Canan, Jenny
Marsee,(RAPCA), Joslyn Summers, (Toledo), Frank Markunas, (Akron), Don
Waltermeyer (NWDO), Cindy Charles, (Portsmouth)

1 - Enforcement update

Enforcement improvements - No update on enforcement improvements.

Enforcement issues - Jim Orlemann handed out a copy of the 2004 enforcement report along with the associated news release. He also handed out the Compliance status report for High Priority Facilities that John Paulian puts together. John will update this quarterly. 93.2 % compliance was reported as of December '04. 93.1% compliance was reported as of March '05. The goal is 95% compliance for emission violations only.

- Jim Braun mentioned the enforcement discretion memo that is used by Cleveland. ***Once the violation drags beyond 13 months, action must be taken.*** Jim Orlemann indicated that for testing, language in permit may have to be changed to be written as during "X" year of permit rather than "approximately".

- Certification of compliance. - Companies should not be nervous about reporting a testing requirement in the last 6 months of a permit as in compliance even though it is not completed. Jim says the company should indicate the testing is planned.

- A facility does not come off the High Priority Enforcement list until the EC takes it off the list when a resolution is arrived at.

- John Nicora was introduced as new Cleveland Permit Review manager.

2 -Title V Permits and issuance update

Initial Title V - Mike Ahern indicated that two Title V's were added to the initial group as two FESOPS became Title V.

746 Title V Facilities

811 applications

65 awaiting FESOP or pending removal from the list.

- Feds are focusing on renewals, they have indicated that Ohio is best situated in Region regarding TV mods and renewals.

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

- No update on deviation and reporting standardization. Mike working with Canton on this.

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- HAMCO raised a question about the listing of malfunctions in a compliance certification. Can a company say they are in compliance with deviations reported as malfunctions? Malfunctions are exceedances of limits by definition. Malfunctions are addressed in Part III of the report. Mike Ahern indicated that "NO" should be indicated with general terms and the facility is in compliance with reporting. Further, the facility can refer to the reports rather than state the entire incident. Mike Ahern said he is working on additional questions he has received. - Mike also indicated that on the national level there is a task force reviewing implementation of compliance certification. Ohio has most thorough.

- What luxury is allowed to compliance certification reviewers when they look at intent in a report.? Mike Ahern indicated to document what was intended to be meant by either resubmitting. or notation to the file to certify non-compliance- indicate intermittent and explain.

- Mike further indicated there is a possibility of working up a FAQ list for certifications on the web site.

- If there is a non-compliance issue and it is entered into CETA as such, further enforcement action should be listed on the enforcement tab of CETA. Intermittent and comply all default to compliance in the Fed's system. Jim Orlemann uses John Paulian's report to calculate compliance percentage. Not too much is able to be extracted from CETA at this time.

- The work that was done on changing the general terms and conditions last year with PAG has been commented upon. The new general terms are to be sent out by Ahern with the comments.

3 - New Source Review

NSR reforms - Mike Hopkins stated the comments on the general permits have been received and the permits should be coming out soon. Industry commented about the fuel oil limits in the Asphalt General permit. Mike also stated the field offices can use the general permit as a template but not as a general permit until it is final. A question was raised about using lb/ton when there is a lb/hr limit for asphalt plants. Mike said to just modify the general permit if lb/hr is desired. JCARR hearing on permit by rule was held on 5/09. This rule has gone through and on the way to the director for signature. A company will be able to submit a request to be considered for a permit by rule if the company already has a regular permit. The request will go to Central Office.

- The permit-by-rule (PBR) flow chart was handed out. Revocation guidance is to be developed by Ahern's group for facilities with an existing permit going for a PBR. PBR's will drop out of the fee system. PBR's will be tracked in CETA till STARS2 comes on line. PBR's may not have facility ID's, new facilities that fall under the PBR rule will have to notify CO. before construction. PBR units at permitted facilities will have to be included in Fee reports unless they are less than 1 ton. All PBR's will be posted on the web.

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- FESOP information required for PTO's on a document similar to NSR write-up is needed. No change is being made now as to how these will be reviewed, but it is being looked at. Presently, priorities of state PTO's and backlog are also under review. Field office input will be required. Presently there are approximately 17,000 PTO's that need to be renewed. The strategy and level of review are being looked at. PBR and emission threshold changes should cut this number down. A question was raised as to maintaining the present State-Fed format. Mike said no change right now but it is being looked at.

4. OMA proposed amendments

RAPCA indicated the Ohio Manufacturer's Association has gotten a proposal into the budget bill regarding the limiting of air toxics language to only the HAPS. Air contaminant will be defined as NAAQS and 188 HAPS only and only if the HAP is regulated under MACT. BAT definition will be removed, and only Federal Rules such as BACT, MACT and NESHAPS will apply. The concern is that BAT makes up for a difference of 13% in emissions. The Feds would want a replacement for this. BAT got us into and maintains attainment. Removal of BAT would put a lot of facilities into Title V or worse. Gap-filling would also be eliminated. Only what is laid out in the rule for testing, monitoring and recordkeeping would be acceptable. The Director's Office is involved. Jim Orlemann handed out a copy of the letter and the legislation to all the Field Offices.

5. Permit Issuance and Data Management

Hopkins and Carleski are to work with Ahern regarding the revocation and guidance for PBR.

- May 23-24 - USEPA will be at Central Office for audit of the Title V program. This is a routine audit and there may be request from the CO to the Field Offices regarding information. The Feds are looking at MACT, BAT, CAM, Netting; Draft permits that generated comments, synthetic minors.

- Title V task force comments to be sent to the P & E. There is a concern about the level of review by the regions.

- Fee report review. Mike Ahern indicated the following; the review of the Title V fee reports is linked to the quality of the data in the Emission Inventory System. Fees for particulate matter should include all particulate matter emissions, including PM10 and/or PM2.5 when data is available for these subsets of PM emissions. If filterable PM is the only PM that can be reported, only filterable PM emissions need to be reported. If the facility amends the EIS report to include PM10 and/or PM2.5 at some future date, the do/laa should consult the Title V Air Fee Adjustments Policy (June 13, 1997) to determine if additional invoicing needs to be processed. Generally, fee reports should include condensable PM. (back half of method 5 or emission factors) because this data is required by the EIS reporting requirements and is thus available to be reported. This affects the fee as well as the accuracy of our emission inventory data. An amended Fee report should be requested when this information has not been provided by the company;

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again, however, the do/laa should consult the Title V Air Fee Adjustments Policy (June 13, 1997) to determine if additional invoicing needs to be processed. There appears to be some inconsistency between offices and reviewer's on this. See the web site - <http://www.epa.state.oh.us/dapc/aqmp/eiu/eisqa.html>

Mike Hopkins submitted these comments after the meeting on condensible PM 10 emissions in regard to an E-mail received from Canton:

This e-mail is in response to your questions concerning Condensible PM10 emissions. Please see the attached usepa memo I found on the Region V web site. <http://www.epa.gov/Region7/programs/artd/air/nsr/nsrmemos/cpm.pdf>

Based on the above, it is clear to me that in most cases we should be including condensibles in allowables and compliance methods for any source of PM-10. We should also be modeling the total PM-10 emissions, not just the filterable. Some of my additional thought on this issue the following:

1. If we have information that tells us the expected amount of total PM10 (filterable plus condensible), then we should use that information to establish a limit that includes total PM10. The compliance method should then also be based on total PM10. Testing may or may not be required depending upon our normal decision concerning the need for testing.
2. If we do not have data on the expected condensible emissions and the emissions unit is "small", then we do not need to include condensibles. For instance, for a lot of small emissions units where we are basing the limit on some emission factor like AP-42, we find that the emission factor is only for filterable PM10. If we don't expect emissions testing to be done and if the amount of emission from the emissions unit is not significant to the applicability of NSR or to any associated modeling, then we do not need to use total PM-10. In that case we should make it clear that the limit is for filterable only and that any test method or emission factor is based on filterable only.
3. If we do not have data on the expected condensible emissions and the emissions unit is likely to be is "significant" to the applicability of NSR or modeling, then we will need to establish a limit that includes condensibles and require emissions testing that includes quantification of condensibles. In some cases we will have limited data on expected condensibles when we are establishing the limit. In that case, we will need to use our best engineering judgement to establish a limit that includes condensibles. The limit would then possibly need to be adjusted after the initial testing.

I hope this helps.

PS. I am sending this out to all permit writers so they understand our position. I am sure there are some other issues I have missed or we need to discuss. Please let me know of any other issues or concerns about this PM10 condensibles. Also, this may be a good topic for the Permitting & Enforcement Committee meeting and perhaps needs to be developed into any engineering guide. - Mike

Action Item - Check the Frequently Asked Question about EIS/FER from DAPC web site and review your FER's accordingly If needed, request a revised FER. .

- Synthetic minor fee reports are being accumulated in Central Office and will be sent out soon.

6. Engineering Guide Revisions

#3 Bake-off ovens - Handed out as final. Issued on 5/04/05 - **Thanks RAPCA!!**

#73 VE guidance - Handed out as final. Issued on 4/27/05 - **Thanks Tim Fischer!!**

#44 - Portable Plant -NEDO - The final draft with comment changes was E-mailed last week. Mike Ahern has a response from legal on the portable plant issue. Flow diagrams are to be developed with new software. Additional comments will be accepted till the end of the month. A beta test is being conducted with NEDO-SEDO relocation with Mike Ahern handling this electronically. Any changes will be incorporated along with the legal opinion. . Jim will then review and issue.

2 Issuance of PTO for SO2 sources - Toledo - Jim made some changes and sent out. Comments to be sent to Jim Orlemann and he plans to issue this soon.

53 Open Burning Standards - Jim working with Lee on this regarding the guidance developed regarding storm debris.

#4 VOC definition of Potential to Emit - CDO - Mike handed out final draft. Will keep, even though 21-07 is going to be rescinded. Comments to Mike Riggleman by end of month.

#1 PTI/PTO for non-criteria pollutants. - NWDO - Electronic copy to be sent out. Comments to Don Waltermeyer by end of month. Guide will be moved on to Jim Orlemann for final issuance.

- Tom Kalman is to work with Mike VanMatre to get the updated guides posted on the web.

- New guide assignments -

#5 VOC exemption for fixed roof tanks - Akron

#6 PTI for Coal to Oil conversion - Cleveland

#7 Inclusion of weight of water in Process Weight Rate - NWDO

#8 Compliance Tests at bulk gasoline terminals - RAPCA

#9 PTI/PTO Determinations for Grain Dryers - NEDO

#10 Applicable TSP Rules for Stone Crushing Plants - Toledo

7. Library of terms and conditions. - Cheryl Suttman to send address on website terms. Terms are in Arial and must be changed to Times New Roman in order to match the permitting format. A summary of the rule is listed ahead of the terms. Roadways will use general permit terms. All terms should be loaded up by end of week. Do not copy number signs. Be careful when you cut and paste the terms. Make sure your enumeration is correct.

- Portable source terms are to be reviewed in light of the engineering guide changes. Cheryl asks that you comment on the terms and any problems in using them. Things will be changed as necessary. These terms are for the permit writers' benefit. ***Thanks Cheryl!!!***

8. CETA - Adam Ward reported there will be a re-writing of CETA on a web-based platform similar to PTI 2K. Progress is moving well. May be done in a few months.

9. Stack Testing

Noon start policy - Memo signed by Bob Hodanbosi and handed out.

Stack test witness requirement - The LAA's are looking for written confirmation that only 50% of the tests are to be witnessed and two out of the three runs is at the reviewer's discretion. Jim Orlemann said an E-mail from Bob or Cindy should be sent to all offices on this

Action Item - Confirmation is to be sent on this policy

10. Landfill Operating Scenarios

Regarding the acceptance of a plan on the basis of an engineer's stamp, Mike Hopkins had spoken to Bob Hodanbosi. Bob feels someone in the agency with expertise in the matter should review the request. Harry Judson was our expert in DAPC. There was some talk about coordinating a review with Solid Waste. We have to be sure we have the authority to grant this request. The general rule is we have authority on stack-testing extensions, but not on change in limit. There has been no Fed input on this. Cheryl Suttman offered to research this and get a team together to address the issue.

P & E minutes are posted. http://www.epa.state.oh.us/dapc/Per_enf/P&Ehistoryweb.html

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 on July 12th at 9:30 in Central Office -----