

Permitting & Enforcement Committee Meeting – May 12, 2009

Lazarus Government Center
Ohio EPA
7th Floor DAPC conference room

Attendees: Co-Chairs - Jim Orlemann (CO), Jim Braun (Cleveland)

Minutes - Ed Fasko (NEDO)

- Mike Hopkins, Mike Ahern, Cheryl Suttman, (CO), Adam Ward, Olen Ackman, (CDO), Jeff Canan, Chris Clinefelter, (RAPCA), Sarah Harter, (SEDO), Brad Faggionato, (Toledo), Anne Chamberlin, (Portsmouth), Mark Budge, (NWDO), Frank Markunas (Akron), Bud Keim, (Canton), Paul Tedtman (HAMCODOES), Rick Carleski, (CO/OCAPP)

1. **Enforcement issues** - Jim Orlemann

Jim handed out the graphs for enforcement activity ending April 30. 19 cases have been resolved so far this year, the goal is 80. Jim expects to receive more than 80 cases this year. Of the ones resolved, 11 were with F&O's, the goal is 40. Old cases, that is those with an EAR submittal date of July 1, 2008, must all be resolved by the end of the year. There were 37 at the start of the year, and we are down to 32. We are at 87.9% compliance rate for HPF, and the goal is 93%. This includes administrative violations. NWDO and NEDO have a high number of cases listed in the CETA query that need to be either updated or addressed with and EAR. The director has no further goals, but is concerned about the penalty recommendations. He will be reviewing them, as he wants to make sure they fit the violation. The current EC backlog is 95 cases with 98 at the AGO's office. There are a lot of cases going to trial. From the Attorney General's office, Nicole will no longer be doing air cases, and Becky has taken a job with PUCO.

A question was raised about the failure of a facility to file an electronic report. Should we take enforcement action? Deviations and compliance reports and fee reports for Title V and synthetic minors are to be submitted electronically. Stack test reports are accepted hard copy as we have not figured out how to work them into the system. The Director indicated that we should work with shut down companies that still owe reports to get the reports in; however, enforcement action is not needed. If the facility is still active and they fail to submit their reports electronically, we can send warning letters and escalate to enforcement if needed. First Energy had an issue with the PIN needed to submit reports, but this should be resolved by the end of the week. If a hard copy of a report has been received, and no electronic copy has been submitted, we should work with the company to convert to electronic submittal. Enforcement discretion should be taken. If the company fails to submit either the hard copy or the electronic report, then enforcement should be pursued.

The electronic submittal of intent to test forms is an issue for offices that have one person doing all the stack tests for the office, as this can result in a delay getting the request to the proper person. Suggestion is to search by report and reassign the stack test report to the proper party. RATA certifications go to Todd Brown as should the electronic reports.

2. **New Source Review** - Mike Hopkins

Mike announced the interested party package for the BAT Requirements and PM2.5 rule changes has been issued. This is the first of two parts of the BAT. The source specific part of the rule will follow next week. The first package 3745-31-05 (F), states if a rule exists for a similar source such as RACT, then that rule becomes BAT anywhere in the state. Comments on the package are due by May 27.

Mike showed a presentation regarding the issues that we are having with developing a BAT from SB 265. USEPA does not like the less than 10 TPY exemption, and feels the rules regarding BAT will be inadequate, come August. The Sierra Club is suing OEPA on the less than 10 TPY issue and industry is not happy with the rule either. Our fall back in August, should the rules not be passed will be BAT in the SIP for the federal side of the permit.

A group is being set up to look at a general permit for aggregates. Cheryl Suttman is in the group and there have been two meetings so far. This group will cover crushers and some generators. All Shelly permits have been issued, incorporating the use of slag. High SO2 was the issue; from the slag as well as from the use of #6 oil. If someone requests the modification of a permit to use slag, model the increase.

NWDO is working on a farm digester. The operation consists of food waste and manure to produce methane and then generate electricity. Most have been diminimis so far, but larger ones have been reported. CDO has a unit that is way over diminimis; Schmak Biomass. It has been issued draft.

The goals for PTI's are in the monthly report; 250 in system for 2009, 225 in 2010, and 200 in 2011. In looking at the graph of the workload, CO is working with the DO/LAA's to get to the goal and is offering first line supervisory review if needed. The trend for PTI applications has been down, due to PBR's exemptions and the economy. The Feds are now looking at the timeliness of the TV renewals. 18 months after a renewal is filed, we should be acting on the issuance of the renewal. This is not happening as frequently as it should. Other states are looking better in this category, partially because we got our initial permits out before some of them and are into the renewal cycle somewhat earlier.

Tear off asphalt shingles to be used in asphalt plants are being tested before they are ground. THE method is SW-846. This is an asbestos issue more than a permit issue. Tom Buchan is the asbestos contact at CO. Area source MACTS; we still do not have the delegation. As in the past, if a source is normally permitted, issue the permit with a reference to MACT per Engineering Guide #76. If not normally permitted, do not pursue for permits. Some of the states do not necessarily want the delegation of Area MACT. Refer issues to the Feds; that is where the reports are to go. Any violations will be pursued by the Feds. A question was raised about portable crushers, roadways and storage piles and the permits moving with the plant. Piles and roadways can move with the permit, but an increase in operations can require a modification to the permit. If a storage pile stays at the site, it will might need a permit issued for that site if the storage pile will be permanent. If the storage pile is only temporary, then handle on a case-by-case basis (for example if a nuisance condition occurs). It's possible that some storage piles will be De Minimis.

Mike Ahern discussed the Air Services test apps program. You can get into any of the facilities listed there just to look at screens, Go in through test apps and use airuser4. You can create a new facility, but Linda Lazich will have to verify the core before you can get in. Remember, you are not viewing real time data. Mike said he will post this on the internal answer place. Mike also discussed the success of webex training. Each District now has one license; more may be coming in the future; all OCAPP staff each have a license. This has been helpful as an outreach tool. Cost cutting procedures are being looked at, including the re-negotiation of vendor contracts. Hard copy permits may no longer be sent to the DO/LAA's as of July 14. The printing alone of these permits uses about 31 boxes of paper a year. For a records request, the DO/LAA can print out the permit for the file from the web or STARS2. CO will continue to send e-mail when permits are issued. Mike also talked of the records request concern. A revised policy for the agency is to come out soon. Send any challenges of records request to Ahern regarding the cessation of sending hard copy permits to the DO/LAA's. A new PDF server which has a full scanning and word search function has been ordered. This may make more documents available to be posted on the public web.

Mike suggested we ask facilities to tighten up the SCC codes. Some are incorrect and this creates problems when a search is made for air toxics and BAT. Mike is also working on a revision to the odor nuisance rule. A skeleton of the rule will be brought to the next meeting. During a 5 year rule review, this nuisance law was looked at and it was decided a revision was in order. Erica is getting the old permits into STARS2 that were to be revoked.

4 **SIP Discussion – Paul Braun**

Paul handed out a package on the SIP submittal update. Similar information is available at the USEPA SIP page on USEPA's web site. USEPA does not remove the old SIP changes from this site, so you have to be careful in checking this. If this information is of value to you to track, Paul will put you on his E-mail list for updates. The SIP library has been scanned if you need back data, contact Paul for SIP history. It can be searched by Title, and with the new server, a full search may be available. If you need information on what NSR rule applied to an older installation, Mike Hopkins maintains a book of history of the rules.

5 **Terms and Conditions - Cheryl Suttman**

A work group has been formed (Cheryl and Jay Liebrecht) to draft GPs for the aggregate industry, to include crushers, mineral extraction, and compression ignition generators. It will take several months to address the industry's comments, after which time the draft GPs will be sent out for public comment. Cheryl has draft terms if you would need something before they go up on the web. Not mentioned in the meeting, but the CI ICE GP work group includes: Amy O'Reilly, Tim Fischer, Lynne Martz, Mike Mansour, and Cheryl Suttman.

The Landfill NSPS, HOV (well, higher operating values) group has received comments on their draft HOV/alternative timeline guidance from both the Industry and our Region V contact. Our Region V contact (Sheila Desai) said that we should not be approving HOVs over 150 degrees F because a temperature higher than that may melt the liner. Bud Keim commented that there have been some studies conducted on liner materials that prove otherwise; and that we might consider the composition of the liner to approve higher HOVs where there is no indication of a fire.

Sheila said that HOV and alternative timeline requests should be approved or disapproved within a month of their receipt. The Landfill HOV group will be meeting for 5 hours, two times this month, to start on the HOV backlog. We hope to have the DAPC staff join us in the last meeting scheduled this month, from 10 AM to 3 PM on May 27th. The location of this meeting will be identified at a later date.

6 Engineering Guide update-

- #6 - PTI for Coal to oil conversion - Cleveland – No Progress, may need to be re-written
- #18 - SO2 compliance determination for boilers – Toledo – Working on draft. Issue with testing and SIP requirements. .
- #20 - VE limits, determination for stack sources - Akron - No progress
- #23 - Significant figures for TSP emission limitations - SEDO – Working on revision.
- #24 - Application of Fugitive Dust Requirements to Affected Facilities – Toledo - Working on revision.
- #25 - Determination of source numbers and Permit fees for fugitive dust sources - Cleveland – No comments received, re-send for comments for next meeting.
- #26 - Inclusion of weight of water in the weight of “refuse” charged for incinerators.- NEDO – Should be getting a work group together soon. No progress
- #29 - Applicability of the PTI Rules to Increases in Capacity of a Derated Boiler -CDO – No Progress
- #34 - Conditions for Issuance of PTI/PTO for an Inactive Source – RAPCA – No progress.
- #44 - Portable Plants - NEDO – Will be updated based on Portable Plant group determinations, working with SEDO, Erica
- #53 - Open Burning Standards - Central Office - Hearing resolved; no progress on guide
- #70 - Toxics – Hopkins reviewing; #69 may need changes due to changes in #70. – No progress.
- #72 – Grouping of Emissions Units for fee purposes – Erica and Mike Ahern are working on this. Changes are due to STARS2
- #74 - Classification of PM - Central Office - Andrew Hall and his group can start working on this now that the Feds have passed the PM 2.5 rules. Little progress.
- #XX- New guide for crushers and non-metallic material - NSPS OOO - Mike H. - No progress
- #XX – 21-07 sunset language – Comments received, to be sent out again with examples.

Jim Orlemann said 21-07 has been submitted to the Feds. USEPA objects to SMC portion of the rule for complying MACT sources. Rule 21-25 (State wide RACT rule) includes SMC has also been given to the Feds. If 21-25 is accepted, they may approve both 21-25 and 21-07. After acceptance, the next step is to propose the rule.

General Permits - Cleveland made changes to the general permit for crematories. There is an issue with the average hourly charge and the initial charge that needs to be resolved. They are still looking at the mercury issue.

Generators - Amy and Tim are working with Cheryl on this. CDO and Tub grinders – CDO is going to work on this. Aggregate group is being formed under Mike Hopkins.

Mike Ahern sent out an E-mail about Google map capability.

There is a possibility that greenhouse gases may be addressed in Title V.

P & E minutes March 11, 2008

Meeting minutes have been updated on the web – Thanks!
-----Next meeting is Tuesday July 14

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