

Permitting & Enforcement Committee Meeting - May 8, 2007
Lazarus Government Center
Ohio EPA
7th Floor conference room

Attendees: Co-Chairs - Jim Orlemann (CO), Jim Braun (Cleveland)
Minutes - Ed Fasko (NEDO)
- Mike Ahern, Mike Hopkins, Andre Hall, Cheryl Suttman, Abdur Rahim, Jennifer Hunter, Muhammad Mereb, (CO), Rick Carleski, (OCAPP), Todd Scarborough, (CDO), Jeff Canan, Chris Clinefelter, (RAPCA), Mark Budge, (NWDO), Sara Harter, Glenn Greenwood, (SEDO), Duane LaClair, (Akron), Peter Park, (Toledo), Matt Freeman, (Portsmouth), Bud Keim, (Canton), Craig Osborne, Terry Sanner, (SWDO), Alberta Mellon, (HAMCO)

1. **New Source Review** - Mike Hopkins had a meeting so we moved NSR up on the agenda. Mike told us of the person in the governor's office that would be looking at the permit processing procedures in order to speed the operations up. The committee that will be looking at this includes the utilities, legal representatives and large industrial contacts. Mr. Brubaker is the lead for the group that is meeting this afternoon. There is one environmental contact, but Mike is not sure what organization they are from. Bob Hodanbosi, Mike Hopkins and Laurie Stevenson are also in the group. Regarding SB 265 and the questions that come up, the guidance is being updated as questions come in and answers are developed.

Mike handed out a proposed Engineering Guide, in response to the non-metallic material questions regarding crushers. This will replace the E-mail guidance that was issued 2 years back. Please get your comments to Mike in three weeks. Mike is also reviewing Andrew Hall's draft guidance regarding MACT in permits. Input from Abdur is to be included.

The NSR documents that were developed sometime back for training have been scanned and are available on web page application for PTI 2K. Listed as book1, 2, and 3; they are zipfiles. The possibility of moving this to the web when the Listserve is updated was discussed.

Mike stated that some information is going around that Ohio has 72000 sources and Michigan has 7000. This is not accurate; Mike feels that Michigan's count is not correct.

Action Item: Get comments to Mike on crusher Engineering Guide.

2. **Enforcement issues** - Jim handed out several documents. No new goals have been established by the director's office at this time. Jim assumes most will carry over from the past administration. 15 cases have been resolved so far this year, 7 with findings and orders. The goal is 90 cases, 40 with F& O's. For the first quarter of 2007, only 5 of the 10 cases submitted were within the 18 month time frame. Of the 24 old cases, only 1 has been resolved so far this year, all are to be resolved before the end of the year. Jim would like to resolve most of these by July of this year. He handed out a schedule for resolution of these cases. Jim talked about the enforcement audit by the Feds, all seems to have went well. He handed out a table on how the Feds will be judging the program. Jim also handed out a list of the comments Ohio EPA made to the metrics that the Feds are using to evaluate the program. He has a problem with some of the numbers. Specifically,

the percentage of compliance inspections that the Feds are using seems low. Jim feels that either CETA is not getting updated, or we are not meeting our commitment. Lisa Holscher, Julie Morris and Sharla Ackerman are the Fed team doing the audit. They spent a week reviewing the files from the DO/LAA's. The Feds are reviewing our comments on the metrics; a follow up call is scheduled for 5/21 to address major differences in the numbers. The Feds want to have a draft report done by the end of May, but we will not see the draft till June after it circulates through Federal channels. The final report is to be done by the end of September. Feds may do one state a year in the future. Changes may be made in what the Feds require in CETA, but with the cut in Federal funding, Jim is not sure we can take on additional issues in reporting.

SWDO brought up a concern that mobile homes are being burnt to dispose of them. This will be a good case for the new unilateral orders that are now available for open burning. SWDO pointed out that the cost of proper disposal of a trailer is \$2000; our fine for open burning is \$200. This will have to be looked at.

Action Item: Be sure to enter data into CETA. Get Jim a Open Burning case that he can try unilateral orders on.

3. **Title V permits and issuance update** - Mike Ahern handed out a graph on PTO application records, establishing what appears to be quite a backlog. He also mentioned that FESOPS are not moving as they should, (26 out of 88 not yet draft) nor are Title V actions progressing as quickly as they should be. A list on Expired Title V facilities was handed out without a renewal permit. The list needs to be refined, as a number of these facilities have either gone to State PTO's, or FESOPS. We spoke of the interns and the necessity of getting the applications into STARS, as the same project in STARS2 will be much more work. The final migration will probably be in January '08. The training for the intern, will probably amount to written guidance. Debbie and Jenny have been actively processing PTO's.

Mike indicated that he has been getting mostly positive comments on the new compliance certification form SEDO has a modified checklist which will be sent to Mike to look at. May be implemented statewide after review. Jim Orlemann suggested the NOV's, deviation reports, and other reports should be matched up to the compliance certification to assure accuracy. Mike Ahern received comments on the new Title V application form and is meeting with the contractors on the development of the form.

NWDO brought up an issue about the PBR forms on the web. The Auto body and Resin molding forms have an issue. In the auto body form, the language reads "do you use no more than 3000 gallons..." and should read "do you use 3,000 gallons or less of all paints, solvents and other coatings per year.." The Resin molding forms also need to be changed, "Does the facility do 50 or less jobs per week?.." PBR's will be coming directly to the DO/LAA's in the future rather than to Central Office.

Abdur Rahim spoke about the boiler MACT and the Health based compliance alternative. See his E-mail below.

1. First, I must emphasize that all reviewers must use the most up-to-date version of the Boiler MACT. Please note that the Boiler MACT has been amended two (2) times.(First promulgation September 13, 2004. Amended on December 28, 2005 and December 6, 2006.)

These amendments have finalized the Boiler MACT and its Appendix A. The amendments clarify certain aspects of HBCA and give additional definitions. Appendix A provides detailed

Methodology and Criteria for Demonstrating Eligibility for the Health-Based Compliance Alternatives specified for the Large Solid Fuel Subcategory. The detailed methodology provides an approach that permit writers may use to be consistent on both state and national level. Due to the level of detail in Appendix A, additional guidance has not been considered necessary.

The most up-to-date version of the rule is available at the Electronic Code of Federal Regulations (e-CFR). The codified Federal Regulations can be viewed at the following website:

<http://www.epa.gov/epacfr40/chapt-l.info/chi-toc.htm>

For a link directly to CFR Part 63, Subpart DDDDD go the following weblink:

<http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=b08c78bcb6c0d09545edfcc0b59b7e55&rgn=div6&view=text&node=40:13.0.1.1.1.5&idno=40>

2. Second, we will look at the past recommendations and approvals to date in order to insure that Ohio EPA accepts or denies a new HBCA eligibility determination recommendations in a consistent manner, according to the rules.

Action Item: DO/LAA's are to get ready with plan to enter PTO applications into STARS before the migration occurs.

4. **Permit Issuance and Data Management** - The changeover to Microsoft Office is planned for October 1, 2007. Two versions of Word will be supported; 2003, 2007. (note that there are some differences between these versions). Training to use Word will be through Rod Spain, either face to face or electronic tutorial. At this time, Wordperfect will continue to be used for permitting only (PTI2K and STARS). Continue to use Wordperfect for permits until STARS2 becomes active.

Regarding fees, Elisa Thomas sent out NOV's to TV FER non-filers, and will be sending a list of SMTV non-filers to the DO/LAA's to be confirmed so NOV's can be sent.

Action Item: DO/LAA's to get back to Elisa when list of SMTV non-filers comes out.

5. STARS2 update - The application form is being worked on as is the interface with Agency Gateway to meet the electronic signature requirements. Problems with the emissions reporting components are being worked on as is the migration plan. Jenny Hunter indicated comments have been received on the PTIO rules. The PER report seems to be a concern of the regulated community that it is compliance certification. The concern of the citizens is that they can only comment at the PTIO rather than a PTI as well as a PTO. A guidance group has been formed for the training of staff in PTIO. The group will be soliciting help from the DO/LAA's in writing guidance; it needs to be done in the next six months.

6. **Engineering Guide update** -
 - #6 - PTI for Coal to oil conversion - Cleveland - Mike Hopkins to review
 - #7 - Inclusion of weight of water in PWR - NWDO - New version completed; to be sent to Jim O. for final review.
 - #9 - PTI/PTO Determinations for grain dryers - NWDO - New version completed; to be sent to Jim O. for final review.
 - #11 - Table I of 17-11 - Cleveland - No comments received - Jim O. handed out a copy of the final guide. Issued 3/13/07. Posted on web.

- #12 - GDF guidance - NEDO - Jim O. sent comments to NEDO. GDF group solicited for comments. Changes to be made and sent back to Jim.
- #13,14,15 - Minor changes - Correct version posted.
- #16 - Conditions for requiring additional source compliance tests - NWDO - 75% done
- #17 - Boiler operational rate for compliance tests - RAPCA - signed 11/13 - Posted on web
- #18 - SO2 compliance determination for boilers - Toledo - No changes - Jim O. looking this one over in light of the Fed's acceptance of our SO2 rules replacing the FIP. Questions may need to be more clearly answered.
- #19 - Coke plants - PM rule applicability -HAMCO - No comments received, to go to Jim Orlemann.
- #20 - VE limits, determination for stack sources - Akron - Address stack issue only - no progress
- #23 - Significant figures for TSP emission limitations - SEDO - Copy handed out. If this is not limited to one area, a large can of worms could be opened in this matter. There are concerns about significant figures in the diminimis rule that could require a rule change. Send comments to SEDO in two weeks.
- #44 - Portable Plants - Mike Hopkins and Central Office to respond to NEDO's questions
- #53 - Open Burning Standards - Central Office - No progress
- #74 - Classification of PM - Central Office - Defining scope of issue. Flow chart may be needed.
- #XX - #75(?) New guide for crushers and non-mettalic material - Mike handed out draft
- #70 - Toxics - Jenny Hunter would like any comments by end of May. #69 may need changes due to changes in #70.
- #27 - Determination of Heat input during a boiler stack test - RAPCA
- #24 - Application of Fugitive Dust Requirements to Affected Facilities - Toledo
- #25 - Determination of source numbers and Permit fees for fugitive dust sources - Cleveland
- #26 - Inclusion of weight of water in the weight of "refuse" charged for incinerators.- NEDO

7. **Terms and conditions and Policy distribution -**

Jennifer Hunter indicated the formatting and scenario group are working on the organization of the library. The navigation is planned to be a tree type structure. This should be completed in late summer and will be accessed by the internet. Cheryl Suttman handed out a table for DDDDD (Boiler MACT) as well as the CFR site for the Boiler MACT. Click on the respective sections in the library and it opens up. A couple of highlights on this issue and the work Cheryl has done:

1. The very first term in the Additional T&Cs of each DDDDD template, **term #2.a, is a one-page summary** of the requirements of the MACT for that type source; the remaining terms are the "details of compliance" as referenced in this summary. This term might be helpful to the facility or DO/LAA, outside of a permit.
2. There is **NO "3-year skip" following 3 years of compliant stack test results for CO compliance**. CO is considered the "work practice" standard and each emissions unit, or stack from each, must be stack-tested once every year for <100mmBtu/hr or must install CEMs for >100.
3. **I do not write terms for MACT options (or any rule) that need the Director's approval** (or Administrator if new compliance method), other than approval of test/CMS plans, etc.; so such terms are never copied into a permit "without looking" (one purpose/benefit of the templates). For example, DDDDD allows previous and recent compliant testing results to be approved by the Director to meet the requirements of the first year's performance test, IF the appropriate records required by the Methods and DDDDD are maintained for the control equipment parameters and process weight rate/fuel usage rate. etc. Terms can be drafted for this option following approval of this "exemption" from the first stack test, but there is nothing in the Library for this "option". Bud already has a facility requesting this exemption and he is working with Abdur to resolve it and develop the steps needed to get this approval.

She has also worked on tubgrinder terms as well as bulk gas plant monitoring terms.

P & E and permit call notes are up 11/14/06 and 10/19/06 respectively on the web

Jim Braun attended a NACAA (National Association of Clean Air Agencies) conference. NACAA was formerly known as STAPPA/OLAPCOA. A speaker from the USEPA mentioned his concern that work between the enforcement and permitting staff of USEPA could be counterproductive if PTI limits and/or terms were changed that could weaken an enforcement case. In general, Jim said he had heard of a communication issue between the permitting and enforcement people at USEPA. Jim Orlemann indicated he would look at the enforcement cases to see if and where Ohio may have any such issues.

Action Item - Updated notes need to be posted to web site..

8. **CETA update** - Jim Orlemann indicated the importance of updating CETA as it applies to enforcement cases. It was also mentioned that CETA and STARS2 will operate on the same resolution.

Action Item : Everybody has to update CETA, as enforcement and inspection #'s (compliance percentage) is calculated from the data that is placed there.

9. **Stack Testing** - No update

10. **New items and parking lot** - Mike Ahern suggested the general terms not be listed in the electronic copies of the State PTO's that are sent to the DO/LAA's. He feels that the emission unit specific terms would be adequate for the field offices to be available to the writer. Most agreed this would be OK as long as the facility ID and the issue date carried over.

Bud Kiem of Canton brought up the concerns about design plans for landfills and the requirement for a registered engineer to review the plan. He handed out an approval letter from George Czerniak of USEPA. We can approve additional changes if the situation is similar to what was approved prior.

The DAPC Web Applications page is accessed by Ohio EPA Central Office and District Offices through:<http://dapcnet/>

LAA's who are not on the DAPC intranet need to use the following link:

<http://dapcnet.epa.state.oh.us/>

Next meeting is July 10, 2007