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MINUTES
PERMITTING AND ENFORCEMENT COMMITTEE

FEB.10, 2000

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

ATTENDEES: Tammy VanWalsen (Central Offfice), Mike Ahern (Central Offfice), Jim Orlemann (Central Offfice), Harry Schwietering (HAMCO), Mike Hopkins (Central Offfice), Rick Carleski (Central Offfice), Todd Scarborough(CDO), Matt Stanfield (Toledo), Ken Djukic (NEDO), Jim Braun (Canton), Cindy Charles (Portsmouth), John Olaechea (RAPCA), Frank Marcunas (Akron), Mike Riggleman (CDO) and Jim Pellegrino (RAPCA).

Jim Orlemann- Director decided on 2/4/00 to include BAT on State/Federal. Anything issued draft as of June 19, 1999 would not have to be changed. Still being discussed. DAPC would like to not have to change anything that has already been issued. If the permits are here at central office, we will change it over. May present a problem for Erica to change it, still be investigated. The air toxics language will still be on State-side only. Also applies to PTI's. For new PTI's that include emissions limitations for air toxics, the applicable rule for establishing the emissions limitation is OAC rule 3745-15-07(nuisance), not BAT. For PTI's that were issued that established the air toxic limitation as BAT, the change can be made in the Title V and eventually the PTI should be modified but Central Office acknowledges that these modifications would be a very low priority. Written guidance to follow.

With respect to the nuisance rule, Jones has not yet made a final decision.

Item 1- Title V permits, Issuance deadline. No change to deadlines. Last few months our performance in issuing drafts has not been very good.

Item 2- FESOPs. 10 still pending in Central Office. FESOP fee bill pending and public hearing this month. Approved 160 FESOPs across the State so far.

Item 3-OC emissions from Asphalt plants- HAMCO initiating enforcement action against a facility based on test done last season. There are not very many test results submitted to date that would provide any guidance to test teams trying to bid on jobs relating to stack testing at this source category. Encouraged the field offices to submit the data for past tests and to require testing this season. In the follow up to the issue raised by the NEDO regarding complaints and direction on how to approach this problematic source category, Central Office has asked for permission to purchase two "ODECS."systems as an alternative to the traditional Method 9/COMS/Method 22 readings. This new technology, originally developed by NASA, is basically a digital camera mounted on a tripod. The camera is connected to a laptop computer that has been programmed to "read" opacity. The camera is "calibrated" and the pictures are taken in prescribed intervals and can be seen on the monitor screen. The potential use in many situations is exciting. Currently at least two air force bases have purchased the systems for self-monitoring of roadways, parking areas and stationary sources. The cost is much less than the traditional COMS and can also be used to read opacity from tail pipe emissions, including that for diesel

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buses. The purchase order has been held up by Cindy DeWulf and the field offices were encouraged to email Cindy if they too felt that this could be an important tool for compliance assessments, particularly at the asphalt plants. Todd Brown and Cindy can be contacted for more information regarding this new system.

Item 4- MACT sources and standards- new person hired, Radhica Sastry. MACT workgroup will be revised upon hiring of the second person. Item 5-
BAT Limit for fugitive dust sources
Report being compiled by RAPCA and should be ready for distribution by the end of February.

Item 6- PMU- update from stats for January. New PTI system installed ("PTI2000"). Graphs are attached. More than 100 state PTO's were on hold for January due to the implementation of the new PTI system. These will go out during February. STARS software really showing problems and PMU is spending a lot of time chasing down Y2K issues that had not been identified during the Y2K testing. Erica working hard on each problem. While this trouble shooting is happening, we are developing the "wish list" items associated with all of the problems historically documented and new ones since Y2K. Linda Ours is going to be in charge of the STARS rebuild and also sending out the blue cards for the next fees. PMU trying to fill the fee vacancy so that Linda can concentrate on the rebuild. High priority facility list being finalized (synthetic minor, Title V, FESOPs). Second set of requests going out today to inform facilities that they are subject to the new FESOP fees. PMU will be providing the field offices these letters electronically. Instead of sending the hard copies for these mass mailings, Central Office trying to do it electronically in order to expedite the issuances and minimize the paper files. New PTI system installed everywhere except for Toledo. PTI Information form distributed for comment. Trying to keep it to one page, wherever possible. Comments should be submitted by Friday the 25th of February to Mike Ahern via e-mail. PTI 2000- problems being identified and dealt with by Susan Parkins. One of the issues that has come up is PTI modifications. Upcoming changes to make it more efficient and less problematic. Additional summary information will be provided once the PTI 2000 system is fully functional. New system will be able to track many of the internal tracking information (days in review, number of PTI's process every month, how other field offices have performed, etc.).

Item 7- New Source Review.

Mike Hopkins- air toxic issue taking up a lot of time. Utility permits have become a pretty hot issue also. New PTI system implementation. Once completing a PTI package, every field office should assign it to Mike Hopkins directly, and he will in turn, will pass it on to a staff member. In order to manage staff assignments, the PTI packages need to be sent to him directly. Direct final issuances should be assigned to the engineer who did the review initially. If that staff person is no longer working in PMU, then it should be assigned to Mike directly. Currently two vacancies for PTI reviewers. Conducting the interviews. Probably a month before they get on board. Only Misty and Alan left as experienced reviewers. Sudhir Singal in training. Major, PSD permits still require the most work. Field offices need to be cognizant that since most of the permits are going out no review, the quality of the work at the field office level needs to be enhanced.

Questions regarding BACT/BAT and gas turbines or engines should be directed to Alan Lloyd since he has been working the most in this area. Several permits have been issued that can be used as an example.

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Item 8- BAT Task force - only a few comments submitted. Ready to give it to the techanical PAG. HAMCO did a pilot attempt (one asphalt plant and plastic polymer line) and had some good comments regarding the 12% and what to do when there is only one other source in the state to use as an example. Final document will be in the form of an engineering guide and can be referenced in the PTI application forms. Will be dropped from the agenda, any follow up issues can be done under the New Source Review.

Item 9- Guidance for 17-08/17-11

We discussed this in detail at the last meeting and one additional comment was received regarding the flow chart. We will be redefining the titles on the flow diagram to clarify some of the concerns regarding the use of the diagram. Tom Kalman is putting together an engineering guide. Central Office gave training for Cleveland using the same information and it was very helpful.

Item 10- concret batch plant template

Tom Mueller retiring in the next few weeks. Would like very specific scenarios that the field office would like to see the templates for. It would really help central office if the field offices would bring to us the scenarios they would like to see.

Item 11 New & old business

a- should decide on next meeting dates at this meeting rather than waiting
Do we need to hook up with the Director's meeting or go independent? Prefer independent.
From now on every other month, the second Thursday in the month will be the date for our next meeting.

b- Canton/Jim Braun- 17-11 cut off at 10 pounds per hour presents a problem in dealing with Title V. Should be a rule revision and to EG28, if not, then a guidance memo to address this consistently throughout the State would be helpful. EG#28, statement that you don't use the D & E ranked emission factor, we should require them to test to determine the uncontrolled emission rate. Basic flaw with Figure II. If you go to Figure I, then you get a higher allowable than the 10 pounds per hour. Add a statement that the emission limitation is 10 pounds per hour. Slight modification of the rule and/or EG#28 would be useful. Language regarding this matter was shipped to NEDO and Stark Ceramics (Canton) permit can be distributed to all of the offices. No legal basis for them to go over 10, therefore, JO doesn't think a rule revision necessary. Jim Braun will take a shot at revising the EG#28 to resolve the problem and he will give it to Jim Orlemann for review. To be continued at next meeting. c)
enforcement
High Priority Facility List. New policy from USEPA. No longer just "significant violators". Now all FESOP, synthetic minor and Title V facilities are considered "high priority". 1184 facilities versus the 714 Title V's. No change to what happens at the field office level. The total number of sources will increase and the number will fluctuate due to changes at facilities or new facilities added or dropped. The compliance goal of 95% will not change, just the number of facilities being looked at. Quarterly noncomplying facilities report (F-4) revised to reflect the new high priority definition. Form set up so that it can be used electronically to expedite and facilitate

the completion and submittal of the data. List includes check marks for facilities that are not in compliance and need to have compliance schedules and EAR's (if not already submitted). IC means "in compliance". List will be updated periodically. New form should be used for the first calendar quarter of 2000 (due to be submitted in April).

1999 Enforcement Report and goals/objectives for 2000

Major new objective is to eliminate all EC cases that are greater than 2 years old by the end of the calendar year. 45 cases currently on the docket that fall into this category. Susan Ashbrook of the AGO leaving on 3/1/00. Down to 2 attorneys at the AGO, but Bryan Zima has been appointed to take Susan's place.

Discussion regarding the deviation reports from the Title V facilities. How to address the multitude of self-reports and how to decide which ones need follow up on. Must have documentation that the reports are being reviewed. Field offices will have to make their best judgements on whether or not follow up action is necessary. When in doubt, call the EC contact to discuss specific situations.

Next meeting April 13, 10:00 a.m.

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APRIL 14, 2000

PERMITTING AND ENFORCEMENT COMMITTEE MEETING MINUTES
FOR

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 Olaechea (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

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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 SO_2. 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.

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December 11, 2001

Lazarus Government Center
122 S. Front Street

Attendees: Jim Orlemann (CO), Kyle Nay & Dan Canter/SEDO, John Oleachea & Sarah Harter/RAPCA, Mike Hopkins (CO), Adam Ward (CDO), Harry Schwietering, Adam Zolciak (Toledo), Ed Fasko (NEDO), Frank Marcunas (Akron), Jim Braun (Cleveland), Rick Carleski (CO), Mike Ahern (CO), Cindy Charles (Portsmouth), Bud Keim(Canton) and Tammy VanWalsen (CO) .

Item 1- charts of Title V's, FESOPs, etc- JO: 894 actions taken, 571 remaining. 71 actions last month (November 2001). Schedule for completing work, not yet made. USEPA will issue notice of deficiency in early April. Bob will be asking for the development of a schedule (next 3, 9 or 12 months). Historically we can do about 50 actions /month, therefore they will take about 9 months to complete these actions assuming that December goes well.

?'s- USEPA has agreed to the 10-day review rather than 45-day review, will they continue? Probably will continue because of pressure to get the permits issued.

ALOAPCA- Jim Braun- selected to take Franks' place.

Mike Ahern- Item 2- averaging 60-65 state PTO's /month. Caught up now. PTI's- 40 permit actions per issuance (80/week). Record management officer Erin, will fill her spot when they can. TRI data, along with the other requirements of the records office. Please be patient with the new person during training. New year for blue cards for the upcoming billing cycle. Will be asking for double checks for fee categories in the beginning along with updating of the HPL's. Certificate of conformance forms- will check with Tom Rigo to see if there are any changes prior to mailing. Will notify the Title V facilities that have final permits that they will be asked to submit them.

Installation certificates for PTI's, can they get them? Not getting them routinely, only if asked for specifically. Need to know when the units go in, right now they are coming in to CO because of the way PTI 2000 is set up. Survey results mandated the two step process. New record officer/clerk position filled will take on some of this. Only way for the field office to know that they should be requiring the PTO applications. Mike Ahern will follow up.

Item #3- EG #71- PAG technical sub committee. With Tom Kalman, will then be moved on to Bob H. for final issuance. Next week.

Item #4- CO at asphalt plants- general discussion-burner adjustment schedules, how to determine on-going compliance, testing issues, no maintenance 30-days prior to the test, can they be made to put in a CEMs, CDO- shelley- burner maintenance should be at least annual or upon fuel change. When are CEMS appropriate? Mass mailing idea, unilateral orders for testing of existing units. Follow up with database and then with compliance assistance package/who needs to test. Basic problem is that the emissions factors used to develop the allowable emissions rates were basically wrong.

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Item #5 - Meeting scheduled for the 18th.

Item #6- Tom Kalman working on the document- not finished yet.

Item #7 New Source Review- distribution of DHWM MACT guidance

Cheryl Suttman added to PTI review list. New person starting next Monday, will then be fully staffed. No DAPC experience so it may take awhile. 180-day clock starting January 1- looking for clarification and adjustments to PTI 2000. Committed to the process improvement/industry group- all PTI's will be issued within 180 days ("our time") from the completeness date. Different priorites for permits. Anything received after 1/1/02 will be subject to the 180 day review. Get the old ones done now, because the new ones will have to take precedent. Mike gave some text for PTI 2000 so that comments/suggestions for that page can be incorporated. PTI 2000 will be used to track the 'clock". Misty still working on the training program, anticipate it will be ready by spring. Manual being laid out the same way the training that will be held. November 30, 2001, latest Chapter 31 revisions effective- to address the issues that the feds had concerns with, will be submitted as a sip revision for PSD. Developing a "clean copy of the new rules" and uploading to the web. Whole agency going through 31- rule revision to deal with PTI's, other division splitting up into their own rules, will go out for internal review within the next couple of weeks.

New- PAG technical sub committee working on engineering guide on when emission factor changes. Package of what's been developed so far. Need feedback and EG guide #. If change triggers NSR or enforcement, not covered by this guide- may do others in the future. Wants input, comments so that they can be distributed at the next technical PAG group meeting on January 10, 2002. Need to get the comments to Mike H. by January 1, 2002.

?'s- diesel generators for a rock crushing plant- NOx emissions about 30 TPY, short stubby stack, do they need to model? Mike H- will have to get back with us. Worked on toxic part, but not on the non-toxic side. Looking at exempting roadways, parking areas. Working on specific permit- send it to Misty and Mike & Bill Spires will get back with Jim Braun.

Item 8- Inspection and enforcement AFS federal database. Lisa Holscher of Region 5 said that as of the end of the year, Ohio EPA/DAPC not doing it. Will have to implement it by April 1, 2002. Will ask for formal update. Identification of locations that are not permitted an ongoing problem. Hampers some of the computer work.

Item 9- Old Business -multiple emissions units controlled by common control device- 6 melting furnaces combined to one baghouse. One main concern is whether or not it is feasible without rule changes to combine. "Grouped' emissions unit approach. Questions developed, not been looked at recently. Jim Braun will redistribute them. Still feels that we are spending too much time developing these with no benefit to the environment. Braun reached the conclusion that original rules not designed for unit-by-unit- but facility-wide, etc. figure two analyses- to create allowable rates for 'groups" - for electroplating units, guide allows for one limit for the group based on the outlet emission rate rather than the individual limits. Enforcement cases in past have created real problems when grouped because individual units can't comply.

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New business- cooling towers- AQM & P bringing up new issues regarding how these units were permitted in the past. Different cells that can operate independently, combined cycle turbine with a cooling tower as part of the system. Permitting of individual cells or as one emissions unit. 8 cells. 1-8 can operate at any time. If we are going to develop guidance on it, SEDO would like to make sure that the questions will be addressed in the guidance. Combined cycle turbine with cooling tower using well water, but various problems with dissolved solids where a certain amount of the water taken off and the leftover particulates can be considerable. (9TPY for the new SEDO site).Not deminimis, must be addressed in the permits.
Send mike H. comments/questions on how to permit these facilities. Some require water permits as well, trying to combine those. How to test them. What is the record keeping requirements. Gavin situation of fallout of particulate emissions from various emissions units, SEDO trying to address. Should they test for dissolved solids?

Old business- conversion from "as propane" or "as carbon" to VOC. Still a problem, Bob Gengerally working with individuals to correct.

21-07- revision of the rule. Director shot down appendices approach because it would add 'hundreds of pages." Instead Bob asked us to revise it to clarify how we interpret the rule. Totally revised it. Instead of appendices, we will develop database to place on the web to show who is subject to this rule. Will be very controversial rule change. Attorney/industry intent on elimination of the rule. Comments to Todd Brown by the end of the month. One major change (see first change) (A)(2)(d)- not applicable to new sources after this rule revision. Use BAT instead. Added 21-07(G) wording to address the Ashland Chemical appeals. Encourages suggestions. Eliminating the hourly emission requirements, focusing on the daily. Mike
hopkins- spent a lot of time on facilities who are required, but what if we find someone else. JO will be adding language to say that if we find someone not on the list, then we reserve the right to put them into the tables. Must file this with JCARR by March 2002.

Thought that Chapter 17 would go through, but now pulled from the agenda, so it may go before the particulate regs are finalized.

February 12, 2002

Minutes of the Permitting and Enforcement Committee
Lazarus Government Center
122 S. Front Street, Columbus, OH 43215

Attendees: Jim Orlemann, Rick Carleski & Tammy VanWalsen (CO), Jefferis Canan and Chirs Clinefelter (RAPCA) and Cindy Charles (Portsmouth).

Item 1-Title V permits and Issuance Deadlines

Jim Orlemann reported that 413 final actions have been completed with 82 draft to go. (NWDO has the most left to complete). Met with Region 5 yesterday and are revising the schedule for completing the rest of the Title V permits. If these new dates are not met, USEPA will issue a Notice of Deficiency and then the sanction clock begins. We must have at least 50% of the Title V's issued by 12/02 and the rest by 12/03. Renewal applications are starting to come in.

Item 2- Mike Ahern's report
Last months actions were down from previous months. GM had a lot of General Permit Comments and changes to the General Terms and Conditions are being drafted. New language will address USEPA's concerns as well regarding insignificant emissions
units.

According to USEPA, the insignificant units must be spelled out in the Title V permit and Statement of Basis (SOB). Thousands of units will nowhave to be spelled out.
Region V also has requested changes to the SOB. Although they originally approved them as are being issued, they now are asking for changes. For example in Part 3,
they are wanting to know why are you using streamlining? Why is there a declaration of nonapplicability? They want more explanation with respect to testing frequencies or
why no testing. Also want an explanation of why we chose the operational restrictions that were placed in the permit. USEPA has a list of improvements for completing
SOB's and new instructions will be sent out to the offices as soon as they are ready. Item 3-EG #71
Final sent out on 8/6/01. To be eliminated from the docket. Item 4-
Source Testing at asphalt plants
Continuing to gather test results from the summer. Gave copies of the February 12,
2002, Gerken Materials, Inc. referral to USEPA. Title V applicability and enforcement issues currently being handled on a site-by-site basis. Workgroup established by AQM
& P to address asphalt plant issues on hold since Fall.

Item 5- New inspection form being developed to address USEPA's concerns. item 6- OAC rule 3745-17-08/17-11

Tom Kalman has not had a chance to complete the guidance, to be carried over to the June Meeting. Item 7
Gave out the DHWM's guide for the Hazardous waste combustor MACT. Item 8-New business
Mike Matney developing a new tracking program that will replace the current hard copy quarterly

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reports regarding number of inspections, notices of violations, etc. Will shift to monthly reporting beginning in July. Will be scheduling training for the unit supervisors this spring.

Enforcement Stats for the year 2001 completed. All of DAPC's goals were met. Penalties for both administrative and AG settlements highest in several years. $3 million for the State. The focus on resolving the old cases dropped the average age of a case from 404 to 282 days. Goals for 2002-2003, 40 Findings and Orders, no case older than two years from receipt of EAR, 90 resolutions. The Agency exceeded the Director's goals, he asked for 100 Findings and Orders, 140 were issued. Penalty numbers up dramatically. All old cases were resolved. DAPC has the largest docket, more cases than all of the other Divisions combined.

Next meeting scheduled for April 9, 2002.

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September 10, 2002

Permitting and Enforcement Committee Meeting
Lazarus Government Center
122 S. Front Street, Columbus, Ohio 43215

Attendees: Jim Orlemann, RickCarleski, mike Ahern, Mike Hopkins and Tom Kalman(CO), Jim Braun (Cleveland), Adam Zolciak (Toledo), Laura Miracle (Akron), Harry Schwietering (HAMCO), Jennifer White and Maria Cruset (RAPCA), Cindy Charles (Portsmouth), Dan Canter and Kyle Nay (SEDO), Pat Petrella (Canton), Ed Fasko (NEDO), and Don Waltermeyer (NWDO).

Item 1- Title V permits and Issuance Deadline

Jim Orlemann provided an updated table of the processing of the Title V permit applications. As of the end of August, there were 105 Title V permits yet to be issued draft, with 497 issued as final. Second only to Indiana, Ohio has now issued more permits than the rest of region. Although percentage-wise we still have a way to go.
The next milestone in the commitment made by Director Jones to Region V is for the end of the year. We have to issue 60 more final Title V permits before the end of the year. That means we really have to have more than 60 ready to go in anticipation of
last minute delays that will inevitably come up. **CO staff and JO will be working with each office to determine which permits can and must be moved to the final stage before the end of the year.**

The second handout deals with the Notice of Deficiency with respect to the Title V insignificant emissions units. Ohio EPA through the AGO appealed the NOD in addition to the Ohio Chamber of Commerce and the Ohio PIRG. Copies of the OAC rule 3745-77-07 proposed changes have been given to Region V for their approval. The rule change in addition to listing the PTI number for any insignificant emissions unit that is subject to OAC Chapter 3745-31 should satisfy the Notice of Deficiency. *We don't want to have to cite applicable rules for insignificant emissions units that do not have a PTI. USEPA wants to have all insignificant emissions units moved to the State/Federal side of the permit.* Additionally, USEPA is requiring a change in the Part I- General Terms and Conditions, such that any deviations from the applicable requirements would have to be reported and could be used as credible evidence.

This change would mean that if a permittee did in-house tests that showed a deviation or violation from the applicable requirements, they would be obligated to report it at the end of the quarter as a deviation. (Currently they would only have to report it as part of the annual certificate of compliance.) They would also have to report quarterly
deviations for any insignificant emissions units as well. Item 2-
Permit Management Unit- Mike Ahern's report
Questions regarding the recent issuance of the guidance for Title V modifications. Mike reported that Jenny has received a lot of comments, especially from the regulated community since the draft was placed on the web. Guide is undergoing revisions based on the comments. The guide is an evolving document and people are encouraged to submit suggestions for improvement at any time. In addition, Mike Ahern is also working on a procedural guidance document which will be a separate guidance document from the one that Jenny prepared.

STARS software is not able to handle
modifications or renewals so Mike has developed some WORDPERFECT program(s) that will enable us to do modifications and renewals until the new STARS/upgrade is complete. The Sandusky Dock permit is being used to test the programs and issue a permit modification. PMU is starting to use the tracker again in order to manage the
renewals and modifications. RAPCA indicated that they have 7 facilities who have final
Title V permits but couldn't comply with the applicable limitations and filed for and obtained PTI modifications; however, have not received the Title V modifications.
Under current law, until the Title V is modified as a final action of the Director, they are not supposed to do the modification. This puts the facility in an awkward position of having to continue to report noncompliance with respect to the final Title V, but yet already received the PTI modification.

Question was raised as to why can't the Title V be modified at the same time the PTI is modified? No current coordination between the programs and until both the reorganization of the Division is implemented and legislation passed that would enable
us to issue the operating permit at the same time the PTI is issued, this problem is not going to go away. As was discussed under Item 1, each office must focus on getting
out the remaining Title V draft permits. For the individual situations that RAPCA was talking about, RAPCA may want to put them as a higher priority, but only after the initial Title V drafts are completed. Highly unlikely that either Ohio EPA or the USEPA would take enforcement action against a facility that is in this situation.

RAPCA brought up the question as to what level of review is/are each of the offices giving to the annual certificates of compliance. For example, RAPCA has been told to reject any of the certificates of compliance that are submitted by someone other than
the "responsible official" as defined in OAC rule 3745-77-03(D). RAPCA also checks item by item, the process by which the permittee assessed compliance and double
checks the reports submitted throughout the year and has found that permittees forget
to include periods when the APCE malfunctioned and a report was made under OAC
rule 3745-15-06, but was not included in the annual report. How does everyone else review them? General discussion on how each office is reviewing them (guidance put out by Tom Rigo) and acknowledging that RAPCA may have more resources that
enables them to do a more thorough review than that conducted by the district offices.

Jim Orlemann pointed out that the P & E group is the forum where these types of issues are discussed and would appreciate seeing the checklist or procedure that
RAPCA uses to review these certificates of compliance and that upon review, the group could propose to adopt those procedures for everyone to use. RAPCA agreed to
provide the group with their process and will carry this over to the next regular meeting.
**RAPCA will give CO a copy of their procedures for reviewing these reports and
CO will distribute it to the rest of the DOLAAs for review and discussion at the next meeting.**

RAPCA also asked Mike about guidance from Jenny regarding FESOP/synthetic minor fee reports not submitted by the responsible official. Should they reject these, as per Jenny's guidance. Mike Ahern indicated that the definition of responsible official under
OAC Chapter 3745-77 is different than what is required for a FESOP or synthetic minor facility. **Mike will get with Jenny to discuss and get back with RAPCA on it.**

Item 3- Source Testing/Asphalt plant update

Asphalt plants- **letter from Canton being revised to be used as a template for all the asphalt plants with respect to testing needs, Title V applicability and portable plant relocation issues. Once approved by Jim O. and Bob H. will be distributed to everyone (hopefully by the 20th of September.)**

Adam Zolciak (Toledo) and Joe Loucek (NEDO) have volunteered to revise EG# 44 based on the 11/01 revisions to OAC Chapter 3745-31 and recent guidance from Legal regarding public notification requirements for the portable units. A hard copy of the EG#44 was distributed because it is not currently available on the web. **A draft of the revised guide should be ready for distribution by the October 29 meeting.** The revisions will deal with the changed in the rule, how to handle the permitting of the portable units and public notice requirements.

Jim Orlemann is meeting with the Kenmore Asphalt Company on Friday the 13th to discuss burner tuning language. The group will be kept apprized as to the progress of that permit negotiation.

Tammy met with the Flexible Paving of Ohio and they indicated that they wished to enter into a Memorandum of Understanding with Ohio EPA to work out all of the issues of concern with their industry. In particular they would like to see an agreement that exempts them from any enforcement during the time that the Ohio EPA and the trade group is working out these issues. Group is particularly upset about the lack of consistency with respect to BAT across the state and that some offices are requiring BAT studies, modelling for air toxics while the other offices aren't even listing HAPS, VOC, Nox or CO as a regulated pollutant. Shelley Materials has volunteered to submit Title V applications for the CDO sites because their stack tests continue to show > 200 pounds per hour of VOC. NWDO again brought up the contaminated stone issue because of the Hansen quarry (used to be known as the Rogers Group), and the Wagner Quarry. Mike Hopkins reminded everyone that if a PTI was issued to a facility and pollutants of concern were mistakenly left out, that doesn't mean that they aren't a regulated pollutant. When the permittee asks for a PTI modification, these pollutants must be identified and a determination made as to whether or not they are major, PSD and whether or not testing is appropriate. NWDO really supports the idea of located CEMS at these facilities so that we know exactly how much is being emitted under all operating scenarios.

Appendix K reports- As part of the contracts with the local air agencies, CO is required to report annually whether or not each office is up to date with their review of emissions test reports and whether or not the data has been entered into the State's database. That report was given to Bob Hodanbosi and in August a memo went out to all of the field offices reminding them of the obligation. Prior to Bob's signature, CO did receive the update from NEDO. **Offices which have yet to update the database needs to contact Tammy VanWalsen via email to provide a schedule by which the data will be updated. If there are problems with the electronic submittal of the data, please contact Bob Gengerally.**

Item 4- General Inspection Form

Now that the Compliance Enforcement Tracking Application (CETA) has been completed (with tentative USEPA approval), the form can be revised with the CETA in mind. Lisa Holscher has volunteered to enter 3rd quarter data into the AFS while the

final bugs are being worked out. She encourages all the offices to keep entering inspection and compliance evaluation information into CETA and use this transition period to ask any questions about how to use the program before USEPA hands the program entry duties to Ohio. Mike Matney is working on the final revisions necessary to make sure the data entered into CETA can be transferred electronically to the AFS in time for their monthly data pulls.

An all day special meeting dedicated to revising the inspection form for final use has been scheduled for September 17, 2002 at 9:30 am. Comments on the draft as received from interested parties will be discussed with the goal to have a finished product by the end of the day (3:30 pm).

Item 5- Applicability Guidance Document for OAC rule 3745-17-08/17-11

Tom Kalman distributed the 2nd draft of the guidance which includes a lot more examples and addresses the comments and concerns provided after the first draft was distributed. The figures and diagrams are not yet inserted (Mike Ahern volunteered to help Tom insert the drawings). Tom also volunteered to present the guide to any office that would like the training. (Similar presentations made to the legal staff of OEPA and the AGO were well received.) **If possible, comments should be submitted to Tom Kalman by October 18 so that final revisions can be made before the October 29th meeting.**

Item 6- New Source Review- Mike Hopkins' report

Mike noted that only one office failed to conduct the initial completeness review within the 14-day time limit and that only two PTI's failed to be issued within the required 180- day time period. Mike complimented the group on their efforts to maintain those performance standards and that they should begin receiving a list of permit applications that may be coming up against the various deadlines. Until the field office indicates otherwise, the CO timeline assumes that all permits must go out draft unless specified otherwise by the DOLAA's. Mike reaffirmed the necessity of meeting the performance standards and hopes that the list from CO will help them know which permit applications are in danger of going beyond the performance standards for review and issuance.

EG #69 revisions currently being reviewed by Bob Hodanbosi. Once Bob's comments and changes have been incorporated, the guide will be given back to the group for final review.

EG#??, What should be done to address changes in published emissions factors? This draft guide was developed by the technical PAG and was distributed for P & E to review. **Please get comments to Mike Hopkins within the next couple of weeks.**

Rahdica Sastry is working on an engineering guide for the MACT's "Once in, always in" policy. **A draft will be ready for distribution and review by the next meeting.**

Item 7- Old Business

Multiple emissions units controlled by a common device **(didn't have time to get to, will be Item 1 for the 10/29/02 meeting.)**

Item 8- New Business

Landfill question originating from HAMCO regarding requests under WWW (NSPS Subpart) and the OAC regs for increase in the permit allowable emissions rates for various pollutants. Distributed an email from the DSIWM/CO delineating their concerns. Mike Hopkins indicated that they will have to do some research and get back with us. **To be carried over to the next meeting.**

Jim Orlemann distributed the revised Multi-media protocol for enforcement that Steve Skinner (SEDO), Jeff Hines (SWDO), Harry Sarvis (DHWM), Sharon Gbur (DSIWM) and the legal section have been working on. A form which can be used (similiar to forms currently is use for permits to ensure compliance with the Bessie Williams ERAC decision) is attached to the protocol. The revisions will make multi-media enforcement the exception, and not the norm. In those rare cases where multi-media enforcement actions are appropriate, then the actions must be coordinated and one division will act as the lead. **In order to get final comments to the Director's office on time, all comments need to be given to Jim Orlemann by no later than September 18th!**

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Permitting and Enforcement Committee Meeting

Minutes for **February 11, 2003**

Ohio EPA, Central Office, Room C, 6th Floor

Lazarus Government Center

122 S. Front Street

Attendees: Jim Orlemann, Mike Ahern and Tammy VanWalsen (Central Office), Don Waltermeyer (NWDO), Kay Gilmer& Kyle Nay (SEDO), Jeff Canan & Heather Vallance (RAPCA), Mike Riggleman & Adam Ward (CDO), Krsten Switzer & Ed Fasko (NEDO), Jim Braun (Cleveland), Adam Zolciak (Toledo), Cindy Charles (Portsmouth), Frank Marcunas (Akron), Alberta Mellin & Harry Schweitering (Cinncinati), James Pelligrino (SWDO) and Robert Zahirsky (Canton)

Item 1- Title V updates- Jim Orlemann. Next milestone date is 5/1/03. Need 79 finals by then. Possible because we should have enough in the pipeline by then. Drafts, PPP and PP has to be completed before it can go final. We have 53 drafts, 32 PPP and 1 PP that needs to go final. As of 2/4, we have 86 actions in the pipeline to meet the deadline. Need to have a buffer because some will inevitably be held up due to issues beyond our control. January schedule commitments critical to meeting the next milestone. The top priority for the next 3 weeks is the drafts on the January schedule. Mike Ahern, important to make sure that the SOB is complete and ready for issuance when the permit goes final. Necessary to satisfy the notice of deficiency (NOD). The environmental groups focusing in on the SOB, rather than the whole permit. Enviromental Groups concentrating on the SOB, don't want to have to read the whole permit. The better the SOB is done, then the greater chance that questions will be addressed up front. JO- comments from the feds are always with respect to the SOB, not usually with the permit's terms and conditions. USEPA still waiving their review period in order to assist us, otherwise- we couldn't do it. Jim Braun- struggling with the scheduling of the rest of these permits. Where should the priorities be focused? JO- If we are going to meet the 5/1 schedule, we have to get the drafts identified in the January schedule out. All of the offices should be discussing the January drafts with their permit contacts in order to get them out asap. JB- it would be helpful if that priority continues to be communicated to each office. Folks get overwhelmed and jump back and forth from projects instead of completing one. It's going to be difficult with all of the conflicting priorities. JO, these commitments must be met if we are going to have any chance at all of meeting the 5/1/03 milestone commitments with USEPA.

Item 2- Enforcement Update-

Highlights from 2002- All offices should have received a full copy of the report for 2002. Record high number of cases resolved (not counting AIM years). 64 cases were resolved thru the use of Director's Findings & Orders. 112 new cases, another record (minus AIM). Backlog down to 110 at the end of 2002. Tracking of the environmental improvement high priority for the Director's office. VOC reduction high due to New Boston Coke Corporation's (NBCC) flare installation. Large cases (>$100,000) listed in the report.

NBCC largest air penalty ever in assessed by a judge in the State's history. Objectives for 2003, more F& O's (45), 90 resolved cases, no case older than 2 years on the docket (all the Divisions met all of the goals for the Director's Office). Over $2 million in administrative penalties.

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Ongoing goal to work on cases in a timely manner and calculate the environmental benefits derived from each settlement.

Brainstorming sessions re: improvements. Now the meetings will be focused on which projects will be implemented, who will do it and then implementation of the improvements. List of key items distributed to the group.

Don Waltermeyer- USEPA focusing on pet food processing places due to failure to address VOC issues. Feed mill drying operations that use boilers (indirect heat to dry the food) have significant VOC emissions. IAMs processing stinks, good chance it is VOC causing the odors. May issue the NOV to keep it in-house so that Ohio keeps the lead in the enforcement situations, encourages the other offices to look into these operations and get out the NOV's before USEPA steps in.

DOLAA's- USEPA also doing a medical waste incineration inspection sweep throughout the State and issuing NOV's. Periodic updates thru the calls with Lisa Holscher and EC contact.

Item #3- Title V modifications, Mike Ahern reporting- still working on the guide. Work flow diagram distributed to group. Pilot done on administrative modifications and didn't work too well, so more revisions being made. Different features being improved, will be working outside of STARS. Electronic versions of the draft, PPP, PP and finals will be shipped back to the field offices so that they have an electronic copy of what was issued and can start working on the next step. Field offices start the process, usually but can also be started because of an appeal, or central office receiving a renewal or modification application directly. PMU learns that a renewal or modification is necessary through a variety of sources. Once PMU aware of the action, PMU will create the document and email it to the same person who worked on the permit the first time. PMU will name it. When a draft modification is issued, the file name will change and the next step. Kyle- requests that the permit supervisor receive a copy of the email so that they know that it has been sent. Tracking of who is assigned is difficult so important to make sure the activity log is kept up to date and accurate. Thru the STARSHIP training and newsletter, the permittees have been asked to identify whether the application is for a renewal or modification. Because of appeals, there are situations where we are creating the documents from here (central office) even before the application is received. Receipt verification forms then starts the activity log and the concern is that the supervisors become the email "middle man." Will using the activity log track these permits? For Minor modifications, a new application is necessary and has to go out draft. Company must propose what they want changed thru an application. Until a final process is in place, not pushing the renewals because the focus is on getting the first round of Title V final permits out. 45 appeals for the first 550 Title V permits issued. Some move pretty quick. Folks are working on the revisions to satisfy the AGO. Will be able to use the activity log to track it and whatever gets issued will be available thru STARS. Still working on combining the general terms with the special terms and conditions. Used the word perfect approach to the Timken permit in Canton, Bob Zahirsky indicates that Central Office may need to update training on this area because so much has changed since they started working on that permit. Lots of pressure to address the appeals while still trying to establish the procedure for issuing the modifications and renewals. Sun, MAP and PPG's first issue drafts were done this way too. DOLAA's need to know when the administrative modifications are done and why because the companies are calling and complaining. Recent rash of appeals because the end of the year issuances had the incorrect expiration dates. Some of them mad about "retroactive" effective dates. On summary page, from now on will list what the changes are included in the

modification and why the changes are necessary (reopening due to typos versus modifying to address appeals, etc.)
what about different versions of wordperfect? Mike Ahern - shouldn't be an issue. Renewal applications- 1) will need to add in emissions units, will look like the PTI form, 2) shut down emissions units will need to be identified, if central office builds them into the document, then DOLAA's can identify them or company will catch it when issued draft 3)
we need to show some effort on working on the renewals, one of the big concerns of the Enviro groups.

NOD- USEPA sent a letter dated 2/11/03, indicating that the rule changes are acceptable, rule package to be sent out, mass mailing to go out to all facilities that already have their final Title V permits (after rule finalized probably sometime in September). Clarifies what they have to report in deviation and annual certificate of compliance. Enviro groups didn't feel that it was clear before. Annual certificate of compliance forms changed to address the issue. Will be posted before the deadline, realize that some are already coming in. New form to be presented to PAG this afternoon. Insignificant emissions units currently listed on state-only side, as part of the agreement, in renewals or modifications they will
be on state-fed. side along with the PTI number.

Revised PTI application form being reviewed, waiting on JO's comments. Agency-wide core information team identifying information common to all Divisions. The cover sheet comments included that the contact name should be in the Division specific information because many companies use different contacts for the different programs. Meeting not
yet established to make it final. PTI applicants should begin to use the new forms (after being 'officially" released.) Is it DOLAA discretion to accept applications if they use the old form? **Mike Ahern will check with the team, expects there will be some overlap**. Can the mod/renewal be tracked thru PTI 2000? Ahern, not allowed to use the server dedicated to PTI 2000, resource issue. Not Mike's preference, but plan is to wait until STARS is revised.

Item #4 - Landfill operations- update from Akron/HAMCO. USEPA has to approve any alternative monitoring scenarios. NSPS versus state, no response from USEPA yet. For the state ones, we will ask the Director to make a determination, Solid wnad infectious waste management's concern re: fires {Bob Zahirsky reported that the C&D Exit landfill is
on fire right now.]

Item #5- Deviation form checklist- Jeff Canaan- Do we want to have another form that contains a checklist to attach to their form? Distributed the checklist and RAPCA's process. Basic question was how detailed of a review is occurring. CDO uses checklist and attaches it to the form that was submitted by the company. RAPCA normally just marks up the submittal itself. SEDO, in the past, just didn't have a formal procedure for evaluating the submittals but now plans on using the checklist and will keep it in the file. Verifies that the certificate has been reviewed. JO- Has to be reviewed and documented that it was done. Some folks just want to mark on the form itself and others may want to
do the checklist. Either approach is fine. SEDO will use the same format that is currently used for review of the deviation reports. Would be nice to have one form to serve all. SEDO doesn't want to use anybody else's form because of the internal tracking software that they are using to evaulate all deviation reports. Ongoing evaluation. **Mike Riggleman will give an electronic version of CDO's checklist to everyone.**

Item #6-CETA-program update- Minor problems with upload of data to federal system. Offices must remember to include the pollutant of concern/regulation. Plant ID # will no longer come from USEPA, but will be automatically programed into the CETA. Mike's group updating the manual. Bob Hodanbosi reviewing memo associated with all that needs to be inputted to CETA periodically.

Item #7- Inspection form update. Subcommittee recommendations next meeting? CDO revised form. Distributed CDO's streamlined version that matches up with the CETA screens. How can we streamline it even further? **Subcommittee to report and make recommendations at the next meeting for streamlining the form (especially for those situations where you are inspecting multiple emissions units at the same time)**. Kyle, new inspection form does result in better inspections. Kyle also impressed with the dedication of each office participating on the subcommittee to make this form more efficient.

Item #8- Mike Ahern- discussion regarding portable asphalt plants-past practice of assigning only one id number to multiple facilities is totally messing up the system. Suggestion is to establish new facility id's for all of the individual facilities operating in Ohio. New system would allow us to track them more effectively. PMU will work on the plan to implement the change. Proposes to do it like we did when the NOVAA facility id's needed
to be changed. SEDO has both situations, not trackable. New premise number for each plant.
Companies would still be able to us the same headquarters; however each
individual operation would get it's own facility id number . Use the same code for portable (like 99 for example, 98 for concrete batch, etc.) CDO/SEDO assigning new premise numbers for each plant and also using same number for the emergency generators. Roadways, parking lots and storage piles being included in Portable asphalt plant's PTI's now. Ex. Shelley. PMU plan will also address the relocation notice issue and then it will
be incorporated into the Engineering Guide currently being revised. **Mike Ahern will have something together for the next meeting regarding how to assign facility id numbers and specific process units.** General consensus that the asphalt meeting last year was very helpful and that in order to get a jump on the upcoming season another meeting should be held in March or early April at the latest. **Tammy VanWalsen to follow up on**
an agenda, meeting place, etc. for the next asphalt "congress".

Item #9- 17-08/17-11- guide? No
progress to report.
Item #10- Multiple Emissions units controlled by the same air pollution control device. Don Vanterpool from the legal section has been assigned to address the legal implications of this issue. Down the road what happens if we combine them and then modifications come into play? To be carried over to the next meeting

Item #11- New business-
Draft EG re: visible emissions observation, frequency and duration. To be added to the agenda.
Offices should provide their questions and responses directly to Bob Gengerally and a revised draft will be ready for discussion at the next meeting.

There was no one present from New Source Review. **Issues regarding NSR, MACT to**
be carried over to the next meeting.

Next meeting to be held on April 8, 2003 at 9:30 a.m.

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 Riggleman (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.

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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 Documat 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.

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

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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).

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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.

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April 8, 2003

Permitting & Enforcement Committee Meeting - 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 Riggleman (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 **d**elegations 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

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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

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June 10, 2003

PERMITTING & ENFORCEMENT COMMITTEE MEETING
122 S. Front Street
Lazarus Government center

Attendees: Don Waltermeyer (NWDO), Frank Marcunas (Akron), Bridget Byrne & Ed Fasko (NEDO), Adam Ward & Mike Rigglemann (CDO), Misty Parsons, Rick Carleski, Mike Ahern, Jim Orlemann, Tammy VanWalsen (CO), Jim Pelligrino (SWDO), Adam Zolciak (TESD), Cindy Charles (Portsmouth), Harry Schwietering (Cincinnati), Bud Keim (Canton), Jennifer White & Chris Clinefelter (RAPCA)

Item #1- Title V permits & Issuance Updates- Jim Orlemann-As of 5/31/03, 5/1/03 commitment was met on 6/1/03. June 20, all drafts need to be in. Lists by premise number of those remaining to be issued draft. USEPA has not yet given us an extension of the 9/1/03 deadline. Internal performance standard set for Mike, Andrew and Dave (3 per week per person). Realistically speaking it will be until August 15 to get the drafts out. Mike A. only one draft issued this month. Other Region 5 states had a June 1 deadline, curious to see how they did. Should be getting information regarding the other states soon. PPP meetings going on almost everyday. Some new applications included in the list (Mike A. to revise according to the date received.)

Jim Braun- the largest facilities are still outstanding, any indication as to how that will effect the larger facilities? Jo whatever the extension is, all of them will have to be done regardless of the size of the facility. Some of the complicated ones, two days set aside for the PPP meeting (Sun Oil's meeting the week of the 23rd.),

Item #2- Enforcement Improvement- two more management group meetings since the last P & E meeting. Close to finalizing the projects. Handout. Few things to highlight. Workgroups to be formed on different topics. Director's Office assigned key people, did not open it up to anyone else.1(a)(1)- for the "minor" violations that shouldn't be referred (Curt Marshall, Don Waltermeyer,Tom Kalman, & Doug Curran). Recommendations due October 1. Will be distributed for comment. Second workgroup assigned to develop rule for minor violations. Only division that has statuatory authority to do rules. Example, failure to get permits, open burning, etc. First workgroup will define those things that we don't want EAR's for and those are the ones that the second group develops a rule for. Small, less egregious violations only. Second group (tom kalman, jeanne mallet and one more person) Once they have a draft rule, it will then be distributed for comment. Joe wants a rule proposed by the end of the year. Workgroup to revise EAR form (more comprehensive). Revision being reviewed by AGO. When we send it out we will be providing guidance on how to complete the form. Will be distributed by August

1. Training. There was a lot of comments regarding training in this area. Large training (Joe called it Enforcement 101) next spring 1-2 days for all enforcement staff. Workgrouup formed (Jack McManus, Curt Marshall & Paul Cree) to put together the training. By December 1 they will have together an agenda, where and when, how many days. Other items include the idea of quarterly meetings on enforcement with each office. Before we do that, Joe wants to see if the DOLAA's really want to do something like that. Joe wants input as to whether or not the field offices are interested in such visits. When we give the guidance on the EAR, DOLAA's will be encouraged to draft F & O's to expedite the process. Many offices won't be interested, EAR prep is enough for them; however, for those offices interested, it will be encouraged and the j drive will be used to hold the documents electronically.

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Item #3- New Source Review- Misty parsons- Jim Braun- Radhica has left and is this still the plan? Misty tried to talk with Abdur but wasn't able to. She has nothing new to report. MACT page of CETA will be given to Abdur to finalize. List Servers (coming up with a list of folks for specific topics.) Trying to establish a place where questions and answers can be quickly obtained and distributed. Adam (Toledo), quarterly meetings aren't as important as getting out written guidance. Trying to do a website for Title V only, guidance on permit issues, PTI's, ST & C's.

Idea is that if you are working on a permit you can go to the website, see if the answer is there, if not, ask the question and if it has state-wide implications, then more formal guidance will follow. 'Frequently asked questions",etc.

Misty- nothing to report on the two Engineering guides. Nothing to report with respect to NSR. Item #- PMU - Mike Ahern- Progress and delays in Title V modifications. Guidance sent out in May and is posted on the web page. Based on comments received from reviewers. Procedural problems with correl/computer problems has delayed getting out the procedural guidance. Sent to USEPA Whirlpool's Title V modification and got some initial feedback. SEDO has a "hot" modification that needs to be issued. USEPA suggested using bold, red-line/strike out to show changes in addition to the SOB. Sent out a revised version and got positive feedback so far. Hopefully by the next meeting we will have gotten the process down with USEPA's blessing and we can start issuing modifications and renewals. Offices are frustrated because they cannot move anything in the meantime. Now working directly with Corel programmers (theory is that FOXpro/wordperfect is corrupting the files). Whirlpool can be used as the example (up to the revised SOB). SEDO example has very few terms so may be a better example for people to use. Another option is to use the draft to PPP but has problems too. Focus still to be on initial round of Title V's? Top priorities are the initial round. Doesn't mean it is the only permits being moved. If contact has time (getting 3 drafts to Mike Ahern per week) then they can work on other permits. Jenny still assisting in the guidance memo. Mike trying to work out computer problems before finalizing the guidance document.

Last meeting sent out list of renewals and modifications in the works. Mike is making some final changes to the documents. Offices should be reviewing applications to determine completeness (which actually starts the clock for issuance within 18 months). Took that document to the PAG meeting and would like to see guidance on the web (checklist that was included in the package). Will be placing on the web guidance for the permittees so that they can use it when preparing their applications.

NOD- rule making it's way through the process. Next stage is to submit a proposed rule package to JCARR. In the Director's Office now. Public hearing probably in July/August. This needs to be done by October of this year to avoid sanctions. Email sent out yesterday that has the revised language for the Title V permits. Also addresses the changes to the last General Terms and Conditions that were revised last spring. Comments needed on that revision. PAG also commenting. Due to noon Friday the 13th. All of the changes in the General Terms done to clarify how to report deviations. Tried to revise them so that the relationship between the general and part 3 of the e.u. specific terms. Not adding any additional but explaining how it is supposed to work.

Revised PTI application form- no word from Bob H. yet. PTI fees to be increased. Once budget approved, new fees will go into effect on July 1, 2003. Should happen automatically. Will see new categories for PTI's. Fuel operations associated with generating electricity is based on the

generating capacity, not just as a process. Nothing new on grain elevators (NWDO says they have a very high fee ($1000-$10,000 and is very hard on them). Too late to get it in this budget but may want to consider it next round. Elisa working on getting fees updated before the July 1, 2003 new fees.

PTI revocations, on list but not a high priority.

Are we really holding back on fee invoicing? Historically while field offices are reviewing the reports, we tend to invoice them late in June and July. Legislature looking at ways of getting at our Title V fees for non-title V activities. Legislature sees money in accounts and tries to get at it or to try to justify reductions due to ignorance of how the moneys are restricted. Item #5- Landfill Operations- None to report
item #6- Portable plants-Kenmore Asphalt terms and conditions for burner tuning issued May 8, 2003. Mar-zane letter distributed. Shelly disclosure discussed. New Jersey web-site for their rules because BACT issues are now coming up. What about the contaminated stone? When they use the contaminated stone, make them test. Adam, why can't we limit the VOC content of the raw material? Varies and may get into the problem of having the quarry complain about the loss of customers.

Item #7 VE guidance- with JO, to be distributed after he reviews it.

Item #8- CETA- #'s, upcoming visit from USEPA, audit of #'s and request for some inspection reports. Mike Matney- bad information from USEPA, originally told it was for all pollutants, now we are being told that it is only if there is a facility-wide problem. Pollutant usually associated with a violation; however, if a report isn't submitted, there is not a pollutant. Green sheets used to be used to identify what facilities have yet to submit a report, etc. Bob H. approved a team to address this issue and whether or not CETA can be used. Doesn't have to be structured rigidly. Bud, good idea to get a group together to help put it all together. Be careful when you go from tab to tab to not be in the edit function. Version 2.4 about to be released. Have users call Mike directly so that he can work through any problems directly with the users. Before we had tables and hardcopy reports now shifting to full use of CETA. Like PTI 2000 not as 'friendly' as CETA. Mike has staked his reputation on this program. Genie out of the bottle now. Committed to using this program. Anyone who has IT experience, we are going to a dot.net software and the server to make it happen. Losing a programmer and may have to tap into other DAPC experts. In general wants staff to be happy with the tools but getting a lot of negativity regarding the use of it. Wants them to feel good about it. Mike suggests that they volunteer for the workgroup. What about the electronic submittal of reports, etc/?mike working with USEPA on that and the companies that used to fear it,, now would like to embrace it. Could be brought up with the PAG.

Item #9- Inspection Form: All offices should be routinely using the new forms. To be dropped from the agenda.

Guidance with respect to OAC rule 3745-17-08. Nothing new to report.

Multi-emission units, sharing the came air pollution control equipment. Meeting scheduled for June 20. Will provide update at next meeting.

annual certifications- can be dropped from the agenda. All 3 versions OK

Guidance distributed with respect to 40 CFR Part 64, Compliance Assurance Monitoring. CAM plan must be submitted with first renewal application, or it should be sent back as incomplete. Next meeting on August 12, 2003

August 12, 2003

Attendees: Don Waltermeyer (NWDO), Ed Fasko & Amy O'Reilly (NEDO) ,, Kay Gilmer & Kyle Nay (SEDO), Bud Keim (Canton), Abdur Rahim (CO), Adam Zolciak (Toledo), Jeff Canaan & Heather Kawecki (RAPCA), Matt Freeman & Anne Chamberlin (Portsmouth), Frank Marcunas (Akron), Mike Riggleman & Adam Ward (CDO), Mike Ahern, Tammy VanWalsen, Rick Carleski, Mike Hopkins & Jim Orlemann (CO), Jim Braun (Cleveland), and Jim Pelligrino (SWDO).

Jim Braun- mini- training document re: rule applicability used in the Cleveland office, may be useful to others. One page document.

Item #1-Title V update, Jim Orlemann- Region 5 summary as of 6/1/03 indicated that Ohio had issued more finals than any other state in the Region. 608 final actions completed, 744 the final goal. Last commitment date is 9/1/03. No way it can be done. Director has not yet asked for extension. He may want to wait to see how far along we will be at that point before going to Region 5 to ask for an extension comparable to what the other states were given. DAPC thinks that we will have to shoot for 12/1/03, that way stragglers can still be done before the end of the year. Top priority is to get the drafts out. As of yesterday, still 22 actions need to be done by Friday. All but one should be issued draft (GM in NWDO) by Friday. Some of those won't have had the quality review, so we expect that there will be more lengthy comments and PPP meetings to go through them and make the corrections. One way of another, they will be issued draft. Emphasis will then shift from moving them from draft to PPP. Important that we get them all done by the end of the year . The Director gets weekly reports on the issuance of the Title V's. He knows which offices are performing and which ones that are behind. There will be a lot of meetings, and a lot of work to do for the next few months.

Mike Ahern, will revise the tracking form to reflect this shift and be better able to track multiple permit actions. When the drafts are sent out, the cover letter will ask them to mark up the permit and provide comments early (may have them waive their review period). Pending lawsuits re: SOB's makes USEPA really sensitive to that issue, in Ohio especially due to the petitions and other lawsuits throughout the country.

Mike Hopkins- Region 5 list, USEPA has talked to the other states and there was an inconsistent counting method and from the data distributed by JO, it now seems that they have resolved this and the data looks good for Ohio.

Jim Braun- MACT applicability, seems to be getting more creative with respect to how the MACT is incorporated into the permit either by attachment or by incorporation. JO- to get some of them out by Friday, they are being attached; however, not the preferred way, will have to be incorporated before it can go to PPP. Statements of Basis (SOB), seems that R5 is getting more picky re: the SOB, no additional guidance, we just have to respond to their comments and revise the SOB accordingly. How we choose which monitoring, record keeping and reporting seems to be their biggest concern. Not clear

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on what they (USEPA) really want.

Letter from TODCO re: request to revoke the Title V. Can we revoke a Title V? No provision in 77 to revoke "for cause". Typically "for cause" means something other than because you are now subject to the State PTO's. How should we respond to TODCO? Can't ignore the Title V. If final FESOP issued, can stop paying Title V fees. Rules need to be modified. In the meantime, one approach to be worked out is the use of Director's Orders to allow them to get out of the Title V. Trying to iron out the legal issues first. In the past, we have issued the State PTO's, now we are not sure we should have. "For cause" in the ORC, not in the OAC. May not be a good idea to issue the State PTO's anymore until the legal issues are worked out. NWDO will draft a response and run it by Central Office for approval. Would have to wait for the Title V to expire. TODCO can then submit the State PTO's at the same time they submit the Title V renewal application and DAPC can evaluate whether or not they've gone below the thresholds. Upon confirmation that they have gone below the thresholds, then we can tell them that we will act upon State PTO applications instead of Title V. The company still has a Title V permit requirement to submit a Title V renewal application, regardless of whether or not they want to pursue a FESOP.

Item #2- Enforcement Improvements- Final summary of the improvements to be implemented distributed. No comments received, considered this to be a good thing. Joe K. met with Chris Jones and Chris told Joe that everything looked good and that there were some good ideas included in the final recommendations. Will be sent out to all DOLAA's by Friday. One work group will be lead by Tom kalman, Don Waltermeyer & Curt Marshall also in group. Their goal is to identify minor violations that we can handle through rule revision & then unilateral orders. Jeanne Mallett- lead for workgroup to develop the rules to allow for the unilateral orders for penalties under $5,000. Will have to go through JCARR. The list developed by the first group would then be used to issue unilateral orders with a defined penalty that could be appealed to ERAC and we would have to battle it out there. Hope that because the penalty would be small, shouldn't be too many appeals.

Mike H. will the penalty figure be adjusted for inflation? Not likely.

Performance standards developed for the handling of enforcement cases. New tracking of performance standards, zero date of the violations (when you first learned of each violation), when CO puts together package (within 90 days), then hold meeting within 90 days of issuing document and then settle it or give them a drop dead date within 360 days of EAR submittal dates. Half of the time we are now given (two years from receipt of the EAR). JO meets with Joe K. quarterly to go over status of old cases. Joe will still hold us to the 2- year deadline. Adam, what about "complete EAR", must review quickly. Could an email be sent to tell offices of the deficiency or that it has been deemed complete. Major change in how we function.

Page 3- j- drive file where typical terms that are used for F & O's. Initially used by CO, but could be used for the DOLAA's. New EAR form completed. JO will be distributing it.

Training - work group established to give "global training" for enforcement. One-two days, all enforcement staff to be included. Curt Marshall is group leader. Will give recommendations by

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December 1 for what to include in the training.

One of the outstanding issues is whether or not to have quarterly meetings at each office to go over enforcement cases and procedures. Problem is that you can't visit each quarterly. Will ask for comments from DOLAA's regarding how to improve the communication between CO and DOLAA's. Adam "living documents' re: where all the documents are held, like the enforcement manual.

EC meetings- SEDO wants to know if that means they are invited to. JO, we don't conduct our enforcement meetings the way the other divisions do (go over each and every case on the docket) because of the number of cases. Our meetings only cover the actions by the Director during the previous two weeks.

Website to be created where all Final (not draft F & O's)Actions by the director that anyone can access (like DHWM does now). Federal audit revealed that the general public was ignorant of all of the enforcement action taken by OEPA. Putting the final actions on the web will help to increase public awareness of our enforcement program.
Last page has the deadline associated with each of the activities to be implemented. Federal Court ruled on the First Energy ruling re: Sammis. Slammed company and USEPA in the ruling. NSR reforms still going forward, unclear how the ruling will impact the reforms. May induce settlements from the existing cases. The company will appeal after the penalty phase is complete this spring. New rules are not retroactive. States can be more stringent, for example we can say we won't do a PAL. USEPA will argue that you get more reductions under a PAL because companies will try harder to stay under the PAL. Environmental groups would argue you are gutting the program.
Director deciding upon what approach to take with respect to the rule revisions necessary to adopt the reforms. Industry pressuring Jones to adopt the reforms immediately. Environmental groups want to be included in the decision making process. Director reviewing our options. Met with industry groups and it was very contentious. They made it clear they want it done asap. Mike H. feels that no matter which direction we take not everyone will be happy and no matter which approach we take, it will take longer than industry wants. Meeting this month to go over issues.
USEPA thinks that the PAL won't impact other requirements; however, industry thinks it will do away with BAT. Mike H. feels sorry for the states that have not been delegated authority because they have to implement it right away. Will USEPA come here to do NSR reform training? Mike H. probably won't for implementation but Region 5 says they will develop whatever training we want. Whether we develop it as part of our NSR training, USEPA or a combination of both. Each state will probably develop theirs differently. Will keep on the docket. NSR- Mike Hopkins.
EG on emission factors- no progress to report. PAG technical subcommittee suspended due to PPEC workload reduction groups. No further meetings scheduled at this time. Still more work needs to be done on it. Why can't we issue the guide ourselves? Why can't we do this through P & E? Why does it have to go through the PAG? Expectation was that once they got a reasonable product, it would be turned over to P & E. PAG initiated guide, not internally motivated. Not going to change how we do things normally, just clarifies how we do things now. Jim Braun- what's the normal process? JO- Issue can be raised by anyone. Developed as draft, sent out for comments. Once final, it gets issued by Hodanbosi to everybody. In the past we've never sent them out to

interested parties. Set review period for policies, but not for guides. No current mechanism for periodic reviews. Up to P & E to point out obsolete
or errors in old guides.

EG- Once in always in- Radhica moved to Chicago. Abdur taking on the responsibilities. Abdur, no progress to report. Was ready to be issued final. Was going to add examples, but never received any from anyone. Could examples be pulled from the USEPA's web page? Letter from R5 re: Once in always in had examples and that was to be included in our guide. Radhica was looking for more examples. Should redistribute it and start over. Mike H. will coordinate it.

Mike H-
Sent out 180 day list and asked offices to update him on where those permits are. DOLAAs that haven't responded, need to so Mike knows how to get them moving.
Doing pretty good about meeting the 180 day timeframe. List keeps growing, difficult to keep up with.

General- What about Abdur's work with respect to getting guidance on the web. Mike H. still their desire, have yet to implement it because of Abdur covering MACT questions. Implementation on hold. Intention of the reorganization, but on hold for now.

PMU-Mike Ahern-

Modification and renewal processing guidance. Still working on open issues. What constitutes a significant change with respect to monitoring, record keeping and
reporting? Will be meeting in Sept. to discuss further. During the conversion process, only the state only side of the permit was being converted. Erika will be contacting
each office to let them know where this is a problem. Focus now on modifications needed for PTI incorporation. Less than 10 mods issued so far. Since the last
meeting, Jim Braun talked with folks working on it and the word perfect document was so bad, it basically needed to be totally retyped. Mike A. initial permits that got converted, entire sections were cut out. A lot of formatting issues. Essentially
rebuilding the permit from scratch. Prior to the guidance issuance, CO now going through the document before sent out to the offices. Minor issues (numbering with a
dot) still a problem and part III of the tables, the applicable rule isn't lining up properly. When the field offices open it up, the columns shift and still problematic. Can Adobe be used? Mike will look into it. Significant mods. Have higher priority; however, what
about the renewals? What priority do they have? JO- Drafts top priority then after 8/15 moving them to final is our highest priority. We tell the AGO that appeals are the lowest priority and offices are not to give them any priority. Renewals and modifications
behind the first round in terms of priorities. Still to be reviewed by CO but should be so much easier.

JO/Mike H working with AGO on permit appeals. About 200 appeals on the books. 50 for Title V's. Working with the AGO to determine which ones we should be prioritized.
At some point, a list will be sent out to the DOLAAs which ones will be handled as priorities.
Top priorities will most likely be the ones that the companies are really
pushing us on. Priority must be on the renewal, not on the appeal language. For those offices that are done with their Title V's, we have 18 months to issue after deeming it complete. Many sites are in the position where the 18 months is ticking away. SEDO
says that all of the ones they sent in have just sat here in CO. Mike A will get together with JO to

prioritize the list for those to go first. Mike's group focusing on the modifications due to the PTI issuance that conflicts with the final Title V. A part of the guidance document, the permit writer is asked to compare the wordperfect document
with the permit. Permit writer review of this very important (eliminating shut down units, including new ones) or instances where permittee forgot to include emission units, improperly characterized (insignificant vs. non-insignificant). Upon receipt of the wordperfect document, tracking of the permit no longer done in STARS, how is it being tracked in other offices? Can do activity log update thru STARS but can't pull up the permit itself. Can DOLAA's be given access to the j drive? Mike A. not sure, would recommend setting it up the same way that PTI tracking is done. Each version of the document will be given a different name, but when the applications are amended,
tracking will be a problem.

Changes to general terms and conditions sent out for comments to clarify the deviation reporting requirements and added language to address the effect of shutting down emission units during the life of the permit. Still incorporating comments received. Will
be presented to PAG this afternoon. Once these changes are made to the General
Terms, they will impact all facilities. Must comply with the most recent version. Will add
a new General Term with respect to the shutdown units so that they don't have to keep sending in deviation reports.

NOD- On July 29, comment period for the revisions to OAC chapter 3745-77 ended. Ohio Chamber of Commerce and the Chemical Technology folks have submitted comments indicating their opposition to the rule change. JCARR hearing 8/9/03.
Director to attend hearing. Will begin using the language for renewals only at this time (including insignificant units on the STATE/FED side). De minimus units will remain on the state only side.

Revised PTI application form now on web. 8/1/03. No cutoff date for acting on old
forms. Should be still considered complete if old form is used. Also if title v application comes in with old EAC forms, Bob H. says to let them use the old ones unless substantially deficient.

Checklist for renewal applications? Working on it. Biggest issues for incompleteness, CAM plan submittals, EAC forms for insignificant units and failure to include stack test results as part of the application.

Asphalt plants, use of newly established id's not a problem, but converting the old ones still being worked on. NEDO looking at their workload, so not changing old stuff.
Phase 2 will be to change the old ones. SEDO sending mike a foxpro file of all of the portable facilities to reassign the id numbers. Erin will assist to do the conversions. Each office needs to develop the list. Will start with SEDO and see if there are any problems before requiring them all to convert.

Jim Braun- what about portable boilers? Mike H. is it a boiler they will continue to own? They can be done as portable but trouble is that it could be a major modification at
certain locations. Still have to deal with the PTE and how it impacts Title V applicability. SEDO, no consistency in how permits are being issued throughout the state for the portable units. Can see what they've recently sent out through the PTI tracking.
Clearly states that if you move it to a new location, you have to consider the impact on the new location with respect to Title V. Cheryl Suttman and Bruce W. working on updates of all permit terms and conditions, should make sure they are in the loop.
What about a company that wants to try a new piece of equipment, but not sure they want to buy it.

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Can use the Director's exemption letter. Example, the rock crushers that are rented need a permit either from the owner that is renting it out (typically done as a portable unit) or the company that rents it needs a permit. Need to have either permits or
Director's exemption letter (not to exceed 60 days of operation). If it doesn't fit into one of those exemption categories, then need a permit.

Mike Ahern- Sandy Craig is converting the NSR manual to electronic. Landfill- no progress to report.
EG-VE's guide revised. Need comments by mid Sept. Will send out email around Labor day to tell folks to send in comments.

CETA update- Lisa Holscher has told CO that she is withdrawing from our periodic enforcement calls to focus solely on the AFS database and how the states are doing with respect to the CMS grant commitments and uploading of the compliance and enforcement stats to USEPA's database. CETA stats will be incorporated

Inspection form- need to send out the electronic version to everybody., including the table version.
17-08- not ready for distribution yet.

Multiple emission units- Jim Braun, they met on August 8, 2003. Don Vanterpool feels that either a new rule and/or modification of existing rules is necessary to do what we needed. As the meeting progressed, Don was no longer so sure that rule revisions are necessary. Biggest hurdle is that we would allow someone to group them, then if they pulled out one of the units and installed a new one, it would effectively eliminate the public's ability to weigh in on the change. Would feel more comfortable with a rule
change that explicitly states when and how someone can group the emission units. Example of a NWDO permit for Sauder Woodworking that was grouped together as one emissions unit. Tom k. reviewed it and said it was OK for Sauder; however, he
didn't think it would be appropriate for bigger units. Jim B. thinks that is unfair to other companies. If ok for Sauder, then should be OK for everyone. Basic concern comes back to installation of new units without allowing public comment. NWDO, Sauder different because the sawdust is used to fuel the boiler, so the baghouse became the conveyance for the sawdust. Grinders/routers, etc. no NSPS, etc. can't change flow rates or increase production, otherwise they would be applying for PTI's every day for changing out of woodworking equipment, grinders, etc. SEDO has similar operations where the baghouse collects the sawdust for resale and therefore permitted the same way. The source is the baghouse, not the saws. Product collection versus emission sources. Jim B. Thinks it should be fair and equitable across the board. Jim B. still thinks that legally it is not defensible. Don W. they could have looked at each of the woodworking stations are de minimus, but because when it gets added up they are
huge. Where do you go from here? Jim B. proposes that we do come up with a rule change to make it equitable across the board. Ford Casting, SIP revision example can
be used as the starting point. Pollutant specific? Conclusion is that it shouldn't be pollutant specific, should be general. Need to gather data to support it, just like FMC did to get the SIP approval. What would be the cost and effort to go through a rule
revision? Jim Braun feels strongly that it should be made to happen. If we don't do it now, 5 years from now we will still be struggling with it. Haven't looked at what other states are doing. Genevieve equating it to a PAL. Benefit would be in saving time
processing the permit and companies would jump on board because they could replace units without the need for obtaining a PTI's. JO have had internal discussions in the

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past, grouping and for identical emission units (ex. 6 identical boilers going in, can we just give them the same language without having to issue separate permits. Other issue where we would define “emission unit” thru BAT can be done as a group limit; however, when applying the other rules and can conclude that the other rules are less stringent, then you can do it in the PTI. Conditions, doing it to establish BAT, limit is more stringent than existing rules, etc. Could identify many situations where there could be benefits. Administrative for sure and some could be chapter specific. Need to get permission from Bob H. to expend resources to work on this. 4-6 months to put it together, 6-8 months for JCARR. Must clearly define where grouping can occur both administratively and from an emissions stand point. Need to put together a memo to Bob H. outlining the benefits and justification for working on this. Other option would probably have to go in the PTI and PTO rules and perhaps pollutants.

St. Louis- had a meeting with respect to National accredation push from USEPA. Did have a small session with respect to annual certificates of compliance. Feds issuing fines related to late filing of annual certification. Bud keim, initiating enforcement on incomplete certifications, from USEPA. ST & C’s with respect to testing needs to be updated. Honda gave a presentation on how they review the certificates of compliance. GM’s presentation wasn’t very good.

CAM, credible evidence to be dropped from agenda until specific issues brought up. Stack testing to remain. NWDO wants to drop the requirement to witness all runs.

Next meeting- October 14, 2003

Permitting & Enforcement Committee Meeting

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October 14, 2003

Lazarus Government Center
Ohio EPA Room C,
DAPC

Attendees: Mike Hopkins, Tammy VanWalsen, Mike Ahern, Rick Carleski, and Abdur Rahmim(CO), Bud Keim (Canton), Adam Zolciak (Toledo) ,Mike Riggleman (CDO), Kyle Nay & Sarah Harter (SEDO), Mike Kramer (HAMCO), Matt Freeman & Cindy Charles (Portsmouth), Jenny Marsee & Jeff Canan (RAPCA).
Ed Fasko (NEDO) tied in via phone.

Title V Permits and Issuance Deadline update: Every one that had to go draft went draft. All of the commitment related Title V's are out draft which is a major accomplishment. We have to continue focusing on this population of permits due to commitments to Region 5 & the citizens' petition. 42 at the PPP stage will continue to be converted because it's easier to get and respond to their comments, especially where equations and exponential numbers are expressed. As they make it through the system, Erika is converting them to word perfect at a convenient phase.
Kyle, why are we converting them in the middle of the process instead of when it's over, doesn't seem that the priorities are right. (Mike A. the company's want to do the comments right in the document and not easily done in STARs). Title V Renewal Tracking Form-in draft so far, based on issuance date, not on completeness review date in order to give the estimate of when the permit has to go out. Will there be a commitment on CO part to review these withing a few weeks rather than like last time? Mike H. once the first round is over, the reorganization will finally take place and the permit folks moved over to the same unit that does the PTI's. Mike H. review should be almost simultaneously and recognizes that it's not productive to have it sit for a year and then try to move it. We have to find a better way to do it. Have met with all of the offices and got a lot of input. Process will have to improve. Summary of all Title V trackers- 0 left to draft, 81 actions left before we are done. Region 5 has indicated which permits they will not waive their review and these have been noted on the tracker.
OEPA didn't ask for an extension, will give Region 5 an update thru a letter and explain how some of them will go beyond the end of the year due to comment extensions given by Bob H. and/or the Director. Should go out in a couple of weeks.

Enforcement: Improvement projects are proceeding as scheduled. Settlements now being placed on the web electronically. Handed out the form letter to be sent to any company/party that has been referred to the CO for enforcement that was developed by the legal section. A similar letter will be sent if that case is ultimately referred to the AGO. What about those that don't end up in enforcement after this letter is sent? Good comment, they should probably be sent a letter indicating that no further enforcement action will be taken. **Note: Email from the Director's Office subsequent to the meeting was received asking that this issue be placed on hold until further notice. This topic will be carried over to the next meeting.**

ERAC decisions for DP & L and GE settles most of the generic comments we were getting with

respect to Title V's. GE's insignificant decision trumped by the OAC rule 3745-77-07 revisions that addressed the NOD (9/16/03 effective date). Not sure if it was appealed. All renewal and new Title V applications must include the EAC forms for the insignificant units that have

applicable requirements.

Mike R.- are all of them being converted into word perfect documents? Yes, in order to incorporate the MACT. They have to be.

Response to the petition, USEPA has submitted a draft delegation agreement. Now modeled like the MACT delegation agreement. What they are proposing seems that the NSPS/NESHAPS will have to be handled like the MACT. Draft only, we will have to work with USEPA. Our legislature doesn't allow us to incorporate by reference. Environmental groups have taken the position that each and every requirement has to be incorporated into the permit. Contradicts preamble of the Title V and contradicts the white paper. CO will keep the DO/LAA's apprized of the negotiations.

NEDO: is the WTI Title V permit going to be converted to a word perfect document before going to the next stage? Yes. All of the requests have been forwarded in WP form to USEPA in order to see if we can get the pre-CFR version in WP format, then it will help a lot in expediting the conversion process.

CDO: CO needs to do a better job of communication with the field offices when there is a change in deadlines, etc. CO did not inform CDO of a change in the priorities so permit writers came in on the weekend to meet a deadline for a particular permit that hand been changed to a lower priority, without telling CDO.

Issuance date versus effective date- "what is the effective date"? The intent was to shift the effective date three weeks later than the issuance date to satisfy the regulated community. Legal question...if within the two-three week time period, then would be tough to enforce. If later, 6 weeks, etc. harder to justify. Last fall was when the shift was made. To be consistent, should shift it just to be consistent with the spirit of the change. Issuance date used to be effective date, now effective date is the effective date. All offices should change any references to "issuance date" in the permit to "effective date".

PMU- No progress on the revision and renewal process guide. External guidance to be on the web to assist folks in getting their renewal applications together (starship issues as well)

NOD- rule in effect. Email went out re; the practical implications of the rule (EAC forms) and for mods. As these permits get issued, will begin to hear about deviations from the insignificant units. Went to the Ohio Chamber of Commerce meeting and explained the need for the rule, no news of an appeal.

Mike A.: New issues, monthly report format changed a few months ago. Trying to identify areas that will be in each and every monthly report. Also with the August report, "other" when we send out guidance, issues, emails, etc. will be referenced in order to better communication. Section on emission inventory now included. How frequent are the reports done? Reports due second Friday of each month for the previous month. Unreliability of support staff availability in CO primary cause of the lack of receipt of the reports in a predictable, timely manner. Revamping the non-title V fee system. Will have live access to the information as soon as CAU finishes the work.

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HAMCO: Title V contract language- In stars user manual, the time frames to get each step done was established when Stars was initially developed. CO doesn't follow the time frames set for CO, yet expects the locals to follow the time frames set for them. HAMCO/RAPCA brought this up during the most recent contract negotiations. Time to re-evaluate whether or not the time frames are still appropriate. Mike K. would basically like a two-way accountability. If they get us permits in a timely manner, they should get our comments back in a timely manner. More appropriate to re-evaluate them thru P & E, reorganization, stars rebuild, not just thru the contract. Mike H. -Need to think about it more and talk about it next time.

Stars rebuild- RFP being tweeked, not out yet. What's new section best way to let people know what's up with respect to CO progress in this area..

Mike H. & Abdur Rahim- Once in Always in guide for MACT, revisions for review. Would like the comments by the end of the month. Hope to finalize it by November 15 of this year. Find out from TK the number of the next EG.

Abdur developed a Frequently Asked Questions re: the MACT standards, to be put on the web. Would like input as to how it should look, what should it include and how often do we want to see it. Want to keep an archive of the questions and answers but every month give us a representative sample of what is doable, rather than getting burnt out. Abdur would like comments and suggestions in writing (email). Most of the time there are attachments. Should be included in the NSR guide book. Only a couple of things have been added to it. Will cc Misty in order to get these updated into the guide on a regular basis.

EG on emission factors, no progress due to suspension of technical PAG.

NSR reform rules. DAPC initiated the process of collecting 'interested parties" to discuss rule revisions and get their comments due to heavy political pressure from Ohio industries and their trade organization representatives with respect to the NSR revisions/adoption of the reforms published recently by the Bush Administration. Will hold interested party meetings throughout the rest of the year. Then will draft the changes and send out officially as the rule package. Due three years from issuance date (early 2005). Have fully approved program so rules have to be

changed. No change in how to deal with PTI requests until new rules finally revised. If any particular case comes up or anything specific in the meantime, refer them to your NSR contact. We can listen and may have other avenues to assist them. Director met and heard folks talk about how they wanted it done. Decided to have these meetings up front with 'interested parties" to work out any contentious issues up front. Some states who have delegated saying that if you want a PAL, go ahead and ask but not interested in allowing them until Title V's are done. We are required by law to adopt the changes; however, we can be more stringent- if we can get the backing. Feds view the revisions as being "as stringent or more stringent' than existing requirements, so we have to be able to incorporate them but our rules differ greatly. Concerns and discussions will be flushed out during this process.

NSR- Annual report to the Governor (2002 timeliness) re: issuances of PTI's. Has a lot of information with respect to the various group efforts in improving the efficiency as well as stats.
If anyone needs extra copies, please contact Mike H.

Rule changes- OAC rule 3745-31- package where we took the 31 rules and split them up into 3 specific divisions and included the general permit provisions are done. Will be effective on the 17th of October. Will be linked in the What's New section of our web page. More simple taking out the solid waste stuff. The general permits part- step 1 out of the 3 steps that need to happen. (Logistics of issuing them working on along with the mechanism to actually issue them). Several groups working on general permit drafts, being reviewed internally. Once revised, they can be reviewed by other interested parties and we'll have a better idea of what they will look like.

Landfill letter- prepare a memo to CJ for Bob's signature. One way is for us to take the approach in the letter, another one is to have PE's in solid waste sign off on it. Has to come from the Director. Part of the rules, so each office has to make a recommendation on each request; however, we don't have the expertise on evaluating it. Mike H. wants to make it specific and not imply that we don't do our own rule interpretation. Two facilities in Cinci that have requested the change and are out of compliance with Title V permit as finalized. Would they be considered significant change that would require a Title V modification? Needs to be discussed in the memo (Title V ramifications and concerns about the underground landfill fire issue). May have to modify the existing Title V now but build in language so that future approvals do not trigger a mod. To the permit.). **Tammy to prepare the memo for Mike H's review from Bob H. to the Director.**

VE Observation Engineering Guide: One comment received from Pat Shriver. Most of the comments were addressed during the development of the inspection form. Need to get the # of the EG from Tom K. Guide should be ready for final distribution at the next meeting upon approval from Bob H.. **Get Bob Hodanbosi's approval so final guide can be distributed at next meeting.**

CETA- Distributed the Compliance Monitoring Strategy stats from the 10/1/02-10/1/03 FFY. Feds extended the AFS entry deadline for this period to 11/15/03. Bob H. sent a memo to all of the DO/LAA's giving them until 12/1/03 to catch up the data entries. During conference calls with AFS & Region 5, Ohio and Indiana are the only states in the Region entering their own data into AFS, despite what Region 5 told us during the previous two years of negotiations re: grant commitments. AFS starting to create the data cells to be able to add all of the partial compliance evaluation activities into the federal database, Tammy predicts that this will be added to our grant commitments next year or the year after.

SEDO & CDO- No environmental benefit in having to document the periodic report reviews and enter them into CETA. Too much time to enter the data, waste of resources. Should stand up to USEPA and refuse to do it.

Tammy: NWDO seems to be able to accomplish entering the information and has entered over 10,000 PCE's since the last meeting.

Kyle: NWDO only completed 70% of their required full compliance evaluations, they probably couldn't meet their obligations due to all of the time spent entering data into CETA. (NWDO not at the meeting, so unknown as to whether they've completed all of the FCE's and just not entered them yet, or whether or not they did indeed miss the commitment goals.)

Tammy: Why don't you want the public to know of all of the effort that goes into the compliance

evaluations? Instead of making the public go to physically to the field office and do a file review, the information can be accessed through ECHO.

Mike Kramer- objects to CO requiring the paperwork reviews to be entered into CETA thru the contract, instead, Ohio EPA should object and fight the feds on this.

Bud Keim- CETA goes way beyond the mandatory federal requirements and CO not recognizing how much time it takes to enter the data.

Jim Braun- Why not track how much time it does take to enter the data? Kyle-
Already did that and no one pays any attention to it.
Mike H. - Obviously we are not going to be able to resolve this here. Each office should present their concerns to either OLAPCOA or to Bob & Cndy during the monthly district office conference calls.

Tammy: All district offices need to submit the inspection/full compliance evaluation commitments for the FFY 10/1/03-10/1/04 to CO asap so that we can forward them all to Region

5 . (All the LAA's but the Toledo Agency have submitted theirs thru the contracts.)

17-08/17-11 guide: No progress to report.

R. Carleski - Permit by Rule Update: Industry has submitted 5 proposed categories: GDFs, natural gas boilers up to 100 MM BTU/hr, auto body shops, printing facilities, and NSPS Kb storage tanks. (See handout) The current strategy is to add these new categories to the current PBR categories specified in OAC 3745-31-03(A)(4). Proposed PBR language for GDFs already on second round of comments by the 5 Stage II area field offices. Other industry groups working on rule language now, and drafts will be sent to all field offices for comment. Central Office also working on Q&A summary to address administrative processing issues related to the new PBRs. Goal is to finalize rule language for each new PBR by December 31, 2003, then combine all five PBRs into one package for the formal rulemaking process beginning January 2004. The workgroup estimates 20% of the current permit workload could be eliminated by the new PBR categories. Will be discussed more at next meeting.

EG#33 Revision- Draft distributed for review. No longer acceptable to approve on a district or local level, must be done thru Director's signature. Comments from Cleveland with respect to this revision distributed for all to see. Concerns expressed in that email and CO's response was shared as well. To be carried over to the next meeting.

Jim Braun: will include all of the topics we didn't get to as the first ones to be discussed at the next meeting. Meeting ended at 2:00 p.m.

Next meeting is scheduled for December 9, 2003 at 9:30

December 9, 2003 - Permitting & Enforcement Committee Meeting -

PBR

R. Carleski - talked about NSPS Kb revisions and how to proceed. Will drop the PBR and expand the exemptions in the rules.

Leaves 4 PBR:

1. Boilers - working on draft rule language. Goal by December 31, 2003. Distribute to the DO/LAAs for comment.
2. Printing - small and mid sized. Industry wanted more categories. Small <10 tons; mid-size <25 tons. J. B. - what about MACT? Shouldn't be an issue because less than 25 tons.
3. GDF - Had a lot of field office involvements. Industry has not responded to first drafts. Expects more than one draft.
4. Auto body shop - has not been submitted by Industry. One or two months max, reasonable PTE. Modeling to define no toxics problems less than 10 tons.

Format of the PBR will be different than in past. Will follow like a permit; easier to read.

Jenny M. - when will they be done? Original by January 31? Still in the works.

Adam W. - will their be any examples of how to calculate PTE? Rich said rule will contain how to calculate PTE

Mike H. - there will be a lot of other changes to the rules (NSR reform, etc.). Timing will be whether one package or several different packages. Threshold group is still working on the rules revision.

Jeff Canan - asked about whether nuisance will be taken into account.

DRAFT MEMO About Stack Testing Starting by Noon or EPA will not attend

Stack test needs to start by noon - memo draft. It seems that most people tend to work with the companies to make sure they get the testing done by a reasonable time. Memo needs formalized from Bob H. as a statement of authority

Ed Fasko will send to all in group to get comments from all.

Engineering Guide rewrite - #33.

We had a conversation about the changes the director wants to sign all maintenance shutdown approvals. SEDO shared their information regarding past approvals through director's office and gave everyone copies of one of their past approvals responding to statements made by Tammy Van Walsen in the last meeting (none had gone through DAPC/CO signoff in 2 years of records). Jeanne Mallett was at the meeting and stated that the approval letter for maintenance shutdown must be signed off by the Director to be legal. Jeanne also noted that you need to include a briefing memo with the shutdown request (example provided by SEDO).

Title V/Permit Application submittal times(guidance):

Jeanne Mallet was asked to give interpretation of the rules regarding what to do when the following situations apply and a facility submits their renewal applications.

1. If Title V permit is submitted prior to expiration and it is complete but performance testing is done after the submittal (like many of our permits require testing in the last 6 months of the permit) Do they still have shield? Yes, but they need to supplement with other information when they get it back from testing.

2. Late application that has been deemed complete? Do they have shield? They have no right to operate at all if they miss the deadline. Exercise enforcement discretion in these cases. Send an NOV.

3. If facility submits renewal after expiration, then they really are in violation. The companies

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must realize that they are not allowed to operate without submitting the application. So they really should shutdown. The use of enforcement discretion in this case is harder. Put out NOV in this case.

Tammy Van Walsen will provide an edited version of Jeanne Mallett's responses.

SEDO brought up some questions about Title V application completeness. How far do we go to make sure that all information is filled in? This has to do with the Draft guidance Checklist. More on this later. CO will look into it.
Mike Ahern will coordinate minimum criteria comments. Please submit to him.

STACK TESTS -Witnessing runs
NWDO: can we only witness one or two runs instead of all three if we feel comfortable with the testing company. Long discussion about the topic. Jim O. says they recognize that additional tests and less resources. The division is having a priorities meeting December 15th to discuss these type of things. Continue the same for
now. DELTA T Discussion

Jenny Marsee - RAPCA has had problems with catalytic oxidizer unable to meet 80% temperature difference.

Jim O. - Dealt with this problem before w/MacTac and Pechiney. Changed the terms to deal with this issue, but still required other MRR. Dave Morehart can give terms to everyone. Email/writing to Kyle. It will be a minor mod because you are adding MRR.

Frank Markunas sent an email for the premise numbers
MacTac or Morgan Adhesives 1677110026. This was related to
STCs wording regarding the delta T problems for cat incinerators.

Dave sent out an Email on 12/09/03 regarding Pechiney. Here it is:
Proposed Catalytic Oxidizer Language for Pechiney Plastic Packaging

(Note: Proposed language herein is for control by a catalytic oxidizer. Appropriate language will also be needed for control by thermal oxidizers).

A.II Operational Restrictions

1. The average temperature of the exhaust gases immediately before the catalyst bed, for any 3-hour block of time when the emissions unit is in operation, shall not be more than 50 degrees Fahrenheit below the average temperature during the most recent emission test that demonstrated the emissions unit was in compliance.

2. The catalytic oxidizer shall be operated and maintained in accordance with the manufacturer's recommendations, instructions, and operating manuals. The VOC conversion efficiency of the catalyst in the catalytic oxidizer, as determined by the catalyst activity testing, shall be at least 90% at a test temperature that is representative of the normal temperature at the catalyst bed inlet. Solvent loading during the catalyst analysis shall be consistent with the test laboratory's normal testing protocol.

3. This emissions unit shall be operated with an interlock system that prevents the operation of this emissions unit when materials not meeting the VOC content limitations specified in OAC rule 3745-21-09(Y)(1)(a)(i) or (ii) are utilized and the catalytic oxidizer is not in operation.

4. All ventilation fans associated with this emissions unit and the catalytic oxidizer shall be in operation at all times when this emissions unit is in operation and utilizing materials that do not meet the VOC content limitations specified in OAC rule 3745-21-09(Y)(1)(a)(i) or (ii).

5. When employing the catalytic oxidizer, all bypass dampers, actuator pins, and associated motors shall be in the correct position and in good operating condition at all times when this emissions unit is in operation and utilizing materials that do not meet the VOC content limitations

specified in OAC rule 3745-21-09(Y)(1)(a)(i) or (ii), to ensure that all captured VOC emissions are vented to the catalytic oxidizer. Also, all

the hooding and ductwork comprising the VOC emission capture system for this emissions unit shall be free of leaks and holes that would permit the escape of the captured VOC emissions.

6. The average, total exhaust flow rate from this emissions unit to the catalytic oxidizer shall not be less than XXXX standard cubic feet per minute (scfm), as documented during the last emission tests that demonstrated the emissions unit was in compliance with the applicable capture efficiency limitation.

A.III Monitoring and/or Record Keeping Requirements

1. The permittee shall operate and maintain continuous temperature monitors and recorder(s) which measure and record(s) the temperature immediately upstream and downstream of the oxidizer's catalyst bed when the emissions unit is in operation. Units shall be in degrees Fahrenheit. The monitoring and recording devices shall be capable of accurately measuring the desired parameter. The temperature monitors and recorder(s) shall be installed, calibrated, operated, and maintained in accordance with the manufacturer's recommendations, with any modifications deemed necessary by the permittee.

2. The permittee shall collect and record the following information each day:

   a. All 3-hour blocks of time (when the emissions unit was in operation) during which the average temperature of the exhaust gases immediately before the catalyst bed was more than 50 degrees Fahrenheit below the average temperature during the most recent emission test that demonstrated the emissions unit was in compliance.

   b. All 3-hour blocks of time (when the emissions unit was in operation) during which the average temperature difference across the catalyst bed was less than 80 percent of the average temperature difference during the most recent emission test that demonstrated the emissions unit was in compliance. The permittee may use the oxidizer’s temperature chart to determine the temperature differential across the catalyst bed.

   c. A log of the operating time for the capture (collection) system, control device, and monitoring equipment, when the associated emissions unit was in operation. The permittee may use the current temperature chart as the log documenting that the monitoring equipment and control device are operating. Each bypass of the collection system and/or control device shall be logged as to the date and time.

3. The permittee shall perform an inspection of the catalytic oxidizer, including the catalyst bed, on at least an annual basis. Each inspection shall consist of internal and visual inspections in accordance with the manufacturer’s recommendations, as specified in the document entitled "Recommended Annual Inspection Points and Procedures" as submitted to the Ohio EPA on February 26, 2002, and shall include a physical inspection of the unit and checks of associated equipment, including but not limited to burners, controls, dampers, valves, and monitoring and recording equipment. Repair and replacement of equipment shall be performed as determined by the inspection. In accordance with the
testing schedule in section A.V.3, a sample of catalyst material shall be collected from the catalyst bed to perform the catalyst activity tests required in section A.V.3.

4. The permittee shall maintain a record of the results of each annual inspection of the catalytic oxidizer, as well as the results of each catalyst activity test required in section A.V.3.

5. On an annual basis, the permittee shall inspect the electronics of the catalytic oxidizer interlock system used for this emissions unit to verify that the signals between the catalytic oxidizer and the emissions unit are functioning properly. The permittee shall document the results of all annual inspections. An excursion is defined as a finding that an interlock is inoperative. Any excursion shall require that the process line be immediately shut down and remain shut down until the problem has been corrected.

6. Except as noted below, each calendar quarter, the permittee shall utilize an anemometer, or any other equivalent measurement method approved by the Ohio EPA, to measure the average, total exhaust flow rate from this emissions unit to the catalytic oxidizer, in scfm. The anemometer, or other equivalent measurement method approved by the Ohio EPA, shall be capable of accurately measuring the desired parameter and shall be calibrated, operated, and maintained in accordance with the manufacturer's recommendations, with any modifications deemed necessary by the permittee. The measurements shall be taken while this emissions unit and all other printing lines at the facility are in a normal mode of operation. The permittee shall maintain records of the results of all exhaust flow rate measurements.

   If the total exhaust flow rate measurements for four consecutive quarters do not identify a deviation of the applicable operational restriction, the permittee may perform the total exhaust flow rate measurements on a semiannual basis. Should the total exhaust flow rate measurements taken on a semiannual basis identify a deviation of the applicable operational restriction, the permittee shall revert to quarterly measurements.

7. Each calendar month, the permittee shall inspect the operational condition and integrity of each ventilation fan comprising the capture system. Ventilation fan observations shall include visual inspections of the fan wheel, belts, and bearings. Lubrication of bearings and replacement of parts shall occur as necessary. The permittee shall document the results of all monthly inspections, including any corrective actions taken.

8. Each calendar month, the permittee shall inspect the operational condition and integrity of all hooding, ductwork, and bypass dampers comprising the capture system. Hooding and ductwork observations shall include visual inspections for leaks or holes. Bypass damper observations shall include visual inspections to verify that the damper setting is in the correct position (i.e., to oxidizer or to atmosphere) and visual inspections of the actuator and motor to verify that the actuator pin and the motor are operating properly. The permittee shall document the results of all monthly inspections, including any corrective actions taken.

A.IV Reporting Requirements

1. The permittee shall submit quarterly summaries of the following records:

   a. a log of operating time for the capture (collection) system, control device, monitoring equipment, and the associated emissions unit;

   b. all 3-hour blocks of time (when the emissions unit was in operation) during which the average temperature of the exhaust gases immediately before the catalyst bed (as determined by the continuous temperature monitor) did not comply with the temperature limitation specified above; and

   c. all 3-hour blocks of time (when the emissions unit was in operation) during which the average temperature difference across the catalyst bed (as determined by the continuous temperature monitor) was less than 80 percent of the average temperature difference during the most recent emission test that demonstrated the emissions unit was in compliance.

   NOTE: Information submitted pursuant to section A.IV.1.c is not relevant for determining compliance with any operational restriction contained in section A.II.

2. The permittee shall submit reports that include the results of the catalyst activity tests required in section A.V.3. These reports shall be submitted within 45 days after each catalyst activity test is performed.

3. The permittee shall submit quarterly deviation (excursion) reports that identify the following when this emissions unit is utilizing materials that do not meet the VOC content limitations specified in OAC rule 3745-21-09(Y)(1)(a)(i) or (ii):

   a. each time the interlock system stops the operation of this emissions unit because the catalytic oxidizer is not in operation;

   b. each average, total exhaust flow rate measurement that does not comply with the operational restriction specified in section A.II.6, based on the records maintained pursuant to section A.III.6 of these terms and conditions, and the magnitude of each deviation; and

   c. each time any bypass dampers, actuator pins, and/or associated motors are not in the correct position and in good operating condition and/or any of the hooding or ductwork comprising the VOC emission capture system contains leaks or holes that would permit the escape of the captured VOC emissions.

4. The permittee shall submit annual reports that specify the results of each annual inspection of the electronics of the ventilation fan interlock systems and the catalytic oxidizer interlock systems, based on the records maintained pursuant to section A.III.5 of these terms and conditions.

A.V Testing Requirements

1. Compliance with the capture and control efficiencies in section A.I.2 of these terms and conditions shall be determined in accordance with the following methods:

1.a Capture Efficiency:

a capture efficiency which is at least 65 percent, by weight

Applicable Compliance Method:

If required, compliance shall be demonstrated based upon the emission testing requirements specified in section A.V.2.

1.b Control Efficiency:

a control efficiency which is at least 90 percent, by weight

Applicable Compliance Method:

Compliance shall be demonstrated based upon the emission testing requirements specified in section A.V.2.

2. The permittee shall conduct, or have conducted, emission testing for this emissions unit in accordance with the following requirements:

   a. The emission testing shall be conducted within 6 months prior to permit expiration.

   b. The emission testing shall be conducted to demonstrate compliance with the 90 percent control efficiency limitation for VOC. (Capture efficiency testing to demonstrate compliance with the applicable 65 percent capture efficiency limitation was performed in January/February, 1999.)

   c. The test method(s) which must be employed to demonstrate compliance with capture and control efficiency limitations for VOC are specified below. Alternative U.S. EPA-approved test methods may be used with prior approval from the Ohio EPA.

   d. The test(s) shall be conducted while this emissions unit is operating at or near its maximum capacity, unless otherwise specified or approved by the Ohio EPA District Office or local air agency, and while the emissions unit is being vented to a control device.

e. The capture efficiency shall be determined using Methods 204 through 204F, as specified in 40 CFR Part 51, Appendix M, or the permittee may request to use an alternative method or procedure for the determination of capture efficiency in accordance with the

USEPA's "Guidelines for Determining Capture Efficiency," dated January 9, 1995. (The Ohio EPA will consider the request, including an evaluation of the applicability, necessity, and validity of the alternative, and may approve the use of the alternative if such approval does not contravene any other applicable requirement.)

f. The control efficiency (i.e., the percent reduction in mass emissions between the inlet and outlet of the control system) shall be determined in accordance with the test methods and procedures specified in OAC rule 3745-21-10. The test methods and procedures selected shall be based on a consideration of the diversity of the organic species present and their total concentration, and on a consideration of the potential presence of interfering gases.

g. During each test run, the permittee shall measure the average, total exhaust flow rate from this emissions unit to the oxidizer system, in scfm.

Not later than 30 days prior to the proposed test date(s), the permittee shall submit an "Intent to Test" notification to the appropriate Ohio EPA District Office or local air agency. The "Intent to Test" notification shall describe in detail the proposed test methods and procedures, the emissions unit operating parameters, a diagram of the path of emissions from each piece of equipment to a control device, the time(s) and date(s) of the test(s), and the person(s) who will be conducting the test(s). Failure to submit such notification for review and approval prior to the test(s) may result in the Ohio EPA District Office's or local air agency's refusal to accept the results of the emission test(s).

Personnel from the appropriate Ohio EPA District Office or local air agency shall be permitted to witness the test(s), examine the testing equipment, and acquire data and information necessary to ensure that the operation of the emissions unit and the testing procedures provide a valid characterization of the emissions from the emissions unit and/or the performance of the control equipment.

A comprehensive written report on the results of the emission test(s) shall be signed by the person or persons responsible for the tests and submitted to the appropriate Ohio EPA District Office or local air agency within 30 days following completion of the test(s). The permittee may request additional time for the submittal of the written report, where warranted, with prior approval from the appropriate Ohio EPA District Office or local air agency.

3. The permittee shall conduct, or have conducted, catalyst activity testing using the catalyst sample collected during the annual inspection described in section A.III.3. An intent to test notification shall not be required for the testing noted in this term. The procedures for the catalyst activity test shall be in accordance with the manufacturer's recommendations.

US EPA is requesting OEPA to fill out a new form:
The form is titled "Performance Track Applicant Compliance Screening Questionnaire". Don W. wanted to know if anyone else has had to fill out. No one else has been asked. Jim O. said to Don W. not to fill out until Bob H. says that he needs to. Don was very happy with this answer.

PM-10 limits in permits PSD triggering sources. What test should we use 1-5 or 201-202? This issue is big. When we put in these limits, how do we determine compliance with this?
Those present also explained that some NSR reviewers are requiring PM-10 limits for state only permits as well. Mike Hopkins stated that he needed to talk to his NSR staff to make sure that PM 10 limits only are inserted into permits were they are required. Much discussion about proper testing methods and the problems with them. More on this issue in the next meeting.
Mike H. doesn't have a precise answer right now.

Title V - Permit and Issuance
IEUS Moving IEUs to federal side. It seems that the How is the problem with USEPA right now. Method is too broad according to US EPA. OEPA will not be issuing any finals until the issue gets resolved.

DO/LAAs were handed out lists of remaining Title V they were asked to consult with DAPC/CO on time frames for getting remaining 81 permits issued. Several of the attendees from the DO/LAAs stated that they do not have any control over when the permits get issued. Title V permit reviewers will contact DO/LAAs soon to get their recommended schedules. The director was very concerned that the schedule is as hard as possible and that the dates will not be revised.

NSR

- E.G. of EM factors - no progress.

- "once in, always in" - Abdur submitted a revised guide. There have been some exceptions. He asked for more comments by January 5th. Several changes have been made.

- NSR reforms - collecting comment will be done with info gathering in January.

- Synthetic minor terms issues with defining all E.U.s in the permit. It looks like there are several different ways to do it. Way to do it is to list E.U.s This limit should be written explicitly and MRR must be developed to support. Mike H. - same method either TV or PSD synthetic minor.

- Portable drills - discharge of dust onto the ground. Causes a problem because the resultant piles have very fine particulate and alot of dust is generated off of piles. How are we going to handle these? NWDO will keep updated.

- Crematoriums - mercury BAT? What are emission factors for mercury? Do they have enough data to support an EF. Will be establishing BAT for mercury? Not enough information right now. Continue writing permits with current data.

PMU

- Mike Ahern - questions on Title V renewal/put a statement in email subject "Title V Renewal"

- MACT - November 19th email - a lot of factors impact how we will put it in. Talked about 3 options. Look for more emails on this subject from Mike A.

- WP/STARs - stopped the conversion process. DO/LAAs can begin writing new/renewals the old way. A "patch is going to be created in STARS so that a draft can be made from a previously issued final permit.
- Patch - ITS is talking to Erica to get the patch.

Next meeting February 10, 2004

February 10, 2004

To: Jim Braun Date: April 8th, 2004
From: George P. Baker

Re: Minutes from P & E Meeting

Attendance

Jim Braun Cleveland
Jim Orlemann OEPA, DAPC George
Baker Cleveland Bridget Byrne NEDO
Bud Keim Canton LAA Mike
Riggleman CDO Ed Fasko
NEDO
Cindy Charles Portsmouth
Curt M.RAPCA
Adam Zokiak TDOES Kyle Nay
SEDO Sarah Harter
SEDO Laura Miracle Akron Adam
Ward CDO Jenny Marsee
RAPCA Bradley Miller HCDOES
Rick Carleski COC/WDO Mark
Budge NWDO Mike Hopkins
DAPC

Co-Chairpersons: Jim Braun and Jim Orlemann

Title V Permits (Jim Orlemann)

Jim distributed two handouts: the STARS Title V Permit Issuance Tracking report, and a table of permits issued by month.

Twenty-one first round permits were issued in January 2004, but no PPPs, and only 1 PP. For February 2004, 20 PP were scheduled. Issuance is falling behind; there ma be a day of reckoning. If a local or district office is falling behind, they should contact the Central Office. All offices are encouraged to meet the schedule dates. Schedules have not been given to the director yet, but when they are given, C. Jones will expect them to be met. Dates should be realist (dates that can be met). The group discussed the responses received from the Central Office (CO). It was recommended that LAAs should check periodically once they send a Title V to CO. Most Region V states are having some problems. Ohio is not the worst. Illinois is probably ahead of most.

Area Source Title V permits: U.S. EPA extended the deadline to at least the end of the year. STAPPA/ALAPCOA may propose a rule on area sources. Last year, data was collected. They may exempt aluminum and other smelters **except** for lead.

Engineering Guide 61 Applicability: Presumed Inherent Limitation. Meant to be a transition guide for facilities. Transition issue was dead at the end of 2000 (?). Facility is a true minor if actual emissions are <20% of threshold. Need clarification on whether that is only for Criteria Pollutants, or also HAP. (J. Orlemann and M. Ahern to follow up) Enforcement of Title V permits at Renewal: No new information.
PTOs and FESOPs: Title V is still the top priority, but they are moving on some FESOPs. Let Jim Orlemann

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know when a company's FESOP is close to being ready. State PTOs are still a low priority. K. Nay stated that about 850 of 900 state PTOs are expired. He suggested getting some good sample PTOs issued and using them as templates. J. Orlemann stated that LAAs can work on state PTOs if they have time. The concern is quality: they should be as good as Title V permits. CO will only do a cursory review and then send them out. Only glaring mistakes are likely to be caught. FESOPs are being reviewed as thoroughly as Title Vs.

Enforcement (Jim Orlemann)

There has not been much improvement due to lack of resources. The penalty rule was scaled down to just open burning. There has been a lot of turnover at the Attorney General's Office. The goal is to settle at least 40 cases with findings and orders by the end of the year. Another goal is to no cases on the docket older than 21 months by the end of the year. The effect is to force down the age of cases. K. Nay suggested that attorneys call the locals to let them know who each case has been assigned to. Is statute of limitations letter is coming in about 6 weeks. The "Zero Date" is the oldest date of a violation in an EAR. If older than 18 months, civil violations will not be pursued. They will still address violations if appropriate.

Clarification of Title V Operational Restrictions for Baghouses, etc. (Bud Keim)

See Handout #3, E-mail from B. Keim to J. Braun. Ohio EPA sets Differential Pressure (DP) based on stack tests. DP equipment should be installed per manufacture recommendations. But, the installation may not include adequate instrumentation (e.g. discharge to first inlet).

B. Keim suggested watching DPs during stack tests to see if the cleaning cycle significantly affects them. He would like to see any experience reports on this issue from field work / stack tests.

J. Orlemann stated ther is no such thing as an administrative violation.

A. Zokiak asked: If monitoring systems detect a condition that indicates a violation, is an NOV required? There is no discretion not to send the NOV.

B. Keim Stated that they are trying to keep honest companies honest. There is a mixture of policies on sending NOVs, LOWs, or anything based on deviation reports.

Look at six month deviation reports to indicate if required record-keeping was done. Would not report deviations discovered in the monitoring. Look at quarterly reports for compliance with specifications (terms & conditions).

Because of the considerable inerest, this topic will be kept on the agenda.

K. Nay stated that virtually every facility will be NOT in compliance on annual certification.

Curt M stated that he would not rate an overall facility as not in compliance if the only issue is a missed report.

Clarification is needed on CETA entries for Compliance or Non-compliance. (J. Orlemann and T VanWalsen to follow-up)

New Source Review (NSR) Topics (Mike Hopkins)

The Engineering Guide on emission factors is on hold due to time being spent on processing efficiency working groups. Will probably be the case through this Summer.

NSR Reforms: Comments received and reviewed; feedback summaries prepared (?). The "Interested Party" package will hopefully be ready by the end of May.
Question: When an attainment area is redesignated as non-attainment, and a permit is in process, what kind of permit can be issued? Is the application date the important date? U.S. EPA opinion has been that the permit issuance date is the determinant. On further review, the U.S. EPA still feels this is the case. The final permit must be issued before redesignation in order to use PSD rather than NSR. Once the redesignation is published in the CFR, the areas officially become non- attainment 30 days later, and that is the critical date for permit issuance type. A 182 F waiver may
be possible in parts of the sate, but no areas would immediately be given 182 F waivers. Staes would have to apply. Reference J. Paul's testimony to the Senate Democratic Policy Committee hearing on New Source Review. There may be some fallout.

Routine maintenance and repair allowance: his issue is in the courts. It may be settled there by the end of the year, so there is no movement to revise it at this time.

Curt M. commented on J. Paul's testimony. The rollback of requirements is easier on industry, but not better for the environment and not simpler for regulators. Some Plantwide Applicabilty Limits (PALs) may be good in the long term; we don't know yet.

M. Hopkins stated that this is no longer NSR simplification; it is more complicated. Regulators need to be more like economists. PALs do not change the need for BAT, state PTOs, emission limits etc. They are just for the purposes of NSR.

Emission Threshold

This is not a replacement for de minimis. Emission threshold only gets you out of the need for PTI and PTO. A facility still must comply with the rules. Expect an e-mail shortly on this topic. Emission threshold will also include screening for toxics. It is necessary to reduce the number of sources requiring permits

3745-21-09 (U)(2)(f)

This was "inadvertently approved". It will be withdrawn when other sections are revised. The U.S. EPA is currently not approving, but approval is require for permit processing. Things are stuck. There will be no grandfathering when the rule changes. They are trying to figure out how facilities have them now. E. Engel-Ishida is working on this. Site-specific BAT limitations may be used if facility cannot meet (U)(2) requirements. B. Juris has been in discussion with the U.S. EPA on this issue since last Summer. 21-09 is a RACT rule whereas 21-07 is not. The U.S. EPA wants to maintain the integrity of RACT definitions. The question then is "What is RACT for the emissions unit?"

Once in always in: Should be resolved shortly. Expect an e-mail on this.

Title V scenario: A Title V facility doesn't want to be nonattainment for NSR. PTI rules say they can voluntarily restrict PTE for NSR, and get a synthetic minor to avoid NSR, but they would stay Title V until renewal. During that time they would have to comply with Title V and synthetic minor restrictions.

Multiple Emission Units Controlled by a Common Device (J. Braun)

J. Orlemann will review J. Braun's letter to R. Hodanbosi regarding multiple emission units. J. Braun is proposing an option to present to U.S. EPA that is more stringent than NSR. It would restrict PALs to controlled emission situations where you know what the emissions are. J.Braun will inform the group after he meets with R. Hodanbosi.

Landfills

J. Orlemann will talk with T. VanWalsen for an update.

Visible Emissions draft Engineering Guide

J. Orlemann will talk with T. VanWalsen for an update.

CETA Implementation / CMS Commitments (A. Ward)

The group has met once for a general overview of what needs to be done in the future.

Applicability Guidance Document for 3745-17-08 / 17-11

J. Orlemann will talk with T. Kalman to find out a date for when it will be done.

Stack Testing

A handout on resources was provided by E. Fasko. Guidance on appropriate methods for PM-10 limits was discussed.

CO Reorganization (J. Orlemann)

The reorganization is in effect except for J. Orlemann. He will stay on Title V at least until Title V done.

Future Agendas

E. Fasko proposed emission reports for an agenda item.

A. Ward proposed an update on the status of updating and adding Terms and Conditions for an agenda item.

Next Meeting: April 13th, 2004 at 9:30 a.m.

Minutes submitted by

George P. Baker

April 13, 2004 Minutes from P&E Meeting

Attendees

Jim Braun, Cleve
Mike Ahern, DAPC Adam Zolciak,
Toledo Mike Pluetz, HCDOES
Don Waltermeyer, NWDO Sarah
Hunter, SEDO
Kyle Nay, SEDO Kay Gilmer,
SEDO Ed Fasko, NEDO Jeff
Canan, RAPCA
Jim Pellegrino, SWDO Jenny
Marsee, RAPCA Frank Markunas,
Akron Mike Hopkins, DAPC Jim
Orlemann, DAPC Pat Shriver,
Canton
Cindy Charles, Portsmouth
Adam Ward, CDO
Mike Riggleman, CDO

Co-Chairpersons: Jim Braun and Jim Orlemann

Preliminary discussion regarding the purpose and direction of the group. Like to use the group to define the problem but continue to use subcommittees to work on specific solutions. We have to be willing to put some work in to resolve the issues rather than just discussing the problems. Strong desire from field offices to have more formal documentation of resolutions, policy or eng guides, web site postings of solutions. Would like a central location to go to for various issues and answers. How to? Try problem statement, backround discussion, solution, then publication.

First, how do we utilize this meeting and/or group? Everyone needs to think about it and be ready for discussion next meeting

Agenda Items/Topics Follow

T 5 Permits etc.

Two Handouts from Jim O. Graphs prepared by Ahern showing remaining issuance steps for the last T5 permits. ***Triple Ps are critical and require our attention at this time.*** No new deadlines have been set for getting all Title V permits issued Final. The work on the first round of Title V permits is delaying work on modifications, renewals, and appeals due to a resource problem in Central Office with not enough people to handle the workload.

Also, a list of FESOPs to be reviewed by central office. ***Please make sure technical support has been provided to Jim O. for these permitting actions.*** Technical support includes but is not limited to: Permit application, PTE anlysis for all EUs, FESOP strategy analysis, Syn Minor Write-up.

Renewals are second priority. Central Office is not ready to issue permits without review. Field offices should still continue to process renewals (?). Renewal training has been delayed until the summer.

Regarding Engineering Guide 61, USEPA will not accept actual HAP emissions less than 20% of major source threshold for avoiding MACT. The 20% allowance is for Title V purposes only.

Hearing has been set for DP&L appeal on April 28. The resolutions of this appeal may significantly affect Title V permits.

Enforcement

No real update.

New Source Review

Mike H. Time is being spent on NSR reform. Revised draft rules on schedule, now with legal for their review, then they go out to interested parties. Exemption rules following close behind; however, these will be handled as a separate rule package from the NSR reform package. Some work going on with Permit by Rule. Threshold rule may be close but last minute issues are delaying the process.

RACM BACT Portable drills - Don W. - Generally permitting drilling activities under mineral extraction part of the permit. Also may have portable permits for drilling operations. NWDO issued NOV for VEs and related problems of discharge pile and subsequent blasting and/or weather conditions re-entraining the collected drilling material. What should be done at this point? Some discussion on establishing BAT for drilling operations. ***Don will continue to investigate and work on this problem.*** Need to see what other states are doing to address this situation. Possibly have the company do a BAT/RACM study. For Appendix A areas, at a minimum they must comply with the 20% opacity limitation. Don will also check with the Ohio Aggregate Society.

Don W. Handout on mercury emissions from cremations. What to do at this point regarding are permitting activities? ***Mike H. will ask P. Koval to look at the article and decide if Ohio needs to pursue issue any further.*** Currently, we do not need to include mercury limits in the crematory permits.

MACT in PTIs - T&Cs should be included similar to T5 (insert entire MACT in Part II facility terms) except when time constrained. If rush permit, just need to cite the MACT and include key elements. Important, only way to enforce MACT is with STCs. All MACTs should go draft except for Dry Cleaners, chromium electroplating, small printing operations, possibly more. Can we get a final list of those that do not need to go draft? ***Mike H. to provide a list of MACT categories that can go direct final at the next meeting.***

Secondary Emission from Control Devices - Adam W. Must include additional emissions from control devices in Permits. (ex. incineration) Use de minimis or other exemptions as a guide for inclusion, or 1 tpy. If emissions are less than de minimis or less than 1 tpy, do not need to

include in the permit. For situations where multiple units are controlled by the same control device, need to include the control device emissions in the terms for each emissions unit and explain that they are dedicated to the control device. This is a possible subject for "published guidance."

April 1 deadline for using new PTI form. Your discretion for accepting old form. Send back or accept. Larger companies should use the new form - more flexibility with smaller companies. If old application is used, still must provide all necessary information.

BAT for transfer stations - NEDO is requiring a company to revisit BAT. Need more information from other states. Need to identify BAT for similar sources.

Multiple EUs w Common Controls

Jim Braun. Meeting set up for today with OEPA to discuss this concept and issue, possibly add it to "new source review reform."

CETA

Curt Marshall issue regarding PCEs and stack testing and CETA. Other CETA issues. See attachment to e-mail from Curt Marshall regarding potential new AFS (CETA) Reporting Requirements. Most of these issues identified are already handled by CETA. Other remaining issues have been discussed with USEPA in the past and there is disagreement. We will not make any changes to CETA unless USEPA is able to provide good reasons for making changes. Frank Markunas will be attending meeting with USEPA and will provide a summary of the meeting.

How is noncompliance defined in CETA? Actions including warning letters on up are viewed as noncompliance. USEPA defined noncompliance in a document that Jim Orlemann will provide to the group.

PMU

Mike Ahern Modification and renewal guidance has been distributed somewhat. Additional guidance is work in progress and forthcoming.

MACT guidance provided at the MACT training seminar for including MACT in Title V. Consult attendees in your office for specifics.

Annual T5 Certs and dealing with new format. Questions and issues to Mike Ahern.

Notice of Deficiency will not be issued for several work related areas but T5 issuance remains a problem with DOJ.. Anything to improve T5 issuance rate will help with avoiding Notice of Deficiencies.

Landfill Operating Scenarios

Mikes Hopkins inherited this project from Tammy. No update.

VE Guide

May be close to complete. Problems due to Tammy leaving and responsibility for completing. ***Jim O to take the lead.***

Appl Guidance on 17-11 etc. Finalize or drop from agenda? Jim O. Important enough to issue as a Eng Guide. It will be done no matter what. ***Use as draft guidance and remove from Agenda***.

Stack Testing

Meeting over, 1p. Save remaining for next meeting. ***June 8, 2004 next meeting, 9:30a.***

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Permitting & Enforcement Committee Meeting

June 8, 2004

Lazarus Government Center
Ohio EPA Room C,
DAPC

Attendees: Co-Chairs - Jim Orlemann (CO), Jim Braun (Cleveland)
- Rick Carleski, Mike Hopkins, Mike Ahern (CO)
- Bud Keim (Canton), Mike Riggleman, Adam Ward (CDO), Paul Tedtman (HAMCO), Jennifer Marsee, Christine Swetz (RAPCA), Adam Zolciak (Toledo), Kay Gilmer, Kyle Nay (SEDO), Laura Miracle, (Akron),Don Waltermeyer, (NWDO), Cindy Charles, (Portsmouth), Ed Fasko (NEDO)

1- Utilization of the P & E group

Mike Hopkins and Jim Orlemann both indicated they would like to see the group continues as is and better ultiilze sub-groups. RAPCA suggested the engineering guides be updated, possibly handled by subcomittee. A question was raised as to the role of the monthly permitting call as it relates to the P & E group. All felt the calls were important, but several issues had to be addressed for the calls to have any value. Scheduling must be consistant, participation by the DO/LAA as well as the Central Office is important. Distribution of questions, answers as well as the documentation and recording of the answers is also important. During a call, questions can also be generated by the issues being discussed. Questions of the Central Office that are answered to individuals outside of the call should be provided to all permit writers for state-wide consistency purposes. The following was agreed on - The calls have been established as the third Thursday of each month

Questions should be E-mailed to Mike Mansour early enough before the call so that information may be gathered and the questions can be sent to all DO/LAA's

These questions could be put in the form of an agenda

A suggestion was made that any E-mail regarding permitting questions, whether they are generated for the call, or by an individual, an E-mail should be sent to all P & E contacts and/or permit writers with the subject heading "monthly permit call item". Ideally, the listserver or a bulletin board was to be established for this purpose. Due to resources, that is a ways off, and this method may serve the purpose at this time.

Jim Orlemann handed out the by-laws of the P & E committee which was initially known as the Engineering Advisory Committee. The concept of the group is working, but the documentation, distribution and archiving of the information needs to be improved upon.

We them moved to our task of the Engineering guides review. It was decided to try to review about 8 guides per year, each of the field offices taking the guides on. First review assignments are as follows:

NEDO - Guide #44 - Portable plants.
NWDO - Guide #1 - PTI/PTO for non-criteria pollutants
Toledo - Guide #2 - Issuance of PTO for SO2 sources
RAPCA - Guide #3 - Bake off ovens, Incinerator or Process? CDO -
Guide #4 - VOC definition of potential to emit

2 - Stack Testing issues

The noon start policy memo had been revised and forwarded to Tammy. Cindy asked that she

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be resent the final version for her and Bob Hodanbosi to review.

A discussion ensued about specifying the proper test method for PM-10. The specified methods have been questioned and the alternative of including the back half of the Method 5 analysis has also been utilized. NWDO worked with Bruce Weinberg on this. The understanding is that the PM-10 method should be specified in the terms of the permit (Compliance Section) , with the "alternative approval" testing language. NWDO is to forward the E-mail from Bruce to the P & E Committee.

Jim Orlemann handed out the draft engineering guide regarding VE readings. Anyone that has any comments are to get them to Jim, (faxed, marked up copy) within 1 month.

3 - Title V permits and Issuance Deadline Update

Jim Orlemann indicated there are 37 Title V permits (initial) that remain to be issued. 5 PPP are to be issued by the end of the week. The rest of the PP are expected to be issued by the end of June. The plan is to have all finals issued by end of July. There are a few complicated permits that may not make this due to specific issues such as PTI's. Jim handed out a copy of the revised list of FESOP actions on his list, and a state wide listing of the remaining Title V actions. Ohio is presently tied with Illinois in getting the initial Title V permits completed. We still can be the first in the region to complete the project. USEPA may not waive their review on some of the complicated Title V's, such as ISG, AK Steel, but indicated they will do a expedited review. The US Inspector General will visit Central Office next week. The focus will be on the implementations of the Title V programs through the region, looking for consistency in permits, enforcement, etc.

Central Office will be taking action against late filers for renewal of Title V applications. Jim handed out guidance on the legal interpretation of the permit renewal application enforcement from Jeanne Mallet. Send your comments or additional questions to Jim by the end of June and wheather this should be and Engineering guide or legal guidance document.

SEDO sent out the compliance certification checklist. The Electronic version has tips in the form and can be opened in Wordperfect 8,9,10. The definition of a significant violation is listed here and should resolve the no-comply question. Jim Orlemann will look this over to make sure there is no conflicts.

4- Enforcement Update

Jim Orlemann indicated there has been no progress in the enforcement improvement activities. Look for F & O 's for the Title V non- filers. Civil penalties will be assessed, but on a sliding scale, depending on how late the application was filed. F & O's will include authorization for the facility to continue operation under the past issued permit terms. The City of Orrville was assessed a penalty of 20- 30 thousand dollars for late application. Initiative is also being developed on governmental fleet violations for E-check. F & O's will also be issued on these as well.

Enforcement (continued)

Old cases being worked are 21 months old or older and are to be resolved by the end of the year. There is no enforcement initiative planned for facilities operating without filing for State PTO's. The only enforcement is on the basis of not filing an application and getting a permit, unless the facility is in violation of a specific rule. Terms are not enforceable once a permit has expired. Late Title V fees are being acted on by Central Office. A grace period of 7-10 days is being considered as a no penalty situation. Drafts of the F & O's will be sent to the DO/LAA's prior to sign-off.

The enforcement information collection request (ICR) that the Feds are pursuing is of concern to the DO/LAA's as well as the Central Office. Curt Marshal of RAPCA sent our an E-mail on

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this. Adam Ward of CDO is on the CETA group and voiced the specific concerns of not only the additional time taken to track the information but also of how it is to be used. Presently, ony NWDO is entering all the reports that the ICR wants. Bill McDowell did not want PCE information in the past, and the requirements of the ICR are not part of the grant commitment. A uniform response should be made to the Feds on this matter. Comments are due by July 30th.

Shelly Asphalt Plant - Operation without a permit. 114 letters by the Feds are out on these plants. All these plants should be identified and testing pursued. The only violation that can be pursued is that of no permit. No permit, no enforceable terms. See engineering guide #16 for testing requirements. The test method suggested for VOC is 25 as it includes formaldehyde as well as organics, where 25A does not identify components. Unfortunately, AP-42 numbers are based on 25A - be aware of this. Mike Hopkins has a spreadsheet on testing results of asphalt plants that he is willing to forward on request. This data could be helpful. A large number of enforcement cases on Asphalt plants are active.

5 - New Source Review.

The Engineering guide on emission factors is in the PAG. The draft NSR rules went out for comment to interested parties. Next step is to prepare the final package and hold hearings on the rules. Hope to have them finalized by the end of the year. There is training planned for the permit writing staff. Jenny Nichols has done presentations on this topic. Contact her and she will E-mail you the presentation if you want an overview prior to the official training. If application questions come up from industry, DO/LAA will have to work with their NSR contact. Permit exemption threshold, permit by rule package to go out to interested parties by end of the month. Central Office hopes to issue at least one general permit by this fall. RACM/BAT for portable drills; no update. RACM/BAT for creamatories should be referred to Paul Koval. Mike Hopkins handed out the excerpt from the 2004 commitment identifying which sources do not require the PTI's go draft.

The terms and conditions group has not shown much progress as lack of resources are the issue. Contact Cheryl Suttman directly in regards to a specific term. The plan is for a web-page set up for this project, but a need for computer support is required. The Database has not yet been set up; the plan was that people were to submit changes to Cheryl, and input from Bruce and Jim was to be gotten before the terms were updated. There was some further discussion as to weather this should be done as a group, with Cheryl as the coordinator, rather than the initiator.

Miscellaneous Metal Coating MACT - Most are putting the entire MACT into the Permit either in the body or as an attachment. Most offices are cutting and pasting the entire MACT. This makes it difficult for inspectors who did not write the permit. A discussion ensued about the enforceability of MACT, the way Ohio has to legislate rules, rather than adopt the federal rules, and the subsequent requirement of rule in the permit. If the MACT is not applicable, do not put it into the permit. The MACT is being placed in the facility level, and the specific limit is listed in the emission unit level. Since the entire MACT is listed, if a company changes its options of compliance, an administrative mod is necessary to the permit.

- - - Mike Matney stopped in to say hello. His chemo has been going well, and there is a chance that the cancer will go into complete remission. Down to 220 lbs, he feels good and is adjusting to retirement; although he still does some work for the state, and says we will continue to see him around. - - - -

A question was raised about the responsibility of putting the MACT as an attachment to a PTI. This is a necessity for equations and grapics that will not go into the permit document. The DO/LAA should develop this as an electronic file and send it with the Permit. The suggestions were to copy it from a word perfect sit such as the TTN or University of Tennessee site.

6 - Multiple EU's with common control - Jim Braun, Mike Hopkins and Jim Orlemann met with

Cindy DeWulf and Bob Hodanbosi to discuss this. This policy will not be in the NSR rules, but we will look into the possibility of placing it into other rules. The first order is to address the issue with particulates. Jim Orlemann used a group of boilers as an example and asked for other situations that this might apply to. He also suggested a subcommittee be formed.

7- PMU update - Mike Ahern.

The USEPA stack testing guidance was handed out. The grant committment is that 50% of the stack tests conducted be witnessed.

PTI revocations - Mike Ahern is working with SEDO on the template PMU will provide examples of various situations. DO/LAA will modify the template and send it to PMU for the specific situation of that particular facility. If the emission unit is dismantled, the PTI is may be modified rather than revoked with orders. Eventually the plan is that this be in PTI 2K.

There are still some problems with PTI 2K and different versions of wordperfect. New versions of the macros should be out by fall to correct these problems. Do not work around the problems. Contact either Mike Ahern or Erica Engle to correct them as designed. The macros are being worked on for the general permits.

8 - There was no update on the landfill issue.

- - - Next meeting is on 8/10 at 9:30 in Columbus - - -

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Permitting & Enforcement Committee Meeting

August 10, 2004

Lazarus Government Center
Ohio EPA Room C,
DAPC

Attendees: Co-Chairs - Jim Orlemann (CO), Jim Braun (Cleveland) Minutes
- Ed Fasko (NEDO)
- Rick Carleski, Mike Hopkins, Mike Ahern (CO)
Bud Keim (Canton), Mike Riggleman, (CDO), Paul Tedtman (HAMCO), Jennifer Marsee, Christine Swetz (RAPCA), Joslyn Summers (Toledo), Kay Gilmer, Sarah Harter (SEDO), Frank Markunas, (Akron), Joe Loucek (NEDO), Mark Budge (NWDO), Jim Pellegrino, Terry Sanner (SWDO),Cindy Charles, (Portsmouth)

1- Title V Permits and issuance update

Jim Orlemann handed out a document showing the progress of the issuance of the initial Title V permits. The 65 number includes 36 which are not part of the initial Title V. The new goal is to have all the finals issued by Labor Day. There are 29 left to be issued of the initial group. All the PPP meetings have been held. The feds have waived comment on 5 of the 29. Glastic has a draft PTI issue which may delay issuance. Jim indicated Bruce informed him the West Lorain Plant PTI should be able to go direct, minimizing the time needed for the issuance of the final Title V. These are the only 2 which would pass the labor day deadline. US EPA indicated they will definitely not waive the comment period on AK Steel. Mike Ahern commented that he will be modifying the Title V tracker to include state PTO's as well as Title V renewals.

TV Renewals - Presently there is no schedule from USEPA to get renewals issued, but renewal training is planned for the fall, USEPA wants to participate. Akron Thermal is the only renewal issued (1677010757) and is on the web page under 1/30/04 issuance date. Jim feels that next month renewals will be worked on in CO as the initial Title V push will be completed. There has been on prioritization of renewals, but the three items to be considered are level of review, time frame ans exemptions. A question was raised as to how to handle an emissions unit that becomes exempt under the new rule. The response was that the facility would have to request a revocation of the PTI.

FESOPS - Jim handed out a list of FESOPS that are on his desk. This is an update of the list passed out in the past. He indicated that all DO/LAA's should check to see if they have any FESOPS in there office that are not on his list. He reminded all that a company needing a FESOP to get out of MACT must have the FESOP issued prior to the first substantial compliance date. A PTO following a Synthetic Minor Pti is not as high a priority as a FESOP.

2 - Enforcement update

Jim indicated Jeanne Mallet is to send an E-mail on enforcement issues and renewal for Title V. There is no update on the process improvement goals. Present enforcement goals are as follows: 40 F & O's are to be issued for the calender year. 38 have been issued as of 7/28. Old cases are defined as 21 months or older from the EAR date at the end of a calendar year. The Director's goal is to have no old cases on docket by the end of the year. DAPC has 21 left to resolve by the end of the year. Penalties so far this year have been $490,000 in administrative orders and $3,000,000

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through the AGO. Jim also reminded us of the statute of limitations and that we must keep in mind the EAR must be in Central Office within 18 months of the day of discovery of the violation or no penalty can be assessed. Within 2 years, the AG's office must settle or file a case in court. DAPC has recieved 102 new cases this year. Joe Koncelik will be tracking the cases through 2004 as a basis for the future.

ICR's for PCE's - RAPCA drafted a letter for Bob Hodanbosi's signature regarding ICR's (Information Collection Request) for PCE's. (Partial Compliance Evaluation) This letter was handed out for informational purposes. Stack testing and inspection reports as they relate to PCE's are important; however, the agency has taken the stand to object to the reporting of PCE's regarding notifications, quarterly, monthly, semi-annual and annual reports. are and because of the volume of information and the concern that the PCE has not been accurately defined.

4- New Source Review (NSR)

Mike Hopkins indicated the Engineering Guide on emission factors is waiting on review by the PAG. The NSR reforms package is in the director's office, has been signed and the official comment period began on August 10. There will be three hearings in September; Cincinnati, Cleveland and Columbus. It is still on schedule for approval by the end of the year. There is some concern about a possible Federal challenge. The routine maintenance language was not included in the rule. Other groups may appeal the change, but it does not seem to be an issue at this time. Mike is looking to possible training in the fall for the changes in the NSR rules. No details yet on this. It is important to remember that rules that are in place at the time of issuance of a permit dictate how the permit is written and what applies. In general, existing rules are more likely to put a facility in NSR than the new rules.

RACM/BAT for portable drills - no update from NWDO at this time

BAT/Hg for creamatoriums - Paul Koval is working with Don Waltermeyer of NWDO on this.

General discussion on worst case conditions - RAPCA voiced the concern about as asphalt plant PTI (administrative modification) that was drafted to follow the stack testing requirements in the general permit. It was felt the stack testing was overburdensome for a fuel or material change. This guidance was sent to RAPCA from CO as draft. The concern is the problem in implementing something that is draft and not enforced statewide. Mike Hopkins indicated the guidance needs work and it was something to look at, not final procedure. Fuel change is a issue for asphalt plants. A BAT number is to be established for whatever fuel is used. The trick is to how to define BAT without excessive limits in permit. Is the worst case lb/hr defined for each fuel? Should testing be required for all fuel changes? These issues should be flushed out with the development of the general permit for asphalt plants. Limits for at least natural gas and #2 fuel oil should be established as worst case and in short term. No finalization date has been established on the general permit for asphalt plants. Drycleaners and boilers general permits are part of the what is posted on the web for comment. There may be some permit writing training conducted with the NSR training; it was suggested advanced be offered rather than basic, as the basic was probably taken care of in the DO/LAA's

- Break-

Abdur Rahim discussed the issues concerning the Initial Notification report that a company submits regarding the applicability of a relevant MACT standard to its facility. Also discussed were issues such as when shall the facility submit initial notification report, when to keep records of

applicability determination, and what we have to do when a facility notifies us that they are no longer subject to the MACT standard; due to the determinatiion that th facility is an area source. If this is the case, and/or the MACT standard is not applicable to them, or the facility requests withdrawal of their Initial Notification report, to whom shall the Initial Notification report be addressed to? Original copy goes to Bob Hodanbosi, copy to USEPA and the DO/LAA as well as Abdur. Recordkeeping by the facility should be maintained, wspecially in the case of applicability. The standard term for reporting should be changed to reflect these items.

- Abdur will be sending a detailed e-mail regarding these issues to all DO/LAAs.

4 - Multiple emissions units

Jim Braun, Jim Orlemann and Mike Hopkins have indicated the existing rules may have to be modified in order to implement this. The working example presented by Jim Braun wa three mixers with one limit (common control). The two approaches were as follows:

1 - Identify as three units with identical terms or by reference. The planned PTIO method would be to list terms only once for all three units. In order to establish compliance, a limit would be established at the control outlet.

2 - Group units in common limit, as one emissions unit. A rule revision would be necessary because of the individuality of permit. Jim asked for examples of situations in the DO/LAA's, such as several emissions units with common egress points; foundries might be a good example; boilers that are united, landfill engines with separate units that have common terms. The effects of NSR on this concept would involve equipment change and identification of equipment.. MACT also becomes an issue that has to be addressed when units are combined. Part III of the permit would have to refer to part II for each applicable emissions unit. The identification of units in STARS also has to be addressed. The discussion is to be continued. **Action Item -*Examples should be brought to the next meeting by the DO/LAA's.***

5 - PIDM (formerly PMU) update

Mike Ahern indicated the procedure of the process in PTI 2K will have an option if the project is subject to the general permit. A terms and condition document will not be necessary. Other improvements by PIDM are that all emissions units will be listed on the director's signature page on the permit, and the elimination of multiple copies of identical terms, as well as the listing of the facility ID to the cover page of the permit. Mike also reported that the FER reviews have gone smoothly and the invoices are going out. Mike handed out the Title V Renewal Application Review Document. It is important that BAT be referenced as an applicable requirement in the application. Renewal training is being planned for the end of this year or the beginning of next year. The Feds want to be part of this training. Mike also pointed out the importance of updating theSOB if the basis for a term has been changed. Mike also handed out the Feds comments on the new SOB form. He requested comments by 8/13. There are four areas in the front page that need to be addressed; the changes to the permit document must be added to the SOB. Please use the new format. The new SOB will be posted on the web page with the appropriate font by the end of next week, after Mike reviews any comments and makes any necessary changes.

6 - Engineering guide reviews

Joe Loucek of NEDO presented the work thus far on EG 44 (portable plants) by NEDO. Adam Zoliak of Toledo as well as some of the other offices had participated in the initial development of the update. A cover letter to Bob Hodanbosi accompanied the pre-draft of the

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new guide outlining 3 specific issues which must be resolved in order to re-write the guide;

1 - The director's determination on intent to relocate (ITR)
2 - Public noticing of the director's determination
3 - Mechanisms to speed up review of certain ITR's

Specifically, the director's signature and his delegation of the authority is an issue, and the definition is not clear in the rules; possible rule revisions for exemptions, meeting the 30-15 day requirements are the highlights. Two other items brought up were the fees that are associated with re-location and what to do when the home office moves. Comments should be sent to Joe Loucek. Other EG's which are under review are as follows -

NWDO - Guide #1 - PTI/PTO for non-criteria pollutants
Toledo - Guide #2 - Issuance of PTO for SO2 sources
RAPCA - Guide #3 - Bake off ovens, Incinerator or Process
CDO - Guide #4 - VOC definition of potential to emit
Action item - ***Drafts should be brought to next meeting***

7 - CETA update

Adam Ward was not available to give an update.

8 - Stack Testing

Start memo - Cindy talked to Bob and Jim. Bob will probably sign the memo next week. PM-10 guidance - Bruce responded to question by E-mail. Copy of the questions and his response is listed below.

This is a pretty significant issue and NWDO has issued quite a few permits allowing the inclusion of the weight of the back half in a Method 5 test as the compliance method for PM-10. It is my understanding that this was researched (discussed w/USEPA) and approved by CO in the past. If this option is now completely off the table, we, as well as all the DO"s and LAA's, need to know. Also, what are the ramifications on previous compliance tests when this method was used? Do all these permits need to be modified? Do the tests need to be done again using Method 201?The implications are significant not only for us but also for the companies. Thanks for your help,
>>> Bruce Weinberg 04/26/04 11:12AM >>>
If a site-specific PM-10 emission test alternative has been approved by our Agency or the U.S. EPA, you may cite that alternative as the compliance method for that (those) emissions unit(s). A PM-10 alternative test procedure that has been approved for one particular application can not automatically be used anytime we specify a PM-10 emission limitation. The appropriate PM-10 emission test method(s) (i.e., Methods 201 or 201A and 202, if necessary) should be referenced when we establish a true PM-10 emission limitation. Since we also should be including the statement "Alternative, U.S. EPA-approved test methods may be used with prior approval from the Ohio EPA." with any specified emission test method, we still have the ability to address site-specific conditions that warrant the use of an alternative, including the hybrid Method 5 procedure that has been used to demonstrate compliance with some PM-10 emission limitations.

9 - Landfill Operating Scenario -

Tammy was working on this with HAMCO. This involves subpart WWW and concerns municipal landfills when an alternative method of compliance and review of the gas collection system. **Action item -** ***find out who is handling the letter drafted to the director and where it stands*** **– - -note from previous meeting**. - *Handout. from Mike Cramer, draft letter to the Director about the review of landfill gas collection systems. The idea is to accept the changes in the collection system if approved by a Professional*

Engineer. Tammy had a concern about the legallity of the authorization of the changes by the facility and will take Mike's letter and draft up a memo from Hodanbosi to the Director.

There were additional questions as to the possible involvement of P.E.'s in Solid Waste to help review the plans. Also of concern was if there was a significant modification, would a new Title V application have to be submitted. It may be wise to restructure the language of the permit to address this matter.

10 - V.E. draft Engineering Guide. (Guidance Document)

Jenny of RAPCA handed out their comments. Mike Ahern had given comments to Jim Orlemann earlier. Tim Fischer had a number of comments. All comments will be given to Tim, who Jim feels may be best to look this over. **Action item - *Jim Orlemann to get Tim's original comments along with Mike's comments to Tim; Tim has RAPCA's comments and has agreed to review the guidance***.

A discussion ensued about how information is distributed and a repository for such guidance as it becomes acceptable and is to be implemented statewide. As a group, the P&E committee should establish a library or index of these guidances in hard copy form. Eventually, as discussed previously, this would be ideal situation for a listserver or web page, but that is some time off. **Action item - *bring ideas on how this can be accomplished to the next meeting.*** .

11 - New Business.

A concern was raised about the cancellation of the last permitting call. It was determined that it was not only the lack of questions, but also the availability of Central Office staff. (depositions) It was recommended the call be held even if there are no questions as long as staff from Central Office are available. The forum could be used to revisit new issues, such as those presented in the P & E meeting or the monthly calls with USEPA.

Mike Ahern indicated the MACT web page has been revised and any comments should be sent to him.

Jim Orlemann mentioned that the Feds may be requiring only 50% of the stack tests be witnessed. ***There appears no formal notification has been made in this matter. DO/LAA's should check their contracts on this. Stack testing is important for compliance but the number of tests required by Title V puts a strain on resources.***

****** The next meeting will be held on 11/09 at 9:30 in Central Office ******

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Permitting & Enforcement Committee Meeting

November 9, 2004

Lazarus Government Center
Ohio EPA Room C,
DAPC

Attendees: Co-Chairs - Jim Orlemann (CO), Jim Braun (Cleveland) Minutes
- Ed Fasko (NEDO)
- Jim Carney, Andrew Hall, Mike Hopkins, (CO)
Bud Keim (Canton), Mike Riggleman, Adam Ward, (CDO), Paul Tedtman (HAMCO), Jeff Canan, Maria Cruset, (RAPCA), Joslyn Summers (Toledo), Glen Greenwood, Dean Ponchak, (SEDO), Frank Markunas, (Akron), Bridget Byrne, (NEDO), Mark Budge (NWDO), Jim Pellegrino, (SWDO),Cindy Charles, (Portsmouth)

1- Combined meeting of OLAPCOA, TSO and P&E - Frank Markunas was asked by the directors of OLAPCOA to present the suggestion of a combined meeting for the three groups. The first question was the reason for the meeting. As a working meeting, there are few tasks which are common to all groups. Updating information could be provided to the directors in either the form of minutes or as sending someone to P & E to report. The only reason to have the groups meet together would be to "break bread" Frank will check to see what the directors are looking to accomplish. The directors will be put on the mailing list for the minutes, in addition to the Air Unit Supervisors.

2- Title V Permits and issuance update

Jim Orlemann handed out 2 documents; one showing a revised list of FESOPS that are on his desk, the ones that he has reviewed are checked; either more information has been requested, or the permit has been moved to PIDM for issuance. The second list was the list of initial Title V permits that were not on our original commitment. The **FESOP** list includes facilities that have been issued synthetic minor PTI's and are now at the PTO stage. These permits will go direct final as long as the PTI went draft. Let Jim know if there are any other FESOPS that are in the DO/LAA's. Those not checked may need the supporting technical information that Jim has requested to review the terms. He reminded all that a company needing a FESOP to get out of MACT must have the FESOP issued prior to the first substantial compliance date. The **Title V** list was put together by Mike Ahern and needs to be reveiwed by the DO/LAA's. There are 32 facilities listed, some with comments. These are the priority permits, Jim indicated Mike Ahern is to be notified within a week if the list is correct and the comments, such as shutdown facilities, need to be verified.

Initial Title V - Jim was pleased to announce that there are 6 TV of this group left to be issued; 3 at the PPP stage and 3 at the PP to final. There is still a possibility that Ohio may be the first in the region to complete the initial Title V commitment.

TV Renewals - CO is ready to work on renewals, Mike Ahern is working on a list that will elevate the priority for late filing.

TV significant mods - Jim indicated that these could wait for renewal, if the expiration date is less than two years out. However, if the facility needs the mod to construct and/or operate, or in the case of the mod being a result of a PTI mod, it should be worked on. In the case where the PTI mod and the Title V mod are needed to be issued concurrently, contact Mike Ahern. Jim will

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ask Mike to put together a list on mods, renewals and prioritize.

State PTO's - There is a list of over 100 PTO's on Loretta's list to be issued. These can be worked on as time allows.

3 - Enforcement update

There is no update on the process improvement goals, but this year was good for enforcement. Penalties have been mitigated for the late filing of Title V renewals. The orders serve two purposes; to assess penalty and achieve compliance and specify that the company comply with the past permit. Regarding Title V for MACT area sources: Central Office's position is to extend the time line by inaction. USEPA has final call on this deferral; Feds say draft deferral should be out by deadline, but the final will not make it. CO will establish state policy. RAPCA has looked at the rule and will draft up language for CO (Abdur) to include. It was suggested that the companies be advised of the situation; but the decision to file a Title V application or not file is up to the company.

Jim indicated that starting calendar year '05 EAR w/ violations older than 18 months will not be pursued. DO/LAA's will probably have to set up some sort of internal tracking for violations - delay in EAR will result in no violations. Jim handed out a memo from Joe Kolcelik regarding the statute of limitations for Civil Cases. Jim also handed out replacement pages for the enforcement manual. There have been minor changes, and the time frame stands as follows:

30 days to send NOV (from time of discovery)
30 days for receipt (green card)
30 days to process an EAR

'04 was an excellent year for enforcement; Jim thanked all

4 - New Source Review

The engineering guide on emission factors is on hold at this time

The state regulations on new source review are in effect as of October 28, 2004. Items mentioned by Mike Hopkins were the 10 year look-back, PALS (plant applicability limit) and future projected actual. USEPA is reviewing the rules, and are not final in the SIP yet, but we should use them anyway as the state rules were written to follow the federal rules and the Feds will likely approve them. ***Regarding PTI exemptions***, the threshold and PBR packages are going to be split up before the rules are proposed; the PBR rule will probably move quicker as the threshold rule appears to be more controversial. As industry and public seem to get these two rules mixed, breaking them up will help distinguish between the two. The only General Permit available so far is the natural gas fired boiler. Presently, the general permits for asphalt plants, roadways and parking areas, dry cleaners and concrete batch plants are being worked on. ***Training for NSR and Title V renewal*** may be combined, Misty Parson's E-mail requested attendees from the DO/LAA's. Initially early December training was planned, but now it looks like more like January. We are looking at a 2 day event, a suggestion was made about 2 - 2 day sessions.

Regarding Nox as a precursor for Ozone, Ozone non-attainment areas are considered attainment for Nox, but both VOC and Nox should be evaluated for Non-attainment NSR applicability if either pollutant is over 40 tons for a proposed modification and the facility already has a potential to emit greater than 100 tpy for either NOx or VOC. if either pollutant is over 40 tons

RACM/BAT for portable drills. - No update

BAT for crematories - No update

Break - - -

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5 - Multiple emissions units

Jim Orlemann had requested examples for the discussion of this topic - specifically for situations where multiple units share a common emission limitation. Jim Braun handed out an example where several emissions units shared a common limit from 17-11 and presented the scenario as follows; 6 grinding booths, Rule 17-11 combined limit of 9.5 lb/hr. Each booth has a dedicated cartridge filter for particulate control. (it was noted that this situation could also occur where just one control device is utilized for all six booths) The proposal is to have one set of terms and conditions with the listing of all applicable emissions units. Adam Ward pointed out that the PTIO project would look at situation such as this and issue a document identifying the units with one set of terms. This, however, would not be applicable to Title V facilities.

In order for units to be considered similar for grouping, Engineering Guide #31 requires units to be physically and operationally united, and in close proximity. Fuel burning equipment can be grouped as multiple units with one allowable heat input (17-10). Another example given was identical storage tanks. The biggest challenge is how we look at BAT in these cases. If the old standard is 85 % control, and a new unit is added with BAT being set at 95%, how could we combine this if there was only one control device? A decision has to be made as to the complexity of the problem; when do we keep them together and when do we pull them out?

Possibly only when a modification is done ? The other question raised was how is a new unit added on to this group for a Title V facility. Other examples of combined units are coating lines which contain an applicator and an oven. In looking at a process line, it is a defined set of sources. It was noted that by grouping emissions, subject to 21-07(G) for example, it could make the permit more stringent by having the group of units subject to 8 lbs/hr and 40 lbs/day rather than allowing each separate unit 8 lbs/hr and 40 lbs/day.

Another example were multiple booths with a total enclosure and one limit for the one control, which we discussed at the last meeting. Akron provided an example in the plastic compounding industry consisting of two large different mixers and two small mixers controlled by a baghouse. In regard to common control of VOC, Akron provided an example of 3 distinct operations in a glove manufacturing facility controlled by a carbon absortion system. SO2 emissions from mold-making machines in foundries are commonly controlled by a scrubber. Another question whether to assign a lb/hr emission limit with an associated control efficiency or establish an outlet concentration for the control device (e.g., gr/dscf or ppm).
Jim Orlemann stated that we need rule revisions for at least 35-02, 35-77 and 31-02 to allow for such grouping. Possibly for 35-02, 35-77 and 31-02 to allow for such grouping. The sub- committee must re-convene to begin crafting rule revision language for the multiple emissions unit scenarios. Jim Orlemann wants the proposed language to be generic enough to accommodate the many different possibilities that exist for these types of situations. Jim O. wants the sub-committee to begin by crafting proposed revisions to 35-02. He anticipates that each of the rules noted above will be modified in the same way to address this situation. The sub-committee will layout scenarios and address the questions regarding new installations and how they would effect the permit as well as rule revisions where necessary. Of major concern is that we want to ensure that BAT is re-evaluated whenever the grouped emissions unit undergoes a modification (e.g.. adding a new unit to the group or replacing an existing unit within the group).

6 - PIDM (formerly PMU) update - Mike Ahern not present to comment
7 - Engineering guide reviews

RAPCA - ***Guide #3*** - Bake off ovens, Incinerator or Process - RAPCA handed out the draft changes. Any comments should be given to RAPCA so that they may be reviewed prior to the next meeting.

NEDO - ***Guide #44*** - Bob Hodanbosi responded to the request regarding sign off by the director. His recommendation is that PIDM (formerly PMU) should be delegated signature authority as well as public noticing. The next step is to secure the authorization of the director. NEDO will follow up with Ahern and try to have a re-write by the next meeting.

Toledo - ***Guide #2*** - Issuance of PTO for SO2 sources - next meeting

CDO - ***Guide #4*** - VOC definition of potential to emit - They will look at this for the next meeting. The changes in 21-07 may affect this.

NWDO - ***Guide #1*** - PTI/PTO for non-criteria pollutants. Next meeting

Action item - ***Drafts and updates should be brought to next meeting***

8 - CETA update - Adam Ward

USEPA has accepted the proposal to drop the requirement for the in depth information on the compliance tab of CETA. The tab will be modified to reflect site visit, compliance, and inspector name and date. A user's manual is being developed, training will not be required. Adam also mentioned that the PTIO group is nearly completed with the flow charts; the web site is being periodically updated, check it out. Any questions on PTIO should be referred to either Adam Ward or Erica Engle

9 - Stack Testing

Start memo - Bob Hodanbosi to sign memo.

Monitoring requirement of stack testing is at 50%. Listed in annual agreement for DO's, LAA's should check their contract.

10 - Landfill Operating Scenario -

The question remains as to who is to sign this letter. Mike Hopkins indicated he cannot locate the letter. Paul Tetman of HAMCO is to find a copy of the HAMCO generated letter and get it to Hopkins.

11 - V.E. draft Engineering Guide. (Guidance Document)

Tim Fischer of NEDO has completed his re-write and a copy was handed out. Please get comments to Ed Fasko or Tim by the end of November.

CEM procedural issues. Ed Fasko is to get with Todd Brown regarding the issues raised by NEDO with Tammy Van Walsen that were not addressed.

12 - New Business.

Different ideas were tossed around about the central repository for guidance, permit call answers and issues resolved at the P & E meetings**.** Cleveland is using an intern to create an electronic database of guidance memos starting with the NSR manual. RAPCA has an electronic database of information. NEDO puts electronic documents from CO on a shared drive in the district. CO discussed the possibility of a intranet web site. PDIM (PMU) is preparing a web version of the NSR. Although the information is recorded chronologically for the P & E meetings and the permit calls, it was agreed a categorization of the information is needed. A search by keyword

was suggested, and it was agreed, that unless the policy was approved as an engineering guide, the information should be internal to the Central Office (DAPC) and DO/LAA's**.** The further challenge is keeping the information updated. Fasko is to check with Ahern on the development of this repository; So far, the categories suggested are as follows: Title 5

Stack Testing

Inspections MACT

- - - - Next meeting is on January 11 at 9:30 in Central Office- Happy Holidays to all.....

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Permitting & Enforcement Committee Meeting

January 11, 2005

Lazarus Government Center
Ohio EPA Room C,
DAPC

Attendees: Co-Chairs - Jim Orlemann (CO), Jim Braun (Cleveland) Minutes - Ed Fasko (NEDO)
- Rick Carleski, Andrew Hall, Mike Hopkins, (CO)
Bud Keim, Greg Clark,(Canton), Mike Riggleman, Adam Ward, (CDO), Paul Tedtman (HAMCO), Jeff Canan, (RAPCA), Joslyn Summers (Toledo), Glen Greenwood, Sarah Harter, (SEDO), Frank Markunas, (Akron), Kristen Switzer, (NEDO), Don Waltermeyer (NWDO), Matt Lindsey, (SWDO),Cindy Charles, (Portsmouth)

1 - Title V Permits and issuance update

Initial Title V - Jim Orlemann indicated the first group (initial commitment) all went final by the end of the year and that Ohio was the first in the region to complete its initial commitment. A letter from the director is to go to Region V confirming this. Jim is no longer working on permits unless he is in the process of completion of an assigned permit. Mike Hopkins indicated that anything assigned to Jim that he is not actively working on should be reassigned to Bruce Weinberg in the STARS activity log. Update the activity logs as the permits are worked on. Mike Hopkins indicated there was a reorganization meetings on 1/12 and the meetings at Central Office would be ongoing to address specific work assignments. Jim also pointed out there are 36 initial Title V applications which have to be done that were not part of the original commitment. This along with FESOPS are of high priority. Mike Ahern's poll of the DO/LAA's indicates there are 70-75 facilities that are in need of FESOPS that may be at the field offices. The feds are getting interested in the FESOPS. Mike Ahern indicated the FESOPS and the initial Title V's (36) must get done. Central Office may be working on a schedule for these.

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

Enforcement of TV Renewals - The legal interpretation that Jeanne Mallet worked ont is being revised and is in word processing. It will be posted on the web site in a Q& A format after approval .

Action item - CO to post legal interpretation on web page

Title V Permits for MACT area sources - The Bob Hodanbosi memo dated December 8, 2004 that was E-mailed did not list the secondary aluminum MACT as one that would be addressed with the deferral of area sources by the feds. Feds expect the package to be signed by late January or February. Mike Hopkins feels the secondary aluminum should be in memo. SEDO expressed concern with the language "responsibility of the owner/operator of the applicabel area sources to ensure compliance with the MACT and the Title V permitting programs." The concern was what would happen if USEPA changes its position. Mike Hopkins feels the language in the memo is OK and does not have to be revised to reflect this. He also indicated the memo could be given to industry if requested.

Action item - Per Mike Hopkins, CO (Abdur) to reveiw memo as to weather to

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include secondary aluminum MACT issues

MACT general provisions in Title V permit - A discussion ensued regarding how this is to be done and how it has been done, but Mike Hopkins stated for a permit to be enforceable the MACT and specific terms must be in the Title V permit. Jim Orlemann indicated some may have gotten through without the General Provisions. Some of the MACT's have tables at the end of the MACT rule that indicate which sections of the General Provisions apply. Attaching the table can be adequate instead of attaching all of the general provisions. If no table exists for the particular MACT, the entire General Provisions can be attached with a reference in Part II. The question was raised as to who will assure this is done. Mike Ahern suggested the DO/LAA send an E-mail with an attachment as a word perfect file to CO. contact. CO will convert it to a PDF file and include it in the permit. The DO/LAA should make sure the reference language is in the permit. The option is always open to list the applicable sections of the General Provisions that apply as noted in the table from the given MACT rule in part II of the permit, especially when the amount of information is fairly small, as it is preferred to have the terms actually in the permit rather than an attachment. If the entire General Provisions need to be attached to the permit, you do not need to send the Word Perfect document to Central Office containing the entire General Provisions. Central Office has a Word Perfect version of the entire General Provisions.

A discussion also ensued regarding how the specific MACT requirements should be established in a permit. Mike Hopkins stated that for a permit to be enforceable, the MACT and specific terms must be in the Title V permit. The feds are pushing in that direction especially after the compliance date has passed and a compliance method has been chosen by the permittee. If the compliance method has not been specified, and there are a number of them for the particular MACT, or the company wishes to use a number of strategies, all of the ones that would be used are to be specified in the permit. A good option to use at this point, is to specify the applicable sections of the MACT rule in each section of the terms and conditions for each emissions unit subject to the MACT rule. The entire MACT rule would then be included as an attachment rather than inserting the MACT rule in Part II in STARS. This approach was used successfully for the Wabash Title V permit in Cleveland (facility number 13 18 00 1287). Mike Hopkins restated that after the compliance deadline has passed, the permittee should have chosen a specific compliance method. At that point, we would need to build in specific MACT terms and conditions into the emissions unit terms and conditions.

In **PTI's**, simply citing the applicable emission limitation from the MACT rule has been accepted, especially if a strategy has not been chosen. Check with the NSR contact, as this could avoid the attachment of the entire MACT. The entire MACT rule would then be included as an attacment in the Title V permit. Refer to the MACT guidance from Spring '04 and the recent MACT training.

Action item - DO/LAA's to determine easiest way to include MACT based on the individual situations.

2 - Enforcement update

Enforcement improvements - No update on enforcement improvements.

Enforcement issues - Jim Orlemann handed out a list of High Priority facilities that have to be updated for enforcement. John Paulian sent out an E-mail on this on 1/10/05. Each office has to identify violations, EAR status and whether it is administrative or not. Any corrections to the list as to facility status should go to Mike Ahern; Enforcement issues to John Paulian per his

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E-mail at the end of this section . There was some discussion as to how this list was formed, how it compares to CETA and to the list the locals annually provide to Dave Brown. As Mike Ahern wants the list updated regularly, it would seem the other sources of this data could be used.
Mike's list is based on permit status, that is, whatever type of permit (Title V, FESOP, Synthetic Minor PTI) the facility has, that is what it is classified as. Permits that went draft even though they are not High Priority, should be addressed if they are on the list. If a facility ***intends*** to get a FESOP, then it is classified as a FESOP facility.

E-mail sent from CO on 1/10/04, contact Jim Orlemann and John Paulian

Tom and I have been asked by Jim Orlemann to determine the compliance status at the end of 2004 for all high priority facilities in each of the state's district offices and local air agencies. We have faxed a copy of the current list of all high priority facilities in your district or area to you for your review. We are asking that you and/or your staff identify whether certain violations are known to exist at these facilities.
Facilities with violations should be classified into one of the two categories outlined below.

The first category are emission violations, which include emissions above allowable levels or control equipment failure that would cause noncomplying excess emissions. Administrative violations may also be identified at these facilities.

The second category are those administrative violations that are determined to be major or sufficiently serious by the DO/LAA and Central Office to require an enforcement action request be submitted to Central Office. Examples include failure to obtain a Title V permit, late Title V permit renewal applications, chronic failure to submit reports in a timely manner, repeated failure to maintain required records, repeated failure to obtain PTIs and/or PTOs, major violations of operational restrictions, etc. No emission violations have been identified at these facilities.

We've also attached a table to list those facilities that are currently not in compliance. You either use this table electronically or simply manually fill in the requested information.

We need this information no later than January 18 (or sooner, if at all possible) in order to compile all of the information for the state for the year end report for 2004.

Please feel free to call either of us if you have any questions. Thanks in advance for your help in putting this report together.

Action item - DO/LAA's are to review list and correct as necessary. CO is to determine if this is a duplication of an existing list or database. Due by Jan. 18 for enforce ment purposes, facility info changes to Ahern in two months.

Enforcement procedures - The guidance that was handed out at the last meeting indicated the deadline for EAR's has actually been extended by two weeks. There was concern as to the depth of information available to complete an EAR within that time frame. Jim Orlemann indicated the reason for tracking of deadlines is because of the statute of limitations, and the director's office will be looking at this and expects the field offices to meet the statute. Old cases are considered anything longer than 21 months (from date of EAR submitted). Cases this old will not be kept on the docket, though on-going violations will be the exception. Old violations, will be included only for ongoing, used as lack of good faith on part of company. The zero date starts when determination of the violation is made. Considering that DAPC has the most cases of all the divisions, Jim feels we do well. A question was raised about deadlines for Central Office review; Jim commented that we did not meet the goal of finishing all the old cases by the end of the year. One office asked what happened to the notification letter informing a company that they have been referred. The response was that we are not to send the letter of notification.

Action Item - DO/LAA's are not to send letter notifying the facility that they have been referred for enforcement. Follow enforcement deadlines as outlined.

Enforcement and Title V application submittal - Jim Orlemann handed out the legal response developed by Jeanne Mallet regarding the questions asked about Title V applications and enforcement by Cleveland. The final version will be posted on the web page. A copy of the draft is included in the hard copy of the minutes.

Action Item - CO to finalize the document and post it to the web.

3.- New Source Review

Emission Factor guidance - No progress at this time, permanently on hold till the PAG completes the work with the PPEC. Talk to your NSR contact if there are any issues with changed emission factors. PTI modification will be needed if the emissions will increase.

NSR reforms - New rules are in effect, so applications should be reviewed in light of the new rules. Training will be held on 2/1-2 in CO and 2/3-4 in NEDO, for NEDO, Akron, Canton and Cleveland. . This will cover both Title V renewal and NSR. Feds join CO in training. Misty Parsons is handling the schedule and agenda. CO will look at the possibility of taping the training.

Action Item - CO to get agenda out and DO/LAA's to coordinate with Misty as to how many and which site they will attend.

RACM for portable drills - NWDO will present information next time

BAT for mercury for crematories - Contact NWDO for example permits; this will be dropped from the agenda.

Coke Ovens, mercury emissions - Testing for mercury is being planned for existing sources in order to establish data. Under the director's authority, we can request testing of existing sources even if they are not required by permit.

Action Item - DO/LAA's with Coke ovens are to arrange for mercury testing at coke ovens in their jurisdiction.

MACT applicability to other units, "once in always in" - A facility becomes major for an area MACT, such as a degreaser. since they missed the first compliance deadline without obtaining a FESOP to restrict PTE for the degreaser This is the only reason they are major. They also have a miscellaneous metal coating line. Is the coating line MACT applicable to the facility because the facility already is major for HAPS due to the degreaser? Jim Braun referenced a memo (see attached) from USEPA Region I that says they can get out of the coating MACT by obtaining a synthetic minor for this source. Engineering Guide 67 seems to conflict with this determination as shown in example 2 at the end of the Engineering Guide. Jim Orlemann says the company can get a synthetic minor for the second MACT as long as the facility obtains the Synthetic Minor before the first compliance date for the second MACT. Jim also noted that this will likely be a rare situation. Mike Hopkins agreed. Although it is not that clear in the rule, Mike indicated it is a "MACT by MACT " and a timing issue as to when a particular MACT applies. It should be noted, however, that the facility would remain subject to Title V because they did not restrict PTE for the degreaser before the first compliance deadline under the "Once In, Always In" policy.

Action Item - Engineering Guide 67 should be reviewed and rewritten in light of this determination. USEPA Region V should be contacted to confirm the information in the memo from Region I.

Landfill operational scenarios - HAMCO e-mail and the attached letter from HAMCO to the director regarding this ongoing issue was attached to the agenda. The air division lacks the technical expertise to determine weather the modifications requested by the facility are acceptable. This is true in all the DO/LAA's. The letter to the director suggests either we accept anything with a Professional Engineer's stamp or establish some policy on the review of these requests. Mike Hopkins indicated that we should establish contact with the Solid Waste Division in the applicable jurisdiction and coordinate with their experts and with USEPA. Julie Monahan was specifically named in Mike's E-mail.

Action Item - DO/LAA's should coordinate with the respective Solid Waste people in the appropriate jurisdiction and USEPA until a response to the letter to the director to HAMCO's letter is received. NWDO has done some modifications that can be used as starting point.

4. Permit Issuance and Data Management

Repository for guidance - Mike Ahern has indicated that he will be posting all the permit call notes to an unpublished web site similar to the way the P & E minutes are posted. There is a plan for an agency wide intranet site that this will eventually go on, but at this time, this is the interim method that we will be following as a repository for guidance generated at these meetings and the permit calls and other internal guidance.

Action Item - 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.

. ***Other PDIM issues -*** TV renewal guidance for industry will be posted on the web page and referenced in the STARShip newsletter. Elisa Thomas will be faxing a list of the fee population. Please respond as requested. Reminder letters for fee's and compliance certification will be sent by CO. The Office of the inspector general audit of the Title V program results have been received. Mike will be sending out the Ohio info. Comments have been recieved on the general permit terms. Adjustments will be made. Agency is moving away from Word Perfect and to Word. Air will stay with Word Perfect until STARS is rebuilt. Coral 10 will be the last version used. The new PC's will be windows XP with Microsoft Office Suite.

5. Engineering Guide Reviews

#3 - Bake-off ovens/incinerators - RAPCA - Comments have been recieved and reviewed. Pyrolysis units with built in Afterburners will not be considered deminimis, as the temperature on the integral afterburner can be set and is considered add on control device.

Action Item - Get guide into standard format, Jim Orlemann to get Bob Hodanbosi to sign off and replace on web.

#44 - Portable Plant Guidance - NEDO - Mike Ahern has sign off approval from director. Joe Loucek (NEDO) has all final comments. Send any additional comments to Joe

Action Item - Mike Ahern and Ed Fasko to review procedures and Joe to address comments for final version. Jim Orlemann will do final review before finalizing.

#2 - Issuance of PTO for SO2 sources - Toledo - Joslyn Summers submitted the draft. Rule updates appear to be the only issue.

Action Item - Submit comments to Joslyn by end of February.

#1 - PTI/PTO for non-criteria pollutants - NWDO - Don Waltermeyer is forming a team at NWDO to work on draft changes by next meeting

Action Item - Draft to be submitted by next meeting.

#4 - VOC definition of Potential to Emit - CDO - Reviewing for rule changes of 21-07. Feds presently reviewing the new rule. Rule will be gutted and identify controlled sources.

Action Item - CDO to make changes in respect to new 21-07 rule

#XXX - VE guidance - NEDO - Tim Fischer incorporated changes by Jim Orlemann. Draft handed out. Jim suggested some additional changes proposed by Bruce Weinberg.

Action Item - Submit comments to Tim Fischer or Ed Fasko by end of February. Tim to make changes. Number to be assigned.

6. CETA update

Adam Ward indicated there will be an update of the compliance monitoring page to minimize the data entry. Becky Pohlman of RAPCA is assisting in this effort. They will be meeting this week. An E-mail from RAPCA was handed out regarding reporting elements that USEPA is looking at. CETA group is to provide a response to the issues in the E-mail.

7. Stack Testing

Noon start policy -Bob Hodanbosi is to sign off on the Noon start policy to make it statewide.

Action Item - Bob Hodanbosi is to sign off on the Noon start policy to make it statewide.

50% witness requirement - Concern was raised that the reduction in witness requirement was due to financial considerations and it would hamper compliance efforts. Jim indicated that the feeling was it was more of a resource issue, as Title V's require additional testing. This is not a reduction so much as a flexibility issue. All the DO/LAA's indicated they will try to hit all the tests that they feel they should get.

Action Item - Any comments on the policy should be sent to Bob Hodanbosi

8. Landfill Operating Scenarios

See NSR issues

9. Visible Emission Guidance

VE Guidance - See Engineering Guide reviews

CEM issues - Concerns about statewide policies on CEMs

Action Item - Fasko to get with Todd Brown on this issue.

- - - - -Next meeting is on March 8 at 9:30 in Central Office - - - - - - - -

Attachment of USEPA Memo re: MACT

March 23, 2000
MEMORANDUM
SUBJECT: Applicability of the May 16, 1995 Memorandum "Potential to Emit for MACT Standards – Guidance on Timing Issues" for Subpart T Sources Who Become Non-major after the Compliance Date of the Standard
FROM: William T. Harnett, Acting Director /s/s
Information Transfer and Program Integration Division, OAQPS (MD-12) TO:
John Courcier, Acting
Air Permit Program Manager, Region I
This memorandum is in reply to your June 14, 1999 inquiry in which you asked if a source which was a major source under section 112 as of the compliance date for an applicable MACT standard, could subsequently become a non-major source of Hazardous Air Pollutants (HAP) emissions and defer title V permitting. Your inquiry presented two different situations - in one situation the facility took Potential to Emit (PTE) limits after the compliance date of the standard and in the other situation, the facility replaced all of its equipment subject to a relevant standard after the compliance date. We've identified the situations you described and our position on each of them below.

Question one:

You indicated that a facility operating an existing halogenated solvent cleaning machine was a major source of HAP and subject to 40 CFR part 63, subpart T, as of the "first compliance date" for that standard, but subsequently took facility-wide PTE limits to become a non-major (i.e., area) source. Pursuant to 40 CFR 63.468(j), permitting authorities have the option of deferring affected non-major halogenated solvent sources from title V permitting requirements. Does the title V permitting authority have the option of deferring title V permitting for this affected subpart T source?

[1] Some facilities may be eligible to limit PTE based on EPA's Transition Policy. For further information, see EPA's December 20, 1999 memo titled "Third Extension of January 25, 1995 Potential to Emit Transition Policy."

Position:

An existing major source subject to subpart T that takes limitations on its PTE after the first compliance date cannot be deferred from title V permitting. In that the facility's change in PTE did not occur until after the "first compliance date" of subpart T, the halogenated solvent cleaning machine continues to be considered a major source for the purposes of subpart T and must obtain a title V permit.

Timing for obtaining potential to emit restrictions and title V applicability

The EPA's May 16, 1995 memorandum, "Potential to Emit for MACT Standards -- Guidance on Timing Issues," states that an existing facility may switch to area source status at any time until the "first compliance date"of that standard. In order to be considered an area source under a section 112 standard, a major source must take limitations on its PTE by this date, otherwise, the source is required to comply permanently with that standard to ensure that maximum achievable reductions in toxic emissions are achieved and maintained.

By this we mean that major sources subject to a MACT standard must change to area source status prior to the "first compliance date" of that standard in order to avoid the requirements for major sources under that standard, including the necessity for a title V permit. If a facility does not take appropriate emission limits by this deadline, then the facility is classified as

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a major source for the purposes of that standard since section 501(2) provides that any source that is major under section 112 will also be major under title V. Had the facility taken appropriate action to limit its PTE prior to the "first compliance date" of subpart T, it may have been able to classify its subpart T affected source as an area source and defer title V permitting.[1]

Applicability of multiple standards to a single facility

As a point of clarification, for facilities subject to multiple MACT standards, the May 16, 1995 memorandum also explains that a facility that is subject to the major source requirements of one section 112 standard is not necessarily subject as a major source for all future section 112 standards - a facility may take potential to emit limits to become an area source before the "first compliance date" of a future standard.

For example, if the facility you described above wanted to ensure that it would not be subject to the major source requirements of the Miscellaneous Metal Parts standard (a future MACT standard), the facility could take PTE limits to become an area source before the "first compliance date" of the Miscellaneous Metal Parts standard. In this case, the facility would continue to be classified as a major source for the purposes of subpart T and title V, but would not be subject to the major source requirements under the Miscellaneous Metal Parts MACT

[2] Under 40 CFR §§ 70.3(c) and 71.3(c), permits for major sources must include all applicable requirements for all relevant emission units at a facility and area sources must include all applicable requirements for emission units that cause the facility to be subject to part 70 or part 71.

[3] EPA's May 16, 1995 memorandum, "Potential to Emit for MACT Standards -- Guidance on Timing Issues," states that a new source that is major at the time of promulgation or startup, whichever is later, will remain major for purposes of that standard. In this case, the new affected source was non-major upon startup of the new solvent cleaning machine. The facility used section 63.465(e) of Subpart T to determine its potential to emit for each new individual solvent cleaning machine and then determined that its facility-wide potential to emit hazardous air pollutants was below the major source threshold (as defined in Section 63.2 of the General Provisions) upon startup of the new machines.

standard. Rather, area source requirements, if any, under this standard would apply to the cility.[2]

Question two:

You indicated that an existing facility operating a halogenated solvent cleaning machine was a major source for the purposes of subpart T as of the first compliance date for that standard, but recently removed the solvent cleaning machine subject to subpart T and replaced it with a new enclosed-technology that has a physical maximum potential to emit that is less than the major source threshold. The emissions from the solvent cleaning machine are the only hazardous air pollutant emissions at the facility and the facility is minor for criteria pollutants. Can the facility be deferred from title V permitting?

Position:

The facility in this example can be deferred from title V permitting since the affected source subject to subpart T is a new source located at a non-major facility - the new solvent cleaning machine is a new non-major source for the purposes of subpart T.

Under 40 CFR 63.460(a) of subpart T, an affected source is identified as each individual solvent cleaning machine. Section 63.461 further describes an existing source as "any solvent cleaning machine the construction or reconstruction of which was commenced on or before November 29, 1993" and a new source as "any solvent cleaning machine the construction or reconstruction of which is commenced after November 29, 1993." Because this facility replaced all its solvent cleaning machines subject to subpart T (e.g., permanent shutdown) and constructed new solvent cleaning machines after November 29, 1993, the new machine is classified as a new

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source for the purposes of subpart T.

The new solvent cleaning machine in this example was also not located at a major source upon startup of the machine.[3] Therefore, the facility can be classified as a non-major source for the purposes of subpart T and can be deferred from title V permitting if title V is not otherwise triggered. However, had the new, non-major source been located at a facility that remained major after the solvent cleaning machine was replaced, then title V permitting could not be deferred in accordance with EPA's May 16, 1995 memorandum, "Potential to Emit for MACT Standards -- Guidance on Timing Issues."

Please keep in mind that the position set forth in this memorandum is intended solely as guidance, does not represent final Agency action, and cannot be relied upon to create any rights enforceable by any party. Should you have other questions concerning this position, please contact Ingrid Ward of my staff at (919) 541-0300. cc:

Air Program Managers, Regions I - X Title V
contact, Regions I - X
Title III contacts, Regions I - X John Walke,
OGC
Charlie Garlow, OECA/ORE Scott
Throwe, ECA/OC Sally Shaver, ESD
Dianne Byrne, ESD Steve Hitte,
PG Racqueline Shelton, PIRG

Permitting & Enforcement Committee Meeting

March 8, 2005

Lazarus Government Center
Ohio EPA Room C,
DAPC

Attendees: Co-Chairs - Jim Orlemann (CO), Jim Braun (Cleveland) Minutes
- Ed Fasko (NEDO)
- Mike Ahern, Andrew Hall, Mike Hopkins, Jenny Nichols, Cheryl Suttman(CO) Bud Keim,(Canton), Mike Riggleman, (CDO), Paul Tedtman (HAMCO), Jeff Canan, Chris Clinefelter,(RAPCA), Pam Barnhart (Toledo), Glen Greenwood, Christina Wieg, (SEDO), Frank Markunas, (Akron), Don Waltermeyer (NWDO),
Jim Pellegrino, (SWDO),Cindy Charles, (Portsmouth)

1 - Enforcement update

Enforcement improvements - No update on enforcement improvements.

Enforcement issues - Jim Orlemann presented the results of the year's enforcement efforts. He will be sending out the report hard copy to the DO/LAA's. 127 cases were on the docket at the end of the year. The number of cases in air equal approximately the total of all the other divisions combined. The number of High Priority facilities jumped from 1176 to 1446. This number changed on the basis of facilities found in the project John Paulian worked on with each of the offices. Jim reported a 93.2 % compliance rate based on emission violations alone. When combined with administrative violations, the number drops to 87.4%. The division goal is 95%. This report will be updated quarterly. NEDO leads in the number of enforcement cases. DAPC had a record year in civil penalties in 2004; $1.22 Million in F & O's alone. Over the past 4 years, DAPC has pulled in over a million each year. The amount of penalties taken in with the AGO, including SEPS, was $2.55 Million. When the locals are added in, the number is $3.86 million. The Director's goals were to resolve 40 cases with F & O's in 2004. 67 were accomplished. All old cases were to be resolved (An old case is one that is 21 months after the EAR is received in Columbus); all but 5 of 43 were resolved. Of the 115 cases resolved, 67 were with F & O's, and 11 of the 13 referrals to the AGO were resolved. 143 new cases were received, and 127 were on the docket as of the end of the year. AK steel was the biggest settlement.

- 2005 goals. Resolve 100 or more cases; 45 with F &O's. Resolve all old cases on docket by end of the year. Jim feels we can meet these goals. The enforcement productivity went well for 2004 in spite of personnel loss. In determining compliance percentages, administrative violations are not counted unless pursued with enforcement referral to Central Office.
- GE appeal - The EBR decided in our favor that operational restrictions were lawful, but they had a problem with the reasonableness of the terms. The thought is there must be a correlation between the emission rate and the restriction. The state has to decide if they wish to appeal this.

2 -Title V Permits and issuance update

Initial Title V - Mike Ahern handed out the Title V quarterly report sent to Region V. Of concern was the applications older than 18 months of which there are 59. Also of concern are the FESOPS that need to be issued. The permit writers must be aware of the significant modifications that have not been processed in the eighteen months since they have been filed (15); especially if they pose an operational problem for the facility. There are 25 minor

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modifications not processed within 90 days; some of these may be resolved at renewal.

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

Deviation Reports - Canton has devised a format which was suggested that companies may want to use. There seems to be a general concern that the management at a lot of the facilities do not know what they are signing. Mike Ahern will send a PDF file of this form to all for comment, discussion on the use of the form will be held at next P & E meeting. The concern about electronic submitall of reports is the requirement for a signature and a hard copy for record reviews. Each office may be handling this differently; it seems there should be consistency throughout the state. Mike said he would talk to legal about this.

Action item - DO/LAA's to review form, legal to be consulted on electronic submittal

MACT - initial notification - Abdur Rahim E-mailed the revised FAQ sheet on this topic to all.

3 - New Source Review

NSR reforms - Mike Hopkins indicated the reforms packages are being worked on. The Permit By Rule package should be going into sign off. Emission threshold is still on hold, as it will need more work. The general permits that will be published by March 24 are Asphalt, Concrete, Roadways and parking areas. Three or four drycleaner general permits have been issued.

NSR "projects" - A question was raised about different projects for NSR review purposes. Projects for NSR occur within one year; the planning cycle has to be looked at, as does financing, management and goal of a project. This is how Ohio is looking at it, not sure if the Feds see it exactly the same way.

4. Permit Issuance and Data Management

Repository for guidance - Mike Ahern has indicated that he will have Mike VanMatre post all the permit call notes to an unpublished web site similar to the way the P & E minutes are posted. http://www.epa.state.oh.us/dapc/Per_enf/P&Ehistoryweb.htm. Ideally, this would be a listserve, but the unpublished web page will do the job until the resources are available to develop a listserve. The minutes are listed as a PDF file which can be searched and will be added on to as time goes on.

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.

. ***Default emissions unit ID#*** - In order to list deminimis and PTI exempt emissions unit in Title V permits, the suggestion was made to continue using the "Z" numbers in order to list them in Title V. Consensus was to use this designation rather than assigning the usual emissions unit designation (B for fuel burning, P for process, etc.). **(Note this follow-up issue brought to Mike's attention)** ***However, Erica Engel-Ishida has brought up a potential problem associated with the P&E decisions. Namely, if we assign "Z"s in PTIs2000, a STARShip user could assign the same id to a different operation in STARShip. This will cause a problem when STARS II is developed and could cause a problem for issued Title V permits in the interim. Erica suggests continuing to assign emissions units as we have traditionally done for consistency and to avoid the problems cited above.***

Please let Mike know if you have any comments or questions about continuing to assign valid emissions unit IDs to these types of affected units. This should be followed in PTI 2K where it applies.

Other PIDM issues - Nancy Murphy is now at CDO. Erin Milner, Sandy Craig, and Loretta Crumb are splitting up her work. Erin Milner will be leaving for a job in Cleveland.

Library of terms and conditions. - Cheryl Suttman and Jenny Nichols will now attend the P & E meetings, Cheryl is in charge of the library of terms and conditions, the website is http://www.epa.state.oh.us/dapc/terms/termsintro.html New terms are available for gasoline plants and terminals, external floating roof tanks and gasoline dispensing stations. Jenny is now responsible for rule making guidance.

5. Communication - Central Office and DO/LAA's

A request was made that when Central Office deals with a facility directly, the appropriate DO/LAA should be kept in the loop. Copies of letters are normally sent to the appropriate office; but there are occasions when this may not happen. It was agreed that efforts would be made from ***both*** Central Office and the DO/LAA's to keep each other in the loop.

6. Engineering Guide Revisions

#44 - Portable Plant -NEDO - The latest draft with comment changes was E-mailed just recently. Most comments have been addressed, any comments of the last review should be sent to Joe Loucek or Ed Fasko. Revised flow charts, templates will be electronically circulated within the week. Final version will be sent to Jim Orlemann for approval. NWDO brought a concern about crushers that were portable with engines. Should they be considered one unit or treated as engine separate from the crusher. Jim indicated we could address this later, as the guide at this time is mostly for procedural purposes.

#1 - PTI -PTO for non-criteria pollutants - NWDO - Don handed out the marked up version with corrections. He asked for comments by the end of April

#2 - PTO for SO2 sources - Toledo - No additional comments. Jim Orelemann to finalize

#3 - Bake-off ovens/incinerators - RAPCA - Jim Orlemann to finalize.

#4 - VOC definition of Potential to Emit - CDO - Changes in progress

#XXX - VE guidance - NEDO - Ready to be issued. Tim Fischer to send electronic version to Jim Orlemann to issue number and finalize.

#53 - Open Burning - Open burning issues resulting from recent storms are to be clarified in the guide per Cindy DeWulf's request. Jim Orlemann will talk to Lee and distribute.

7. CETA update

Adam Ward was not at the meeting, but no CETA issues were raised.

8. Stack Testing

Noon start policy - Nothing heard about issuance of the policy. Ed Fasko to re-send document to Bob Hodanbosi for him to sign off on.

Action Item - Bob Hodanbosi is to sign off on the Noon start policy to make it

statewide.

9. Landfill Operating Scenarios

No action on this item, HAMCO's letter is with Director. Concern was raised about the recent complaints of H2S odors from the acceptance of drywall, often with east coast shredded waste, PTI mods are being requested; Joe Loucek of NEDO is working with Paul Koval of Central Office on levels of H2S that trigger remedial actions. Don Waltermeyer of NWDO handed out an article from MSW Management regarding H2S in landfills, the problem, and control methods.

10. CEM issues - *Concerns about statewide policies on CEMs*

Action Item - Fasko to get with Todd Brown on this issue. ---- Parking Lot

- - - - -Next meeting is on May 10th at 9:30 in Central Office *- - - - - - - -*

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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 Riggleman, 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 Orlemannn 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 shold not be nervous about reporting a testing requirement in the last 6 months of a permit as in compliance even thought 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.

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

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

- HAMCO raised a question about the listing of malfunctions in a compliance certification. Can

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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 the 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 to 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.

- 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 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

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

Mike Hopkins submittted 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 *- - - - - - - -*

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Permitting & Enforcement Committee Meeting

July 12, 2005

Lazarus Government Center
Ohio EPA
6th Floor conference room

Attendees: Co-Chairs - Jim Orlemann (CO), Jim Braun (Cleveland) Minutes - Ed Fasko (NEDO)
- Mike Ahern, Cheryl Suttman, Andrew Hall, Abdur Rahim, Jim Carney, John Paulian, Mike VanMatre, Arunee Niamlarb, (CO)
Angela Glosser, Bud Keim,(Canton), John Nicora, (Cleveland), Mike Riggleman, Adam Ward,(CDO), Paul Tedtman, (HAMCO), Jeff Canan, Mike Maleski, (RAPCA), Joslyn Summers, (Toledo), Frank Markunas, (Akron), Donn Meehl (NEDO), Don Waltermeyer (NWDO), Cindy Charles (Portsmouth), Sara Harter, Glen Greenwood (SEDO), Jim Pellagrino, (SWDO)

1 - Enforcement update

Enforcement improvements - No update on enforcement improvements.

Enforcement issues - Jim Orlemann handed out a copy of the status of the old cases to be resolved during 2005. The director's goal is to resolve any old case by the end of the year. An old case is that which will be 21 months from the submission of an EAR to the end of the year. The list was 52, 11 have been resolved and there are 41 left. This gives us 5 or 6 months to negotiate. DAPC has more old cases than any other division in the agency. Jim also handed out John Paulian's E-mail requesting the quarterly update of enforcement cases.

- CETA update - Moved up on agenda from item 8

Web-based CETA - Mike VanMatre and Arunee Niamlarb projected the new CETA on the wall and explained some of its functions and the benefits of the conversion. The Citrix server the application currently resides on is slow, and other programs can tie in better to the web-based version. Beta Testing will be conducted very soon, and the District Offices should be able to use it soon after an address is established for each office. Hook up with Locals will be established shortly after that. Each person will be assigned a login and password.. You will be able to search for different facility information at any page in the system. The compliance page will separate the FCE from the site visit. <u>All</u> site visits, FCEs, and stack tests must be entered into CETA. You do not need to enter quarterly report evaluations. The only violations that should be entered are emission violations and administrative violations. This information will be used by Central Office to track compliance percentages. CETA will be able to provide a list of pending enforcement cases for each office. Compliance status information will go directly to USEPA.
Details of a site visit or FCE can go into a memo field; however, they are no longer required as part of the CETA reporting. The new version of CETA will be populated with historical data from the existing CETA. Facility data has been loaded from PTI tracker, STARdust and STARS. Inspection data began being entered into CETA and uploaded to USEPA in 12/02.

There are drop down boxes on the enforcement page for actions. A determination is going to have

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to made by the CETA group concerning the difference between a formal and informal enforcement action. The CETA group focused on designing a system to meet the USEPA requirements and better fits our internal needs. It is important that the enforcement section is updated especially when a company returns to compliance, as this data is used by USEPA for public information. Stack testing will be reported under Appendix K. The feds will be requiring a listing of subparts in the NSPS section. Complaints, GDF inspections, TV certification are tracked in this database as well as Permit by rule info which is not needed by USEPA. Batch uploads to USEPA will be done monthly. Corrections to any information after it is sent to USEPA cannot be made without contacting the administrator(s) of CETA as that information will be locked. Prior to upload to USEPA, corrections are easily made. Facility information will not be locked. In the short term, make sure the facility information is updated. In the long term, the web based CETA will eventually be tied to the STARS rebuild, but it will not be a part of the initial STARS rebuild.. If you make no entries for 20 minutes, you will be kicked out, but you simply have to log back in. Log in is similar to PTI 2000. Training will be conducted and the plan is to have the system fully on line November 1. The CETA group meets next week regarding testing.

Action item - submit additional suggestions for generation of reports to the CETA group.

2 -Title V Permits and issuance update

FESOPS and Title V mods - Mike Ahern is concerned that the outstanding FESOPS get issued. Some of the applications are pretty old and should be reviewed as soon as possible for accuracy. Facility either may no longer need a FESOP or may have become Title V. Mike's records show there are 63 Title V facilities pending either issuance of FESOP or removal from high-priority list. Mike also noted a wholesale change of assignments in STARS from Jim Orlemann to the Mike Hopkins have been completed, but DO/LAA's should check to make sure all the FESOP actions are where they are expected to be. FESOP actions should include the emissions units that are applicable to the FESOP. Non-FESOP units need to be a separate action. Registration status units ***do*** have to be separate actions from state actions that are non-FESOP. Regarding significant modifications for Title V, 15 applications have gone beyond 18 months without action; this leaves the facility in the positions of possible enforcement action against the facility by a third party. 18 TV renewals have been issued, Mike indicated that Ohio is best situated in Region regarding TV renewals.

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

New General Terms in Title V - New terms were effective on July 1, 2005, allowing a facility to transfer from Title V to non-Title V. A PTE and PTO application is needed, and the TV permit does not have to be revoked. The Title V permit is no longer effective after the Chapter 35 permit is issued. Mike feels a minor modification could be made to Title V permits

that do **not** have this language in the General Terms and Conditions to allow a facility to go to non-Title V without revocation of the TV permit.

Title V deviation reporting format instructions - Mike Ahern worked with Canton on this. He handed out the form and Bud Keim explained the layout of the form. It is aligned with the Title V permit. Mike indicated he would send the form out electronically to all.The form will eventually be posted on the DAPC web site and Mike Ahern will present this idea to industry

during the MEC conference at the end of July. The form will be available for use if needed; however, companies will not be required to use this form if they have a better form that suits their needs. The use of the form should be encouraged though as it will make it easier for both industry and EPA to evaluate the reports if the same form is used by all. Thanks Bud and Mike. Good work, guys. Comments should go to Mike Ahern by 7/29

Action item - DO/LAA's to review document and get back to Mike Ahern by 7/29 with comments.

Electronic submittall of deviation report - Mike Ahern indicated information can be submitted electronically. Responsible signature must be sent hard copy. The date of receipt of the report is considered to be the date the signature is received.

Response to audit report - Mike Ahern handed out the USEPA's response to the audit report prepared by the Inspector General. In addition to the Inspector General audit, the The Title V task force is still continuing its review of the program. Ohio EPA may be making changes to the Title V permit program based on comments from the IG audit report and any comments that might be provided by the Title V task force.

3 - New Source Review -Mike Hopkins was not at the meeting so no update was given. Jim Braun made a request of Mike Hopkins to discuss Emissions Offsets as it pertains to the new non-attainment areas at sometime in the future.

4 - Permit Issuance and Data Management

Permit by Rule (PBR) - New rules have been signed by the director. Will be available to the public in August. PBR units will be tied into new CETA and will be tested on new server prior to the new CETA going on line. Ahern and Hopkins still need to work with Carleski to prepare the PBR application forms. Information regarding the facilities that obtain PBRs will be displayed on the DAPC web page for public review.

Electronic PTI Application - Progress has been made in this project. There will be one e- mail address where the applications will be sent in Central Office. One address will be at each DO/LAA where the application will be shipped from Central Office. At this point they will be entered into PTI 2K by the DO/LAA and proceed as usual. This will be for PTI's only, as Title V

and PTO's continue to go through STARship. On-line forms, however are encourgaged to be used. Mike handed out a suggested change to the web page to address the new form.

Title V accountability audit - An audit is to be conducted on the accounts charged regarding the Title V program. The audit will include an evaluation of each DO/LAA office.

5 - Engineering Guide Revisions

#1 - PTI/PTO for non-criteria pollutants - NWDO - in progress

#2 - Issuance of PTO for SO2 sources - Handed out as final. Issued on 5/18/05 - ***Thanks Toledo DES!***

#73 - VE guidance - Issued on 4/27/05 - ***Not on web yet!!!***

#4 - VOC Definition of Potential to emit. - CDO - Handed out as final. Issued 6/22/05

#5 - VOC Exemption for fixed roof tanks. - Akron - No update at this time

#6 - PTI for coal to oil conversion - Cleveland - Committee working on it

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#7 - Inclusion of Wt of water in PWR - NWDO - Committee formed at NWDO

#8 - Compliance Tests at Bulk Gasoline Terminals - RAPCA

RAPCA received no comments and feels the NSPS addresses the issue and the guide may be best dropped. Jim Orlemann had Bill Juris look at the revisions and feels the guide should be kept but updated to reflect the NSPS. Any additional comments should be gotten to RAPCA by end of the month.

#9 - PTI/PTO for Grain Dryers - NEDO - Committee being formed

#10 - Applicable Rules for Stone Crushing Plants - Toledo DES - No update

#44 - Portable Plant -NEDO - RAPCA submitted additional comments along with Jim Orlemann. Revisions made, E-mailed revision. Additional comments to NEDO by end of month. Flow Charts still need to be revised and sent to Mike Ahern.

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

6 - EVEL SIP Discussion - Todd Brown was not available to make it to the meeting, but Jim Orlemann reported that Region V has talked to Todd about this. The understanding is that as long as the permit is effective, and the EVEL is in the permit, the EVEL is in effect. At renewal, the company must demonstrate the continued need for the EVEL. OEPA had hoped the demonstration would be enough to put it into the renewed permit, but the Fed opinion is that another SIP revision may be necessary, Jim did state that if an EVEL is no longer needed, then we should not honor the company's request if submitted. To change this in a Title V or non- Title V is only an administrative mod. Todd will be looking further into the matter.

7 - Library of terms and conditions. - Cheryl Suttman handed out the request form and instructions for changes to the terms and conditions. Cheryl has not received any requests as of recently. She was informed of the terms that were sent out regarding the three gallon per day limit for miscellaneous metal coating. (OAC rule 3745-21-09(U)) in the Northeast area. Cheryl requested that people provide her with suggestions for new terms. In addition, if you are aware of any standard terms that are routinely used in permits but are not currently part of the Library of Terms, please bring those terms to Cheryl 's attention. The request form and the instructions are available electronically at
http://www.epa.state.oh.us/dapc/terms/termsintro.html

8. CETA - Discussed earlier

9. Stack Testing

Condensible PM issue - Although this grew out of an emission inventory issue and Mike Hopkins suggested we bring it to the P & E committee, Jim Braun had discussions on this matter with USEPA. USEPA's opinion is to require condensibles in testing only if it is specified in the permit and developed with a rule. The concern regarding emission inventory is that the form is linked to the Fee emission report and double reporting of emissions could be an issue if one actual pollutant is calculated with a factor and condensibles are used for another. An example would be determining SO2 emissions from coal content, and calculation of particulate to include the condensibles which may have sulfates. The back half of method 5 may not be appropriate for testing if method 202 or 201 is specified. The important issue is that what is reported should be accurate. Possibly a sub-committee could be formed to look at this.

Action Item - Possible sub-committee to look at this

10. Landfill Operating Scenarios

Cheryl Suttman has taken a look at this issue. She has contacted an USEPA web site for compliance assistance, This is the same website that Bud Keim of Canton contacted to gain approval of alternative monitoring parameters for American Landfill. Bud Keim discussed how a prior approval was obtained from USEPA Region 5 for higher well operating temperature limits on ten (10) extraction wells that had undergone a field testing demonstration at American Landfill, Waynesburg, Ohio. An SCS Engineers letter of 11/07/01 addressed to Harry Judson, OEPA and Canton LAA provided documentation, field observations and supporting laboratory data to demonstrate that the higher extraction well temperature limit of 165 degrees F (74 degrees C) on these wells would "not cause fires or significantly inhibit anaerobic decomposition by killing methanogens." In this higher operating value (HOV) demonstration, SCS Engineers submitted sampling data that: (a) did not show elevated levels carbon monoxide, or oxygen (which would indicate a possible aerobic condition in the landfill); and (b) the laboratory measurements of carbon monoxide (CO) in the samples ranged from 1.47 parts per million by volume (ppmv) to 64.80 ppmv, with an average of 24.23 ppmv (having established that a CO reading of 100 ppmv as a breakpoint for possible indication of landfill fire); and additionally, (c) disassembly observation & photos of the flame arrestor mesh screen showed no possible evidence of a subsurface landfill fire. After review, it was decided that this initial demonstration and protocol needed to be reviewed by USEPA. Therefore the SCS Engineers letter, subject "NSPS Higher Operating Value (HOV) Demonstration" for American Landfill was sent on

11/20/01 to Julie Monahan, USEPA Region 5. Seven (7) days later, George Czerniak, Branch Chief, AE/CA approved the American Landfill's request for a temperature operating value of 165 degrees F for wells NW39 through NW48 in their letter of 11/27/01. It was our understanding at that time, that this modus-operandi was determined to be a technically sound approach for future documentation of HOV Demonstrations by American Landfill in accordance with 40 CFR 60.753 of NSPS WWW, which states:

"Operate each interior wellhead in the collection system with a landfill gas temperature less than 55°C (131°F) and with either a nitrogen level less than 20 percent or an oxygen level less than 5 percent. **The owner or operator may establish a higher operating temperature, nitrogen, or oxygen value at a particular well. A higher operating value demonstration shall show supporting data that the elevated parameter does not cause fires or significantly inhibit anaerobic decomposition by killing methanogens."**

The above NSPS WWW requirement and HOV demonstration option is a Part III Operational Restriction A.II.1.f. of American Landfill's Title V permit issued 11/28/01. On January 20, 2004, the SCS Engineers submitted on behalf of American Landfill, a second "NSPS HOV Demonstration" with an identical format, field observations and supporting laboratory data to Canton for compliance evaluation and concurrence. Based upon the prior above 2001 USEPA applicability determination, their concurrence in the technically sound HOV demonstration documentation and approval of a temperature operating value of 165 degree F, Canton's understanding was that a precedent was established for Ohio EPA application. Therefore,
Canton asked American Landfill for a "NSPS Higher Operating Protocol" to formalize the HOV demonstration field sampling, report documentation and notification protocol for T&C's inclusion into Title V permit.

American Landfill, assisted by SCS Engineers, has prepared a "NSPS Higher Operating

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Protocol" formalized as indicated above for demonstration that elevated well operating temperatures are not causing subsurface fires or significantly inhibiting aerobic decomposition by killing methanogens. The American Landfill forwarding letter to Canton LAA, copies to Ohio EPA and USEPA, for this HOV demonstration protocol will reference/attach the USEPA's prior 2001 approval letter for the American Landfill/SCS Engineers 2001 HOV demonstration. Hopefully, this action will satisfy the Title V on-going compliance determination as to the standard by which American Landfill establishes a HOV following an exceedance, including the monitoring, record keeping and reporting, provided appropriate corrective actions are taken by 5, 15 and 120 days in accordance with 40 CFR 60.755. Cheryl Suttman will receive copies of this correspondence within 14 days.

A number of facilities will be requesting the alternatives under NSPS WWW. If we can gain USEPA approval through this site, the Director's letter that HAMCO had presented some time back may not be needed. Requests should be funneled through Cheryl Suttman to see how quick

we can get responses. If this does not work, we will have to develop a plan for review as proposed in the HAMCO letter. It was noted that Minor Modifications for Title V permits can be done to add in the necessary alternate operating scenario for the landfill.

A question regarding the use of a flare was brought up by SWDO. If a landfill is not subject to NSPS or other rules and using a gas flare for control of odors, can the flare be shut down as the landfill begins to generate less gas and no longer generates nuisance odors? It was suggested the question be brought up in the next permit call - ***From the 8/12 call*** **-** ***Response from Mike Hopkins*** **-Mike stated if there is no requirement, the facility can shut the flare down. No letter is necessary. If they existed, F&O's requiring a flare would have to be addressed prior to shutdown. However, if the flare was given an exemption through a Director's letter, an evaluation would have to be conducted to see if there are any other emissions that would trigger the rule when the flare is shut down. If triggered, a Director's exemption letter would be needed. Mike aslo indicated if there is no requirement, the potential would be based on uncontrolled. It was suggested the facility be requested (we cannot require this) to do a trial period of shutdown of the flare, prioir to its removal to see, if infact the odors no longer exist.**

11 - Other Issues -

- Jim Orlemann suggested that all look over the new 21-07 rules to make sure the appropriate sources in the your area are properly listed. The comment period ends August 1, 2005.

- **Don Waltermeyer of NWDO asked if anyone had heard of an exemption for rail car unloading of CD&D material at either rail property, using rail personnel, or rail equipment. There is an opinion in this small section of the regulated community that this type of operation is exempt from permitting. NWDO believes not and has requested permits. No one at the meeting has heard of such an exemption.** ***(Joe Loucek of NEDO exchanged E-mails regarding this issue with Don Waltermeyer of NWDO and Jeanne Mallet. See below)***

Hey Jeanne -

Thanks for getting back to us. The last email you sent me was that you couldn't find Eva's notes or her memo on the subject, and we'd have to wait for Eva to get back from leave. I thought we had sometihing in writing from Jim Vinch up here, but no one is claiming to have a copy (neither

in DAPC nor DSIWM).

So based on what you wrote below, if we get a facility telling us that they are a railroad, and therefore exempt from the requirement to get any Ohio EPA permits, should we:

1. Tell them to submit that in writing with all supporting documentation; and
2. Send that to you (or if comes to DSIWM, Jeff Hurdley) for a determination?

In the meantime, Ohio EPA should continue with our normal route of requiring a permit application until it has been proven not to be needed?

Up here in NEDO, DSIWM has a facility that they have been discussing this issue with for awhile, now. The facility claims the information is privileged and that our atty should talk to their atty. Should we use the steps I listed above, probably in conjunction with Ohio EPA's confidential files protocol?

thanks, Joe
>>> Jeanne Mallett 07/14/05 11:02 AM >>>
Joe, I believe I responded on this, based both on my earlier research and Eva's memo. This continues to be a fact-specific determination. Although the federal law exemption is written broadly the cases so far have not had great facts. We're happy to give out best analysis on any particular set of facts.
P.S. Eva has returned as of this week, but she is working part-time and of course now works with the DSIWM practice group.

>>> Joseph Loucek 7/14/2005 10:50 AM >>> Don -

I just read through Ed Fasko's minutes from yesterday's P&E meeting.

One of the issues raised by you was railroad exemptions for CDD transfer stations. There is a federal rule that restricts states from having jurisdiction over railroads - I believe it is part of the interstate commerce rules. This issue has come up before in NEDO. Specifically, our review of the issue albeit brief, and superficial because none of us are attys, is that just because a facility owns a couple railcars and property with a railspur may not make them a railroad in terms of the federal exemption. There are some pretty specific definitions and standards to be considered a railroad.

I asked Jeanne if legal could look into this, and either give the DO/LAAs specific tools for determining whether a "railroad" was eligible for the exemption or not, or at least provide guidance as to what information the DO/LAAs should collect to provide Legal with the information they would need to make the determination.

Eva Brault has been working or inherited this project some time ago before she went on maternity leave. I believe she is still on maternity leave, so the question may not be addressed for awhile yet.

NWDO is not alone in having this issue brought up. I suspect it may even be the same folks that tried to use that argument here in NEDO.

- The BAT study group formed some years ago developed a guidance which was never finalized. In light of the recent questions by certain industrial groups about BAT, it may by wise to finalize this policy.

- Parking lot items -

1 - Multiple emissions units, common control; preparing proposed rules
2 - Engineering guide on emission factor changes; PAG working on final review
3 - 17-07, 17-08 guidance; Waiting on completion
4 - RACM/BAT for portable drills - NWDO meeting with facility at end of the month
5 - Procedural issues for CEMS - NEDO to discuss with Todd Brown.
6 - CDD landfills H2S emissions - draft terms in (SEDO) landfill may be appealed. Once resolved, the monitoring of H2S should be BAT. (Or some form of it)

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 September 13 at 9:30 in Central Office - - -

Permitting & Enforcement Committee Meeting

September 15, 2005

Lazarus Government Center
Ohio EPA
6th Floor conference room

Attendees: Co-Chairs - Jim Orlemann (CO), Jim Braun (Cleveland) Minutes - Ed Fasko (NEDO)
- Mike Ahern, Cheryl Suttman, Mike Hopkins, Jenny Nichols,(CO), Rick Carleski, (OCAPP), Bud Keim,(Canton), John Nicora, (Cleveland), Adam Ward,(CDO), Paul Tedtman, (HAMCO), Jeff Canan, Chris Clinefelter, (RAPCA), Joslyn Summers, (Toledo), Frank Markunas, (Akron), Don Waltermeyer (NWDO), Sara Harter, Glen Greenwood (SEDO)

1 - Enforcement update

Enforcement improvements - No update on enforcement improvements.

Enforcement issues - Jim Orlemann handed out a copy of the status of the old cases to be resolved during 2005. The director's goal is to resolve any old case by the end of the year. An old case is that which will be 21 months from the submission of an EAR to the end of the year. There are 28 left to be resolved by the end of the year. Jim said it had been suggested that we limit the number of cases we accept, as has been done in other divisions. A decision would have to be made at the field offices as to which cases they would develop and prioritize. Jim did not think this was a good idea. Jim also handed out the compliance status of the high priority facilities. We are at 92.7% for emissions violations and 87.1% overall. The goal is 95% for emission violations.

Malfunctions and Natural Gas interruptions. RAPCA raised this issue as a result of a request from a facility who was concerned about the potential interruption of the natural gas supply due to the natural disaster and flooding in New Orleans. The concern was how would they handle the situation if they had to shut down there thermal oxidizer due to lack of natural gas. This is the only fuel they burn. Mike Hopkins indicated some permits allowed for the use of other fuels, but this was not the case here. By-passing the control equipment by not using the thermal oxidizer is a violation of permit terms and conditions. Regional outage would be a consideration, but this would be a case-by-case basis. Jim Orlemann indicated this definitely is not a malfunction, as it is not a breakdown. Enforcement discretion could be considered.

2 -Title V Permits and issuance update

Title V renewals & FESOPS- Mike indicated the renewals were going through and handed out the minutes of the September 8 PAG meeting which outlined the numbers. Of concern, however, was the initial Title V applications older than 18 months that have not been acted on. He handed out a list which included FESOP applications that have not been worked on.

Action Item - DO/LAAS to work on these old applications

Title V mods - There was concern about aligning the NSR procedure with the Title V in order to streamline Title V mods.- particularly for Significant Modifications. Ohio is the only state that has the PPP step. The Feds have agreed that an Administrative Permit Amendment

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process could be used for a Significant Modification if the NSR-PTI was issued done just like a Title V permit. Region V is pushing for this; however, Ohio is not ready to process PTIs this way. Provide Mike Ahern with and suggestions that you may have for streamlining the Title V modifications.

Title V deviation reporting format instructions - Instructions and template coming soon. Should be on web by next P & E meeting.

PTO issuance and NSR staff - Mike Hopkins indicated a listing of field office assignments are being developed. He is matching up a NSR person with a PTO/TV person as a cross-training exercise. PTO/TV folks are to contact the field office on a list of PTO's that can be processed. This list will get an expedited review and issued permits. Mike is establishing ongoing changes on the way PTO's will be reviewed. At this point, for State PTOs, Mike does not want to update the permit completely , he just wants to get the PTO in good enough shape to issue. If a rewrite of a permit matches the general permit, or if you are processing a General Permit, the permit will not be reviewed. Permit by rule (PBR) is also available and can be used if a company wants to opt out of a permit. Central Office has left it up to field offices to contact the facility as to which permit is needed.

3 - New Source Review -

Emission Offsets - Central Office continues to get permits that need emissions offsets. The best thing for the permit writer to do is to discuss the project with the NSR contact as soon as possible. These permits have to be resolved on a case by case basis.

A question was raised about the Republic permit in which the offsets were not yet obtained. The permit was issued Draft and is almost ready to be issued Final. The requirement is the offsets must be in place before the increase begins; the rule allows this. Constructions can start, but if offsets are not obtained, the increase **cannot** take place. If the company begins operating, the emission increase occurs and they have not secured the necessary offsets, then this will be an automatic NSR violation.

For PM 2.5 non-attainment, use PM-10 as surrogate for NSR, per federal guidance. This is a stopgap approach until USEPA provides further rules and guidance. PM 2.5 has compounds of NOx and SOx. Does this mean NOx and SOx reductions are acceptable for offsets for PM 2.5? There is a lot of uncertainty about this and a determination has not yet been made at this time.

Where appropriate, facilities can take advantage of the NSR reforms which allows for a "past actual" to "future projected actual"evaluation to determine if NSR applies. The "past actual" to "future projected actual" evaluation can only be used for existing emissions units. The potential to emit should be used for any new emissions unit that has not been installed to determine the amount of emissions increase for the project. The "future projected actual" will not be established as a limit in the permit. Instead, all limits will be established at potential to emit in the permit. The "future projected actual" will need to be documented in the technical write up. The company must stay below the "future projected actual" amount for at least five years for existing units being modified. If projected actual is violated within five years, the injunctive relief policy has to kick in. A question was raised as to the necessity of sunset language in the permit. The feeling was that there would be no need for this, as annual reporting would be required and most often would not sunset.

Ozone offsets - A facility will be required to evaluate the need for emission offsets for ozone if they are major fo either NOx or VOC. The company must secure NOx offsets for proposed NOx increases

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and secure VOC offsets for proposed VOC increases. Modeling will not be needed to address Ozone. where to get them - credits needed in the same nonattainment area that the source is located in or adjacent area if the adjacent area is worse or same air quality. Tracking down of old shut down sources generally can go back to the most recent SIP year. The new SIP is using the 2002 base year for both ozone and PM-2.5. A facility might be able to use offsets prior to May of 2002 provided that the offsets are accounted for in the SIP. . However, you must be careful not to double count reductions. Note that if a facility is porposing a project that is subject to Nonattainment NSR for Ozone, then they might also have to address PSD for NOx since NOx is an attainment pollutant.

Internal Offsets can be applied to the total amount of offsets needed if "Netting" does not work. Project emissions are key to determining if offsets are needed. The control plans for NOx and VOC for ozone have to be looked at in detail
as Nox and VOC cannot be swapped; there is no ratio. Emissions from control equipment must also be included as part of the source. The installation of control equipment with combustion emissions may require a PTI but an environmentally beneficial project can be approved as long as NSR is not triggered.

ODOT requirements in permits - ODOT requirements in permit regarding roadways should be long term and the ODOT requirements would be binding.

BAT analysis guide - The BAT analysis guide was brought up. Jenny Nichols is looking at this. The previously developed work on this could be finalized; but it might be of value to re-convene the previous work group who handled this.

NSR guidance - The NSR guidance manual is being put into an electronic format. Mike Ahern's group will be putting it on the web. It should be available to the public and updates will be done in electronic format.

4 - Permit Issuance and Data Management

Intranet development - Agency wide intranet is being developed. LAA's must be able to access this as we move from DAPC intranet to agency standard for intranet.

Permit by Rule (PBR) - PBR's have been entered in CETA. A public web site will be set up for the listing of facilities that have obtained a PBR. The process for revoking permits is being reviewed by Legal at this time.

Electronic PTI Application - Application is being tested. Internal E-mail address is still needed for some offices. The address should be dedicated and not accessible by only one person. Copy of the PTI will be maintained at Central Office. A unique file will be maintained for each submittal. The program should be deployed by 9/30. The facility should submit additional information directly to the DO/LAA as well as the bulletin board receipt. As in any electronic format, the date of the receipt is the date of the application.

Other issues - The monthly permit call notes will be posted on with the P & E notes at http://dapcnet/ If there is a preference between PDF or htm format, let Mike Ahern know. Also, let Mike know if you have a problem accessing the web site. It was suggested the most recent Director's letters be posted as templates on the intranet as well as the audit exemption disclosure letters. .

5 - Engineering Guide Revisions

#1 - PTI/PTO for non-criteria pollutants - NWDO - Sent out electronically on 9/14. Comments have been included, Jim Orlemann to review after NWDO reviews any additional comments. Please submit them by the end of the month.

#73 - VE guidance - Issued on 4/27/05 - ***Not on web yet!!!***

#5 - VOC Exemption for fixed roof tanks. - Akron - No update at this time

#6 - PTI for coal to oil conversion - Cleveland - Draft handed out. Get the comments to Jim Braun by the next meeting.

#7 - Inclusion of Wt of water in PWR - NWDO - Progress being made.

#8 - Compliance Tests at Bulk Gasoline Terminals - RAPCA - RAPCA is addressing Jim Orlemann's comments and should have a draft by next meeting.

#9 - PTI/PTO for Grain Dryers - NWDO will work on this one

#10 - Applicable Rules for Stone Crushing Plants - Toledo DES - No update

#44 - Portable Plant -NEDO - Flow charts e-mailed out, comments received. Jim's comments to be reviewed and guide to be modified as necessary. Approval letters and modified flow charts to be resent electronically. Jim indicated the enforcement on relocation without notification should be only an NOV the first time, providing the site was acceptable. If not an acceptable site, an EAR should be filed. Otherwise, if a pattern for failure to notify is established, an EAR should be filed.

 # 53 Open Burning Standards - Jim working with Lee on this regarding the guidance developed regarding storm debris. Jim Orlemann handed out the rule changes and indicated the rule changes will impact the guide. It will allow for unilateral orders (see proposed OAC rule 3745-19-06)which can be appealed. He is considering a simplified EAR for these violations. The proposed rules should be finalized by early next year. Work on this engineering guide will be on hold until the rule is finalized.

6 - EVEL SIP Discussion - To follow up on the last meeting's discussion, the question at renewal is whether the EVEL is needed or not. We are not obligated to issue an EVEL if we feel the facility no longer needs one. If they are in need of the EVEL, Jim indicated no additional SIP revision is needed; however, the company must demonstrate the need for an EVEL through a stack test and the procedures outlined in E.G. #13.

7 - Library of terms and conditions. - The request form and the instructions are available electronically at http://www.epa.state.oh.us/dapc/terms/termsintro.html
Cheryl Suttman is working on the terms for landfills. Cheryl is also looking for suggestions for new categories - send any suggestions that you may have to Cheryl.

8. CETA -*Web-based CETA* - All inspections completed by 9/30 are to be entered into the present CETA by 10/31. The new CETA is in its final throws of development and the release is expected by 11/01. Training is planned for October 11, 19, 27. Two people from each DO/LAA will come to CO for this training. If there are any ideas for queries for CETA, please submit them to Arunee Niamlarb of the Central Office. When the data is entered into CETA, the DO/LAA's will be asked to confirm the data. fully on line November 1. The CETA group meets next week regarding testing.

Action item - DO/LAA's to complete inspections and enter data into CETA by 10/31 and submit names of those who will attend the new CETA training.

9. Stack Testing

No issues at this time.

10. Landfill Operating Scenarios

Cheryl Suttman is working with Bud Keim, Joe Loucek, and Paul Chad on the issues. Solid Waste and Air in Central Office met on the issue of the director's approval of alternative monitoring parameters and some information should be forthcoming. Cheryl handed out three documents regarding the issue. She also stated that decommissioning a well is not considered a design change, and no director's letter is needed. The wells, however, should be individually evaluated. The USEPA contact is Sheila Dsari at 312-353-4150. They would like to see data in order to make judgements on plans. The design plan has to be reviewed, USEPA will give us the guidance, but they want us to do the review and issue the director's letter. Send the draft to Cheryl and she will move it on. Presently Central Office is considering developing guidance for the NSR book or as an Engineering Guide.

11 - Other Issues -

Stack Testing, at asphalt plant, High SO2 - When high SO2 is an issue in a test, should the test method be an analyzer or titrations? It was stated that if the facility is burning waste oil, Then an analyzer should be used. Contact Tom Sadler at NWDO or Todd Scarborough at CDO for further input. This item will be kept on the agenda for the next meeting.

MACT sources - A statement was made that a company stated that if a facility chooses to employ a control option required by MACT prior to the compliance deadline, then they cannot avoid MACT through a Synthetic Minor permit. Folks in the group disagreed, and it was stated that if a FESOP or Synthetic Minor PTI is issued by the initial compliance date, the company can avoid the MACT. If the company desires to use the control method in the MACT, do they have to meet the requirements of that particular MACT? NWDO is going to follow up on this issue with Abdur Rahim.

Deminimis issue - A facility that has nuisance potential was required to run a method 5 test. There is a VE issue. If the test proves they are deminimis, then the source is not regulated.

2107 Rule change - With the proposed change, the PTE may change for facilities and potentially could throw them into Title V. Is there any plan to re-evaluate these facilities or at least identify them after the rule change? Jim Orlemann indicated there are comments on the proposed rule change by 13 different entities. This was in one of their comments also. Presently these comments are under review. If there is change in the facility status as a result of the rule change, the company will be given a time frame to com in to compliance.

OLAPCOA combined meeting - This was discussed again and the thought seemed to be that P & E would send a representative or two to the meeting.

- Parking lot items -

1 - Multiple emissions units, common control; preparing proposed rules revisions
2 - Engineering guide on emission factor changes; PAG working on final review
3 - 17-07, 17-08 guidance; Orlemann finalizing
4 - RACM/BAT for portable drills - NWDO, facility inspections to be done
5 - Procedural issues for CEMS - NEDO to discuss with Todd Brown.
6 - CDD landfills H2S emissions - draft terms in (SEDO) landfill appealed. Once resolved, the monitoring of H2S should be BAT. (Or some form of it)

P & E minutes are posted .http://dapcnet/

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 November 8 at 9:30 in Central Office - - - - -

Permitting & Enforcement Committee Meeting

November 8, 2005

Lazarus Government Center
Ohio EPA
6th Floor conference room

Attendees: Co-Chairs - Jim Orlemann (CO), Jim Braun (Cleveland) Minutes - Ed Fasko (NEDO)
- Mike Ahern, Cheryl Suttman, Mike Hopkins, Jenny Nichols, Mike Ahern, Andrew Hall, (CO), Bud Keim, Ed Pabin,(Canton), Mike Riggleman, Adam Ward,(CDO), Paul Tedtman, (HAMCO), Jeff Canan, Chris Clinefelter, (RAPCA), Joslyn Summers, (Toledo), Don Waltermeyer (NWDO), Sara Harter, Zach Hamlin, (SEDO), Anne Chamberlin, (Portsmouth), Pam Korenewych, (NEDO)

1 - Enforcement update

Enforcement improvements - No update on enforcement improvements.

Enforcement issues - Jim Orlemann handed out a copy of the status of the old cases to be resolved during 2005. The director's goal is to resolve any old case by the end of the year. An old case is that which will be 21 months from the submission of an EAR. There are 28 left to be resolved by the end of the year. Jim also handed out the table of compliance status. Compliance for emission violations only for HPF's is 92.7 % and for all violations is 88%. He then handed out the Director's goals. We will make the goal to issue 45 F&O's easily. They are working hard at trying to resolve the old cases; DAPC has twice as many enforcement cases as any other division. We will not meet the resolution of 100 cases by the end of the year. The 95% compliance status is close. (92.7 as stated above). Penalties may meet one million dollars again this year. Jim then handed out an E-mail on the multi-media inspections that USEPA is planning in Ohio. DAPC did not provide any specific list, but the USEPA will probably inspect 10-15 facilities, and likely will include those on the list that the agency (includes other divisions) provided. A question was raised as to how to handle violations noted on joint inspections with USEPA. USEPA does not send a letter out unless a violation is noted, and generally wants to take the lead on these inspections. We normally send out letters after inspections as a follow-up even if there is no violation. One option is not to go along on the inspection. Jim indicated the USEPA should do it all, but we could be a party to a violation, especially if we are present. Although some districts may not count these as inspections, both Mike Hopkins and Jim Orlemann feel it should count as an inspection and violations should be addressed in a reasonable time frame. It was suggested these joint inspections should be addressed in grant language. If the Feds do not want us to take action, and their action seems to take an extended amount of time, the issue should be brought up in the enforcement calls with USEPA.

A discussion about unilateral orders was brought up and the development of template orders for common violations such as GDF's, drycleaners and administrative violations. Jim Orlemann indicated this is exactly how the new open burning laws are written. The penalty program is not written in the other rules. As of present, orders can be written without penalties the way the rules are presently written. CO sees no point in pursuing unilateral orders without

penalties. There are appeal rights to unilateral orders. CO is not sure how this will work out if violators

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don't pay up or appeal. It was made clear that Toledo, HAMCO and RAPCA should continue to use their local orders. Development of template orders or individual rule changes regarding enforcement is being held off on this till the new open burning rules are implemented.

2 -Title V Permits and issuance update

Permit Review - Mike Hopkins is cross-training NSR and Title V/PTO people. Permits are being exchanged between the two groups. Mike is also sending out a memo regarding reassignments, especially in the light of Rod Windle's paternity leave. Mike expects PTO's to be moved on; suggested sending them down in batches to the reviewer so an even cycle of renewals can be established. The goal is to have them all done in 5 years. If the permits have been sitting for a while, the DO/LAA should conduct a review, because, if a PTI mod is needed, the PTO that the reviewer developed, will be returned. Mike Ahern commented on the tracking of workload; he is looking at efficiency by quering PTI 2K and STARS. However, the programming people are tied up with CETA .

Title V Issuance - Mike Ahern indicated the Title V renewals cannot be wrapped in a modification. A complete application is needed for a renewal. The CAM plans that are required in a renewal should be referenced in the application as an attachment. The Feds and CO are streamlining the significant mod process to enable quicker issuance of mods. Loretta Crum will be back at end of November, and issuance should pick up again. When Title V permits are issued, a reference to the web page will be in the E-mail; the document will no longer be electronically attached. PTI's and FAR's will continue to be sent as an electronic attachment by E-mail when they are issued. The documents posted on the web will be in both PDF and Wordpefect format.

Title V deviation reporting format instructions - Mike Ahern handed out the final version of this document. It is only a tool and is optional. It will be posted on the web for companies to use, at the Title V info and also at what's new on the DAPC web page. Example deviation reports will be accepted by Ahern if the company is willing to allow the report to be used. Presently, the postings on the web are in Wordperfect, but will be posted in Word and
Excell. A question was raised as to if this format could be used for non-Title V facilities; Mike said possibly, but this is only an optional suggested format. Other deviant issues; for no deviations, the listing of the E.U.'s is the minimum that is accepted on the report. For non-Title V, deviation reports are not required to be signed. Insignificant EU's in Title V are to be in compliance - Company certifies this in the annual compliance certification, because these units are now listed on the federal side.

3 - New Source Review -

Emission Offsets - Ohio has no trading program. Determination of offset value has been an issue. Use SIP allowable or past actual depending on the situation. FAT is in the SIP, generally BAT is more stringent than the SIP, and can be used as SIP allowable.

Where appropriate, facilities can take advantage of the NSR reforms which allows for a "past actual" to "future projected actual"evaluation to determine if NSR applies. The "past actual" to "future projected actual" evaluation can only be used for existing emissions units. The potential to emit should be used for any new emissions unit that has not been installed to determine the amount of emissions increase for the project. The "future projected actual" will not be established as a limit in the permit. Instead, all limits will be established at potential to emit in the permit. The "future projected actual" will need to be documented in the technical write up. The company must stay below the "future projected actual" amount for at least five years for existing

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units being modified. If projected actual is violated within five years, the injunctive relief policy has to kick in. A question was raised as to the necessity of sunset language in the permit. The feeling was that there would be no need for this, as annual reporting would be required and most often would not sunset.

Legislation to remove BAT and air toxics, and MRR - This initiative sponsored by the manufacturers association, was in the budget bill, but will be presented as separate legislation. Should it pass, only the rule limits would be left. The director's office offered to meet with the manufacturers' association and legislature to address the issue. Air toxics info was collected from processed PTI's in recent years to determine its impact. The survey was of 6000 EU's. 73% had no toxics review. 99% of EU's passed modeling with no changes to source (physical or operational change) No permits were denied for air toxics. Of those that did not pass, only 7% actually modified the source or the operation. BAT is needed to get reductions for the SIP.
BACT, MACT and LEAR are what is left if BAT is removed from the table. If this legislation is proposed, hearings will be held. If passed, SIP will have to be revised to have an alterative to allow for reduction of emissions. Air Toxics is not a rule, BAT is. Both are defensible as part of our mission. The Toxic studies, special monitoring, risk assessment are not in our rules. This legislation would prevent us from performing these tasks, as operational restricitions, monitoring, reporting and recordkeeping would no longer be part of the permit. Gap filling **IS** part of our rules OAC rule 3745-77-07(A)(3)(ii), meaning that if the manufacturers group is successful in the legislative effort, we would violate the Title V rules, feds take the program and Ohio Industry would be regulated from Washington D.C.

BAT analysis guide - This is on hold for a while, as Jennifer Nichols is involved with other projects.

Potential natural gas curtailment - If fuel switching is not listed in the permit, the exemption for life, health, etc. can be looked at on a case by case basis. F & O's would be written allowing the facility to operate with other fuels; probably resulting in some sort of penalty. The facility should submit a modification request to allow for alternate fuels; but be careful that PSD will not be tripped.

Open postitions - Hiring seems to be moving forward, as when a new administration takes over, a freeze will probably take place. A modeler has been hired to assist Bill Spires; Bruce Weinberg's replacement should be hired soon.

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4 - Permit Issuance and Data Management - addressed after CETA issues.

5 - Engineering Guide Revisions

#1 - PTI/PTO for non-criteria pollutants - NWDO - no comments, final to Jim Orlemann

#73 - VE guidance - Issued on 4/27/05 - ***on web now...***

#5 - VOC Exemption for fixed roof tanks. - Akron - No update at this time

#6 - PTI for coal to oil conversion - Cleveland - Comments received. Being modified and will be redistributed.

#7 - Inclusion of Wt of water in PWR - NWDO - Comments under review

#8 - Compliance Tests at Bulk Gasoline Terminals - RAPCA - RAPCA is to clarify issues with Jim Orlemann. May be done.

#9 - PTI/PTO for Grain Dryers - Progress

#10 - Applicable Rules for Stone Crushing Plants - Toledo DES - Draft handed out, comments due by next P& E meeting

#44 - Portable Plant -NEDO - Latest version with flow charts E-mailed last week. Jim to do final review. Additional comments to NEDO by end of month.

 # 53 Open Burning Standards - Work on this engineering guide will be on hold until the rule is finalized.

6 - Library of terms and conditions. - The request form and the instructions are available electronically at http://www.epa.state.oh.us/dapc/terms/termsintro.html
Cheryl Suttman is working on the terms for landfills and the H2S issue. Presently the trial permit with these terms is under appeal. Cheryl received some HAP terms from Bob Goulish which are presently under review. The Industrial Boiler terms (part 63 DDDDD) were discussed along with the requirement for MACT terms to be exactly laid out in the terms and conditions library. MACT terms in a permit; the preferred method is still that the terms are in the permit, not referenced or attached, though in some cases, that is not possible. Not all MACT terms need to be in the library; possible a reference to an approved permit would suffice.

CETA -*Web-based CETA* - DO/LAA's have been trained on new CETA. It has not been launched yet, do to a problem with pulling in data from visual fox-pro. The PBR system is still working, so that can be used even though the rest of CETA may not be.

- Permit Issuance and Data Management

Permit by Rule (PBR) -. The process for revoking PTI's for PBR will be addressed in a guidance that is under development. The director's authority to revoke PTI's for PBR's should be given to PIDM in the next month. Enforcement will be used to address fines in PBR as there is no fee structure for PBR's and thereby no way of doubling the fee. Mike Ahern said that you cannot double the blue card fee. Further, the initial in the PBR form relates to initial permitting requirement, not initial PBR.

Electronic PBR Notification - Who signs off and where does the application go with multiple sources in various DO/LAA's? The units shouold be divided per office, so each getrs an original signature, for the group of units in that office, not for each form. Alltel PBR's were the only ones this way so far. Originals do not have to go to Central Office. If they do come to Central Office, they will be routed to the appropriate DO/LAA's They will not be logged or tracked.

Other issues - Theresa Mills of the Buckeye Environmental Network is looking for information on the portable asphalt plants. There is a concern about communication between offices and the publication of the notice in the proper newspaper. Home office nomenclature is an issue with the automatic public notice issuance. Ms. Mills may be contacting local offices.

8. Stack Testing

No issues at this time.

9. Landfill Operating Scenarios

Attached at the end of this document is the Draft Guidance for the Requirements and Approval of Higher Operating Values (HOVs) Demonstrations under the Landfill NSPS, Subpart WWW.. Cheryl handed out an approval landfill letter and template for local approval.

10. - Other Issues -

OLAPCOA combined meeting - Meeting will be held on 12/05 and P & E will send the following representatives: Mike Ahern, Jim Braun, Bud Keim, Ed Fasko, Sarah Harter.

- Parking lot items -

1 - Multiple emissions units, common control; first draft of rules are being reviewed. There was discusssion that the language should be crafted to fit in the rules for PTIO.

The monthly permit call notes will be posted on with the P & E notes at http://dapcnet/

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 January 10 at 9:30 in Central Office - - - - -

Draft Guidance for the Requirements and Approval of Higher Operating Values (HOVs) Demonstrations under the Landfill NSPS, Subpart WWW

A.

This guidance document was developed using the Landfill NSPS regulations, along with additional U.S. EPA guidance letters and documents available on the Internet. This guidance addresses requests for exemptions from the following requirements:

1.

Per 40 CFR 60.753(c), each owner or operator of a MSW landfill using a gas collection and control system, to comply with the provisions of 40 CFR 60.752(b)(2)(ii), shall operate each interior wellhead in the collection system with a landfill gas temperature less than 55 ^{o} C and with either a nitrogen level less than 20% or an oxygen level less than 5%, unless it can be demonstrated that the elevated parameter does not cause fires or inhibit anaerobic decomposition.

2.

Per 40 CFR 60.755(a), the owner or operator shall take monthly measurements of the gauge pressure in the gas collection header and monitor each well for temperature and nitrogen or oxygen. If any one of these parameters are exceeded (with the option to exclude either nitrogen or oxygen, but not both), action shall be initiated to correct the exceedance within 5 days; and if correction of the exceedance cannot be achieved within 15 days of the first measurement, the gas collection system shall be expanded to correct the exceedance within 120 days of the initial non-compliant measurement. An alternative timeline for correcting the exceedance may be submitted to the director for approval.

3.

Per 40 CFR 60.753(d) and 60.755(c), the owner or operator shall operate the collection system so that the methane concentration is less than 500 ppm above background at the surface of the landfill, through surface testing around the perimeter and at 30 meter intervals traversing the landfill.

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Areas with steep slopes or other dangerous areas may be excluded from the surface testing. Any reading of 500 ppm or more above background shall be recorded as a monitored exceedance; but the exceedance is no a violation of 40 CFR 60.753(d) if the location is recorded and cover maintenance or vacuum adjustments correct the reading to less than 500 ppm above background within 10 days of the first non-compliant reading,or within a second 10-day reading if still in exceedance following the second non-compliant reading. If the re-monitoring shows a third exceedance for the same location within any quarterly period, a new well or collection device shall be installed within 120 days of the initial exceedance. An alternative remedy to the exceedance, such as upgrading the blower, header pipes, or control device, and a corresponding timeline for installation may be submitted to the director for approval.

B.

Guidance on exemption requests from the requirements of NSPS Subpart WWW:

1.

Each monitoring well must be evaluated individually, i.e., each well must be named individually when requesting any deviation of the NSPS requirements, with the appropriate HOV "demonstration" applicable to each well named. Since the regulation does not require the director's approval of HOV demonstrations for higher temperatures, oxygen or nitrogen levels, in 40 CFR 60.753(c), the district or local air agency can approve these requests ***IF*** *the appropriate testing is completed and the results demonstrate that the elevated parameter does not cause fires or significantly inhibit anaerobic decomposition by killing methanogens.*

a.

There are no federal guidelines as to what compounds need to be measured to demonstrate "no fire" or "no detriment to anaerobic conditions", however, we have determined that in order to make a

decision on an HOV exemption from the temperature, nitrogen, or oxygen level requirements in 40 CFR 60.753(c), we will need the following testing information:

(1)

(2)

(3)

(4)

(5)

wellhead air sampling is completed;

it is analyzed for nitrogen, oxygen, methane, carbon dioxide, and carbon monoxide;

a temperature measurement is taken the same day of sampling;

there is no physical evidence of fire, such as charred materials on the inside of pipes or on the

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disassembled flame arrestor mesh screen; and

the results demonstrate that the elevated temperature did not cause fires or significantly inhibit anaerobic decomposition.

b.

Prior to the date of this guidance, we have not approved any HOV request for nitrogen or oxygen, as the appropriate data has not yet been requested or submitted. We have approved one request for a HOV for temperature, following the receipt of the testing results listed above. If assistance is needed in making a determination, contact Cheryl Suttman in Central Office (614-644-3617) or you may request assistance in the determination from our U.S. EPA contact for this NSPS, Shelia Desai at Region V (phone:312-353-4150).

c.

Based on a literature search conducted to date, the following conditions may be indications of fire/no fire or anaerobic/aerobic conditions:

(1)

(2)

(3)

(4)

fire: CO >1000 ppm; no methane; O_2 at ~15 to 20%; temperature 167 ^{O}F or higher

no fire: CO <100 ppm; methane ~ 20 to 45% or higher; no or low O_2; temperature ~131 ^{O}F or less

aerobic conditions: 140 to 160 ^{O}F

anaerobic conditions: 70 to 131 ^{O}F

2.

Per the March 2, 2004 letter from George T. Czerniak (Chief of Air Enforcement and Compliance Assurance, Region V) to "Earth Tech", regarding an extension of the 15-day correction period (see "A.2" above) for positive pressure and exceedance of the oxygen level for wells located at
Onyx-Valley View Landfill in Illinois, where the parameters were brought back into compliance 16 and 47 days following the first non-compliant readings:

"It is U.S. EPA's position that alternative timelines must be requested prior to the 15-day deadline for exceedance correction, if expansion of the gas collection system is not an option. In U.S. EPA's view, requesting alternative timelines after the projects are completed is unacceptable."

Therefore, the owner or operator can request an alternative timeline for correcting the exceedance, if the request is submitted before the 15-day or 120-day deadline, per the regulation. Since the director's approval is required for these alternative timelines, a director's exemption letter will be required.

3.

Per 40 CFR 60.759(a)(3)(ii), non-producing wells (nonproductive area) may be decommissioned (excluded from control) if all of the excluded area can be shown to contribute less than 1% of the total amount of nonmethane organic compounds (NMOC) emissions from the landfill. The amount, location, and age of the material shall be documented and provided to the director upon request. A separate NMOC emissions estimate shall be made for each section proposed for exclusion, and the sum of all such sections shall be compared to the NMOC emissions estimate for the entire landfill. This NMOC estimate for the requested exempted areas must be calculated using the equation in the regulation [40 CFR 60.759(a)(3)(ii)].

In many requests submitted to the U.S. EPA, it was determined that agency approval is not required prior to permanently decommissioning collection wells, as long as the requirements of the rules are met. However, these non-producing wells can be "capped" but cannot be removed because removal would be considered a "design change" requiring approval by the director. Non-producing wells might include perimeter wells not in waste, older wells where methane production is very low, leachate recirculation lines or horizontal wells not part of the collection system, or wells that have been installed for a minimum of 15 years. All non-producing wells must meet the 1% NMOC estimate requirement. It appears that as long as the 1% calculation is documented, agency approval is not required. The mass of nondegradable solid waste contained within the given section may be subtracted from the total mass of the decommissioned section if the nature, location, age, and amount of the nondegradable waste is documented.

4.

Ohio EPA cannot approve any instances of positive pressure and all collection systems must be operated with negative pressure at each well-head except as provided by the regulation. The regulation [40 CFR 60.753(b)] provides the only circumstances for the exemption and no other approvals are appropriate. This is documented in one of several letters, dated March 30, 2004 from George T. Czerniak (Chief of Air Enforcement and Compliance Assurance, Region V) to "Onyx-Orchard Hills Landfill" in Illinois.

5.

Per U.S. EPA's letter dated September 12, 2005 from George T. Czerniak (Chief of Air Enforcement and Compliance Assurance, Region V) to "Stony Hollow Recycling", a landfill can exclude dangerous areas from landfill gas collection

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and control systems, which may include: roadways, constructions areas, truck traffic areas, and slopes steeper than 3:1. However, a collection system must be installed and operated in any active area of a landfill where the initial waste has been in place for 5 years [40 CFR 60.753(a)] and surface methane monitoring must be done in all active areas where the gas collection and control system is required to be installed.

6.

Also from the same letter to Stony Hollow identified in "5"above, Mr. Czerniak stated that: "The NSPS regulations require that an open flare must have a heat sensing device at the pilot light or the flame itself to indicate the continuous presence of a flame. The flare pilot light must be lit so that the flare is ready for use as a backup control device." Stony Hollow had proposed to track the start/stop times and dates when the flare was used, because their landfill gas is piped off-site for treatment and the flare is only used as a backup. Their request was denied per the requirements of the regulation.

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Permitting & Enforcement Committee Meeting

January 10, 2006

Lazarus Government Center
Ohio EPA
6th Floor conference room

Attendees: Co-Chairs - Jim Orlemann (CO), Jim Braun (Cleveland) Minutes
- Ed Fasko (NEDO)
- Mike Ahern, Cheryl Suttman, Mike Hopkins, Mike Ahern, Andrew Hall, (CO), Jim Carney, (OCAPP), Mike Riggleman, Adam Ward, Todd Scarborough, (CDO), Alberta Mellon, (HCDOES), Jeff Canan, Andy Weisman, (RAPCA), Joslyn Summers, (Toledo), Don Waltermeyer, (NWDO), Sara Harter, Glen Greenwood, (SEDO), Anne Chamberlin, (Portsmouth), Duane LaClair, (Akron)

1 - Enforcement update

Enforcement improvements - No update on enforcement improvement projects, but Jim Orlemann did report the AGO is now up to full staff with the addition of Nichole and Carla.. The revised open burning rules to utilize the ability to issue unilateral orders have made it through the interested party review. It should be noted that there are appeal rights to unilateral orders. There were minor changes and a formal hearing will be scheduled after the director signs off.

Enforcement issues - Jim Orlemann handed out three items. The first was the update on the 2005 enforcement activities. All the goals were met but the compliance percentage for high priority facilities. A concern was raised as to what degree of control we have over the percentage of complying facilities, as HPF's are not a priority for resolution in enforcement cases. Penalties amounted to 1.2 million dollars in administrative settlements and 1.1 million in consent orders/ court orders. 500,000 in penalties were assessed in December alone. 64 F & O's were issued for the year. 109 cases were resolved over the year and all the old cases were resolved. An old case is that which will be 21 months from the submission of an EAR.

Next Jim handed out the listing of the cases resolved since 7/05. Our docket is now down to 82 cases, the lowest ever. The AG's docket, which Jim also handed out, is higher than ever, but for the first time in a while, the AG is fully staffed.

2 -Title V Permits and issuance update

Title V Issuance - Mike Ahern gave and update on the issuance of Title V permits. There were 244 actions in '05, 71 draft, 60 PPP, 56 PP, and 57 Final. Ohio is still leading the region in actions. Mike's concern is the number of potential FESOP actions that are out there. As some applications are pretty old, the DO?LAA's should get on these to see if a FESOP is even in order anymore.

Action Item - DO/ LAA's should look at their FESOP workload, determine what facilities still need a FESOP and process those applications.

Federal Audit Comments - Mike Ahern indicated the USEPA Audit comments showed the USEPA is pleased with Ohio's Title V program.

Permit Review - Mike Hopkins announced Andrew Hall as accepting the section manager position. No changes are being made for Andrew's assignment for now, but a transition is forthcoming. Mike's goal is to replace the vacated position as soon as he can, but it might not

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happen that quickly. Mike is also cross-training the staff of NSR and PTO/Title V as the field offices may have noted by assigning PTI's to PTO/Title V staff and vice versa. Mike wants to move on PTO's and has asked the field offices to provide lists on PTO's that need to be moved. Central Office acknowledged that all permits cannot possibly get a complete review. Andrew and Mike are going to work out a plan as to what permits will be reviewed, (how much and what level) and what permits will only get cursory review. Since Central Office acknowledged the fact that complete reviews of all the permits cannot be accomplished, some suggestions were proposed to reduce the load that Mike and Andrew will look at.

1. PTI's - no review for final after draft if there are no changes
2. PTO's after synthetic minor PTI's - no review after SMPTI. This may be able to be applied to any first issue PTO after a PTI if within a year of PTI issuance .
3. PTI's and PTO's - ES3 review in field office on certain permits would preclude a review from Central Office. This could also apply to a stage in the Title V review process.
4. Title V - As the permit moves through the stages, no comments and no changes could result in no reveiw.
5. FESOP - No comments and no changes after issuance of draft should have no review and be issued by PIDM directly...
6. Using General Permit Template for PTO's should have minimal if any review, DO/LAA will notify Central Office of use of General Permit Template.

Ideas from the brainstorming sessions from STARS rebuild will also be considered. In developing a plan for what to review and not to review, we must realize the importance of consistency throughout the state in issuance of permits. A coating line template was suggested, as some feel consistency in this kind of permit is missing. Mike Hopkins indicated he is drafting a plan for overall review. This plan may be sent out to generate additional ideas.

Sources of "example" permits - Mike Ahern wants to create an index, but this is off in the future. In looking for an example PTI, the best way right now is to search the local DO/LAA LAN for issued permits. It was suggested a permit be identified on PTI 2K that would be a good example and then track it down by number. Now if you search the word perfect directory with key words, you will end up with a lot of documents. If you have any ideas for template permits, contact Cheryl Suttman. Right now, the landfill template is the only one written as a template. Future guidance will be provided by the listserve address that Jennifer Nichols sent out. All should sign up

All permit reviewers should sign up for the listserve, Central Office to develop plan for permit reveiw in conjunction with resources.

3 - New Source Review -

General Permit development - The asphalt plant general permit was sent out to industry for comment. A meeting with industry is to occur soon. DO/LAA's need to send comments to Mike Hopkins. Mike pointed out, that in theory, General Permits are designed for new plants. You can, however, modify the general permit terms for the Emission Units that are existing. Emission limits may be a topic for the asphalt industry in meeting with Mike Hopkins, as brand new plants are not seen that often.

Legislative action from industry - The proposed changing of BAT to eliminate the case by case review, and allow for rule based limits only is to be addressed in meetings with industry. Some of the other proposals include no air toxics except for the MACT, elimination of monitoring, reporting and recordkeeping that is beyond what the rule requires and to limit civil action in nuisance cases. Industry is also looking on a clarification of the start of construction.

Permit Processing Efficiency Committee - The threshold group has morphed into a coalition of legislation issues. So at this time the Threshold group, as it was known, is on hold.

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180 day waiting list - Mike Hopkins continues to send out his 180 day warning list. There was some concern about the accuracy of permits being on this list. Apparently there is a match up issue with PTI 2K, as it does not allow for completeness or the comment period. The numbers, therefore, will not be exact and are ballpark, and used as a tracking tool. Be advised, some may be in danger that are not on the list. This could have to do with the 30 day issue of draft vs. direct final. The 180 list should be correct in the new permit system.

Permit wizard - The permit wizard is now on the main web page and should guide the regulated community as to weather a permit is needed or not. (Basically addresses deminimis and exemptions. On that note, Mike Ahern indicated he had polled the permit system to note the issuance of final PTI's has dropped. 847 in '05 and 950 in '04. There were 1025 permit actons in '05. The highest amount of PTI's was 2000 in one year. Mike believes the exemptions may have helped reduce this workload. Further, there are 100 applications/month made statewide; 350 in process at any given time.

4 - Permit Issuance and Data Management *PTI Issuance -*

PTO Revocations - PIDM now has signature authority. Elisa Thomas did 40 revocations in December.

Portable Source Relocations - Sarah Harter was working directly with Mike Ahern in regard to public notice issue. Elisa Thomas may be new contact at PIDM in future.

Blue Card Hell - DO/LAA contact to be sent to Elisa. Training will be held on Feb. 2 for all fees. Let Elisa know who will attend from DO/LAA's. 04-05 NTV has changed categories and fees. System is set up so a sign off is necessary on each report. The degree of review is dependent on the decision by the DO/LAA. A review benefit is that the company may have units now available for permit by rule. **Non- Title V sources will have to to NOX and VOC emission reports for Ozone non-attainment.**

5 - Engineering Guide Revisions

#1 - PTI/PTO for non-criteria pollutants - NWDO - Issued final, 11/21, updated on web

#5 - VOC Exemption for fixed roof tanks. - Akron - No update at this time

#6 - PTI for coal to oil conversion - Cleveland - Comments received. Being modified and will be redistributed.

#7 - Inclusion of Wt of water in PWR - NWDO - Rough draft by next P & E meeting, will include air as well as water in review

#8 - Compliance Tests at Bulk Gasoline Terminals - RAPCA - Shipped back to Jim Orlemann..

#9 - PTI/PTO for Grain Dryers - NWDO will provide a status report at the next meeting

#10 - Applicable Rules for Stone Crushing Plants - Toledo DES - Comments received, should be incorporated by next P & E meeting.

#44 - Portable Plant -NEDO - Mike Ahern to get flow charts changed, Jim to finalize. When flow charts are done, NEDO to distribute final draft for use till posted. .

 # 53 Open Burning Standards - Work on this engineering guide will be on hold until the rule is finalized.

6 - Library of terms and conditions. - The request form and the instructions are available electronically at http://www.epa.state.oh.us/dapc/terms/termsintro.html
Cheryl Suttman noted the ASTM standards are wrongly specified and is working to correct them. She is also working on the HAP terms that Bob Goulish sent her for the coating MACT. Cheryl has almost completed the Auto, Miscellaneous Metal and the Plastic Parts terms.

Landfill terms and conditions. - This was the only one that was set up as a template at

the request of those who assisted Cheryl in the development of the terms. At this point, Cheryl has received no comments on these terms. .

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7. CETA -*Web-based CETA* -The new program should be used by all. Be advised there is a help tab as ell as the FAQ. If you have problems, check with the CETA office representative or E-mail Mike Van Matre, Adam Ward, or Arunee. Please double check all unresolved enforcement cases in CETA A suggestion was made to run the query for each county and make sure it is accurate. It is important to update the file in order to close cases. The data transfer form old CETA to new CETA had a problem. The enforcement data did not transfer correctly. The list of the last quarter of out of compliance facilities may be wrong. CETA is sent to USEPA every 30 days. Air supervisors should check enforcement information for accuracy. Status is a main concern on enforcement.

8. Stack Testing

No issues at this time.

9. Landfill Operating Scenarios

Solid Waste is to meet with Cheryl Suttman

10. - Other Issues -

Wood fired residential boilers - Complaints have been received on these, mostly in NWDO. Although it looks like the unit may be deminimis, the way the thermostat is set up on these units creates a situation where these units could be smoldering when heat is not called for. The NY study on these units seemed to indicate the best approach is to address these units with local ordinances. Although they are mostly used in winter, reports of the devices being used to heat water in the summer have been noted. If we receive complaints indicating the operator of the unit is burning anything other than clean, dry, untreated wood, we should investigate and inform the operator that any future burning of unacceptable fuels will result in a determination the unit is no longer deminimis and subject to permit requirements. Manufacturing designs would be a USEPA task. This is not likely to happen unless it would affect the PM 2.5 levels. This will be put on the agenda for the federal call. A PBR at this point is not in the picture at this time.

Portable concrete crushers and NSPS - Nothing to address at this time. Be sure that the capacity does not require these units to meet NSPS. If so, proper permitting must be followed.

Director's signature -

1. - Internal process to be set up for specific situations
2. - Audit disclosures are from director only
3. - Deviation form on public web page.

Parking lot items

Multiple emissions units with common control - Input received from J. Nichols under review.

Engineering guide on emission factor changes - No progress
Engineering guide on 17-11 and17-08 - No progress
RACM/BAT on portable drills - NWDO will pursue this in summer (inspections) Proceduual issues with CEMS - NEDO to discuss with Todd Brown
CD & D landfills, H2S emissions - H2S as BAT appealed. Solid waste rules may address H2S emissions in the required plan. It will be a case-by-case basis.

The monthly permit call notes will be posted on with the P & E notes at

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 March 14 at 9:30 in Central Office - - - - -

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Permitting & Enforcement Committee Meeting

March 14, 2006

Lazarus Government Center
Ohio EPA
6th Floor conference room

Attendees: Co-Chairs - Jim Orlemann (CO), Jim Braun (Cleveland) Minutes
- Ed Fasko (NEDO)
- Mike Ahern, Cheryl Suttman, Mike Hopkins, Jenny Nichols, Andrew Hall, (CO), Rick Carleski, (OCAPP), Mike Riggleman, Adam Ward, Todd Scarborough, (CDO), Bud Keim, (Canton), Jeff Canan, Chris Clinefelter, (RAPCA), Joslyn Summers, (Toledo), Don Waltermeyer, (NWDO), Sara Harter, Glen Greenwood, (SEDO), Cindy Charles, (Portsmouth), Frank Markunas, (Akron)

1 - Enforcement update

Enforcement summary presentation - Jim Orlemann handed out two items. The first was the highlights of the 2005 enforcement activities. Jim conducted a power point presentation and was satisfied all the goals were met; but the compliance percentage for high priority facilities fell below the goal of 95%. When counting emissions violations only, the compliance percentage was 93% at the end of 05. When counting all violations, including administrative, it falls to 80.4%. 110 cases were resolved last year, goal was 100. There was a record number of referrals to the AGO's office. In 2005, the lowest # of new cases were received; the highest # was in 2004 when there were several enforcement initiatives. 40 cases were resolved in December; this year the goal is to have all old cases resolved by the end of the year. It is also a goal to develop all the new cases by the end of the calender year. Jim also handed out the list of 48 old cases to be resolved by the end of the year. Jim stated that the list of 48 pending cases will be the priority for enforcement and wants to get appropriate enforcement documents processed by June. If a case becomes part of a global settlement, USEPA will take the lead. OEPA can be part of the case. OEPA can and does process NSR violations. A comment was made about what appears to be duplicity in the EAR forms that we submit. Jim will look into this.

2 -Title V Permits and issuance update

Title V Issuance - Mike Ahern is presently concerned about the 59 initial Title V applications that we presently have. 4 are from the original commitment; that came "back".He is also concerned about the 60 FESOP actions that are out there. There are 4 that need to be processed to get out of a particular MACT. There are 31 expired Title V facilities that did not submit a timely renewal and are presently operating under F & O's. He believes the renewal process is increasing in speed, but the FESOPS and Initial TV need to get issued. Mike has posted the FESOP list on DAPC's intranet Web Applications page.

Action Item - DO/ LAA's should move FESOP's, especially with a MACT deadline, and also work on the initial TV and renewals.

Abbreviated TV Renewal Application **-** Mike Ahern handed out a draft version of an abbreviated renewal application. This was designed specifically for a facility that will not be renewing their TV, but must file an application to legally continue to operate until they either get a FESOP or shut down operations to take them out of Title V. Comments should be given to

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Mike Ahern by March 24. He wants to look them over before the next PAG meeting..

Permit Review - PTO's after synthetic minor PTI's - It was again suggested that these types of permits be pushed through. Mike Hopkins indicated that any changes, such as EU's not listed in the SMPTI, be noted so they can get through Mike's review. No further progress was reported on last meetings proposal of minimal review of certain groups of permits.

3 - New Source Review -

Legislative action from industry - Mike Hopkins handed out copies of two bills pending regarding industry position on BAT and air toxics. SB 264 has seemed to move further and is less draconian then SB 265. SB 265 proposes to restrict air programs such that the state can be no more stringent than the federal rules. The bill proposes that if a facility is in compliance with their permit limits then a private citizen will not be able to claim that it is causing a nuisance. Jim O. stated that this would not preclude Ohio EPA from pursuing enforcement if needed. The bill also proposes that in order to establish an emission limit for an air toxic pollutant the limit must be established in a rule first. Oddly, though, this bill would establish the Air Toxics policy as part of law for the first time. For facilities that obtain a Plantwide Allowable Limit (PAL) permit, the bill suggests that further PTIs will not be needed for future modifications at the facility. BAT can continue, but must be established in a rule. The most stringent short term limit would be in months, there would be no lb/hr or grain limit, etc. The shorter the time on the short term limit, the easier it is for industry to trip the modification definition. Putting BAT in a rule like this eliminates flexibility; the Feds may have issue with this. They can always threaten to take the program if they feel Ohio is not meeting the requirements. Operational restrictions and monitoring and recordkeeping and reporting would also be affected by the legislation; as no limit can go beyond what a rule states. .

Permit by rule - Mike Ahern said the PAG had some concerns about the conversion from PTI/PTO's to PBR and waiting for a revocation. This is not an issue with a new source. Language to address this is being developed. Mike reported there are 800 PBR applications, 400 processed, and 400 waiting revocations. GDF's and small printers had made up the bulk of these. A question was raised about revocation of PBR's and issuance of a PTO due to the agency feeling the facility should be in the system.. Is a PTI necessary since the PTI was revoked and PTI's generally live forever? The consensus is that a PTI would probably not be needed, unless a modification was triggered.

4 - Permit Issuance and Data Management *PTI Issuance -*

Use of CETA for data tracking - Training will be held for Central Office Staff this week . The goal is to develop a system of combining data through CETA.

PTI search - Mike pointed out that there is a problem searching for PTI's in the XP environment. Mike is looking at the possibility of purchasing an Adobe search tool that will help in searching the PDF's for issued PTI's. He would like to set up an index on the web. Acrobat 7.0 would be required. The idea is to try this with PTI's first, and possibly do Title V in the future.

PTI format - As an outgrowth of a problem that NWDO was having with the terms and conditions document, Mike has developed a new format for the PTI document. He has tried to resolve the issue by removing the columns and replacing with a table to make the development of the document easier. This would also tighten up permits and eliminate misalignment. PTO's and Title V would remain the same as they are in the STARS format. The form he handed out is a step to the PTIO with multiple emissions units. If you have any comments on the format, please get them to Mike.

Model General Permit - A question was raised as to the Qualifying Criteria document. Is it necessary for the company to submit the Qualifying Criteria document in order to issue the General

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Permit? The answer is yes in order to be able to issue a General Permit (PTI or PTO). However, if the company does not submit the Qualifying Criteria document then you can use the terms from the General Permit, but process and issue the permit as a normal PTI. Let Central Office know that you have used the General Permit terms to process the normal PTI. Note that General Permits must be processed in a separate PTI action than normal PTIs. If not, there will be a hang-up in the macro.

5 - Engineering Guide Revisions

#1 - PTI/PTO for non-criteria pollutants - NWDO - Issued final, 11/21, updated on web

#5 - VOC Exemption for fixed roof tanks. - Akron - No update at this time

#6 - PTI for coal to oil conversion - Cleveland - Under review by Mike Hopkins and Jim Orlemann.

#7 - Inclusion of Wt of water in PWR - NWDO - Draft by next P & E meeting.

#8 - Compliance Tests at Bulk Gasoline Terminals - RAPCA - Finalized. Handed out by Jim Orlemann. Issued 3/7/06; posted on web.

#9 - PTI/PTO for Grain Dryers - Draft at the next meeting

#10 - Applicable Rules for Stone Crushing Plants - Toledo DES - No update

#44 - Portable Plant -NEDO - Some discussion on PTI requirement language. Jim Orlemann to modify languange; "permit to install may or may not be needed".

 # 53 Open Burning Standards - Work on this engineering guide will be on hold until the rule is finalized in about three months.

New Engineering Guide - Andrew Hall is looking for volunteers to work on the PE, PM condensible issue as it applies to Emission inventory and fees. He handed out an E-mail from Canton outlining the issue. These issues comes up every year at FER/EIS time. For FER, the best data available is used, and a test cannot be required to get this data. The guide will expand regarding the PM2.5 issues. Contact Andrew with volunteers.

6 - Library of terms and conditions.

- The request form and the instructions are available electronically at http://www.epa.state.oh.us/dapc/terms/termsintro.html

Cheryl Suttman is working on the coating terms. The Landfill terms and conditions are under review. Cheryl has a meeting on 4/06 with DSIWM on the issues. Landfill approvals of higher operating value (HOV) Demonstration Reports may now be promulgated by local agency and district letters rather than requiring director's letters.

User-Friendly library - Adam Ward handed out a charter for a work group for the T&C library reorganization. If you have a volunteer for this project, please contact Adam by 3/24.

7. - CETA update -

Training - Central Office will be training on 3/15. .

Enforcement Update in CETA - John Paulian and Mike Van Matre will be working on update. Please update enforcement issues. Once a case is at Central Office, Central Office will handle the updated enforcement entries for that case in CETA.

8. - Stack Testing

No issues at this time.

9. - Other Issues -

Abdur Rahim indicated the MACT information in CETA is not correct. He will send

information to DO/LAA's to verify MACT applicability..

Parking lot items - not addressed at this meeting.....

Multiple emissions units with common control - Input received from J. Nichols under review.

Engineering guide on emission factor changes - No progress
Engineering guide on 17-11 and17-08 - No progress
RACM/BAT on portable drills - NWDO will pursue this in summer (inspections) Procedural issues with CEMS - NEDO to discuss with Todd Brown
CD & D landfills, H2S emissions - H2S as BAT appealed. Solid waste rules may address H2S emissions in the required plan. It will be a case-by-case basis. P&E minutes

The monthly permit call notes and P&E notes will be posted on the DAPC Web Applications page. The DAPC Web Applications page is accessed by Ohio EPA Central Office and District Offices through:

http://dapcnet/

LAAs who are not on the DAPC intranet need to use the following link:

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

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 May 9 at 9:30 in Central Office - - - - -

P & E minutes

May 9, 2006

Permitting & Enforcement Committee Meeting - May 9, 2006
Lazarus Government Center
Ohio EPA
6th Floor conference room

Attendees: Co-Chairs - Jim Orlemann (CO), Jim Braun (Cleveland) Minutes - Ed Fasko (NEDO) - Mike Ahern, Cheryl Suttman, Mike Hopkins, Jenny Nichols, Rick Carleski, (OCAPP), Adam Ward, (CDO), Bud Keim, (Canton), Jeff Canan, Chris Clinefelter, (RAPCA), Joslyn Summers, (Toledo), Don Waltermeyer, (NWDO), Sara Harter, Glen Greenwood, (SEDO), Frank Markunas, (Akron). Paul Tedtman, (HCDOES), Craig Osborne, (SWDO)

1. **Enforcement issues -** Jim Orlemann handed out the list of goals in resolving cases. Listed were the dates of planned completion. He also handed out the compliance status as of the end of the first quarter of □06. John Paulian polled all the offices to get the compliance information he pulled from CETA verified. He noted an improved compliance percentage, probably due to more accurate data being put into CETA. Mike VanMatre entered a lot of backed up enforcement data into CETA in the last 2 weeks. The division wants to rely more on CETA.
Jim had Tom Kalman look into the duplication issue in the EAR form. It appears the summary table in the front is a duplication. The AGO had requested the summary format. The enforcement committee is to meet with the AGO to see if this is necessary. If the summary form is needed, the table inside will be adjusted to reduce the duplication. If not needed, the summary will be eliminated. Another alternative is to delay the completion the summary until the case gets referred to the AGO. Table 4A is adequate of Tom□s needs.

Action Item: The enforcement committee will meet with the AGO to discuss the need for the summary form.

2. **Title V permits and issuance update -** Mike Ahern indicated we had a slow month with only 13 Title V actions this month. There were 11 final FESOP actions in April and 50 PTO□s were issued. Presently, there are 61 initial Title V applications and 55 FESOP applications. Mike appreciated all the work on the FESOPS. He also indicated there are 36 expired Title V permits with late applications, 199 extended TV permits and a total of 235 total renewals. Mike also said the abbreviated Title V renewal application for facilities that were getting

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out of Title V
is not legal. The facilities must either file a standard renewal application or report failure to file
a renewal as a deviation. The permit shield will be lost if a timely renewal is not filed.

3. **New Source Review -** Mike Hopkins told us Genevieve D□amico will now be handling Illinois permits and Stacy Coburn along with Richard Angelbeck and Kushal Gupta will be handling the Ohio permits. Many may remember Stacy when she was a MACT coordinator at OEPA Central Office. Mike stated SB 265 was signed by the Governor on May 3, 2006. It is effective in 90 days. (August 3, 2006). We have been given a year to write rules explaining construction and what can be done before a permit is issued. For non-majors, more pre-construction activity will be allowed, while for majors, it will probably stay the same. There is a three year time frame for the air toxics rule, but the director wants it done by the end of the year. This is a tight time frame and the rule will have to include when it applies, threshold and modeling. Other issues in the bill have to be clarified; such as no BAT for emissions units less than 10 TPY controlled emissions. Central Office will have three years to develop BAT rules for emissions units greater than 10 tpy controlled. If a rule is not developed then there will be no BAT for the specific source of concern. There will be no lb/hr, lb/day for BAT, the most stringent limit would be the rolling 12 month. Region V has made no real comment on the legislation so far, and Mike is concerned that we will write the rules and then the Feds will object. There will be some effect on the SIP. Old BAT will stay for existing sources, but can be removed when Chapter 31 mods are requested. The reference to the nuisance rule was pulled out of the legislation, there has been a lot of changes to the bill since it was first proposed. The big unknown is how do we develop a BAT rule. By category? Uniqueness of different plant operations will be an issue for industry if this is pursued. BAT could be replaced by limits in ozone SIP rule, but that would only address VOC and Nox. The 90 day effective date means we may see no lb/hr limit in PTI□s come August. Mike is looking into this as to when what part takes effect when. Staff will be needed for rule writing. Another issue is that the 21-07 revisions were made in the light that BAT for old sources would stay. As a result, this rule may need some serious revisions. New sources will not be subject to 21-07. There are already significant changes needed to 21-07 due to comments received and it will have to be refiled Central Office will be preparing guidance to address the requirements of SB 265.

- MACT due to MEK - USEPA has delisted MEK so that it is no longer a HAP. Mike Ahern indicated the company must ask for an

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applicability determination from George Czerniak of USEPA. There is no information on now we are to take this out of the Title V permits. Company should submit a request to modify. If a Synthetic Minor permit was issued to restrict
MEK, then the company can request to modify the permit to remove the MEK restriction but will be charged a fee for the modification

- Jim Orlemann indicated the federal rule review will result in beefing up of monitoring rules rather than allow states to rely on gap-filling. The **umbrella** monitoring rules have been
vacated. The feds are to prepare additional periodic monitoring requirements in rules this fall in
specific categories. At this time we will continue to gap-fill.

- In regard to the GE decision, which Jim later handed out, some discussion ensued about the establishment of direct relationship between a mass limit and a control parameter. We cannot
put the control parameter into the operational restrictions unless this can be established.
Bedding the control parameters in the monitoring terms will be the way we wll put them into the permit. Right now, the director does not plan on filing an appeal of the GE decision. The 10th
court said operational restrictions are unlawful. If the restriction is not rule based, a new substantive requirement is unlawful. This is contradictive to the State□s duty to establish compliance monitoring, record keeping, reporting and testing. Operating parameter restrictions from CAM plans are OK as is MACT, since the parameters are rule based.
Likewise, if an operating parameter restriction was established in a PTI then it should remain in the Title V permit since the PTI is an applicable requirement. We will be viewing the decision only on operational restrictions; we will retain gap filling and testing. If this is contested, OEPA will go to court. However, if the company wants the restriction, we may be able to put it in. The Feds are aware of the GE decision, but have made no comments so far. If an excursion of the
parameter occurs, it is not reportable as a deviation, provided the company performed the necessary monitoring and took corrective actions accordingly. If a company appeals anexisting permit because of the language in the operational restrictions, a modification
(re-opening) would be in order. In the compliance certification, the excursion must be reported
in concurrance with the existing permit. A memo from Central office is planned on these issues
in early June as this affects Title V renewals as well as initial Title V□s and PTI□s.Library will
also have to changed in order to maintain consistency statewide. Presently, we are to process permits as we have always done. If a company requests "GE terms",work with your Central Office reviewer on a case-by-case basis.

- RAPCA brought up an issue with Tub-Grinders. A tub grinder was moved to Columbus from
its home office in RAPCA. There was a concern about the need for a PTI and the relocation issue. Depending on the size of the diesel powered unit, a synthetic minor PTI may be required. This appears to be a good candidate for a general permit or permit by rule. There
was some further discussion about the fee and how we are charging them. The latest issued
terms for these types of facilities are to be sent to Cheryl Suttman for her review and to
establish general terms in the library. Presently the tub grinders should be charged fees by the process weight and not the diesel emissions, though Mike Ahern is looking into alternative fee structure.

Action Item: Central Office will prepare guidance to address SB 265. In addition, Central Office will prepare guidance on control equipment operating parameters by early June. DO/LAAs should send tub grinder permit examples to Cheryl Suttman for General Permit development.

4. **Permit and Data Management -** Mike VanMatre is to do a presentation on CETA at the next P&E meeting. The data is getting better. Mike has been promoted in the computer section for infrastructure of information over the internet. The PTI 2K changes (column to table format)
are being completed by Mike Ahern with the individual DO/LAA□s. The set-up problems with
the individual LAN□s are almost all resolved. When you do a PTI mod and add an EU you will need to choose between using columns or the new table. Right click on the row and select "Format", then click on the "Row" tab, and then choose "Divide Row Across Pages" - it should
allow the row to spill over onto the next page.

- Mike also wanted to remind everyone that E-mail is a public record. If you send and receive any information regarding a company electronically, it is expected that the information can be
recovered. This is a problem when an employee leaves the agency and his groupwise account
is closed. The E-mail is not recoverable. It was suggested that the best way to address this
may be to print out all relevant E-mails and place a hard copy in the file. The electronic backup
of e-mail depends on the LAN of the particular DO/LAA.
The duties of posting the monthly call and P & E minutes will be passed on to Jennifer Nichols and Cheryl Suttman.

5. **Engineering Guide update -**
#5 - VOC exemption for fixed roof storage tanks - Akron - Frank Markunas will sent it electronically to the group prior to the next meeting.

#6 - PTI for coal to oil conversion - Cleveland - Conference call to be scheduled with Jim
Orlemann, Mike Hopkins and Jenny.
#7 - Inclusion of weight of water in PWR - NWDO - Handed out draft. being reviewed at
NWDO. Air to be included in review. Comments due by next meeting
#9 - PTI/PTO determination for grain dryers - NWDO - Draft will be sent
out through e-mail. Comments due by next meeting.
#10 - Applicable TSP rules for stone crushing plants. - Toledo - draft
handed out. Comments due to Joslyn Summers by May 30
#44 - Permit issuance Policy for relocation of portable/mobile facilities. - NEDO - Jim handed
out final revision. Sarah Harter and Mike Ahern are working on nomenclature
and file regarding portable plants. An electronic document set-up to be put
into PTI 2K web page. THANKS TO
ALL WHO WORKED ON THE DEVELOPMENT OF THIS GUIDE!!!
#53 - Interpretation of open burning standards - On hold till Rule change is final.
#XX - Condensibles and PM-10/2.5 reporting - Andrew Hall□s team
has met, working on guide.

New Guide assignments
#12 - BAT requirements for new GDF□s - NEDO - Will address other GDF issues also
#13, #14, #15 to stay as is.
#11 - Use of Table I for multiple source permits/derating - Cleveland
#16 - Conditions for requiring additional source compliance tests - NWDO
#17 - Authority and Criteria for requiring compliance tests at normal
boiler operating rate.- RAPCA
#18 - SO2 compliance determination methods for boilers - Toledo

Engineering Guide regarding 17-11, 17-08 is being held up until the diagrams are completed.

- Reinforced composite plastic manufacturing - Examples of the issues were in a handout theat came along with the agenda. All were asked to look at the memo and comment as to how their office may have handled similar situations. However, USEPA has made comments that further revision is necessary for 21-07. Feds say 21-07 applies to **SMC** and the rule will have to be
re-written with that consideration. A clarification of liquid and VOC containing material should
be also addressed in order to establish state-wide consistency.

Action Item: NWDO will send out Draft of E.G. #9 via e-mail. Submit comments to NWDO (Don Waltermeyer) by July 11 for both E.G. 7 and 9.
Submit comments to Toledo (Joslyn Summers) by May 31 for E.G. #10.
Review and provide comments to NEDO (Ed Fasko) on
the reinforced composites plastic manufacturing issue regarding 21-07(G) applicability.

6. **Terms and conditions and Policy distribution -**
Federal ASTM methods corrected, 21-09 parametric monitoring changed to match the rule. MACT coatings under review. VE terms for scrubber stack have been put in, landfill terms hav been reviewed and ok□d. Flare and permanent total enclosure terms are to be uploaded. The
acid rain permit material has been separated. The on-spec oil term was incorrect and has been corrected. The Halogen test citation should be 279-10 (B). The BAT specific limit on
off-spec oil term may have to be changed due to legislation SB 265. A link has been
established to permit by rule on the T&C front page.
Regarding Landfill guidance, USEPA has provided some comments regarding alternative monitoring.
The navigation of the library committee has been established and will begin its task

7. **CETA update -** Mike VanMatre is updating the queries. MACT entries will be delayed till next meeting.

8. **Stack Testing -** No update

9. **New items and parking lot -**
Rule reviews - Chapter 77
Director□s letters on intranet
Emission Factor Guide - No update
CDD appeal - language from the appeal to be put into the T&C library
Multiple emissions units controlled by common control device. - PTIO will be changing Chapter
35 and this may best be included in the PTIO rules.
Next meeting is July 11

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July 11, 2006

P & E minutes **July 11, 2006**

Permitting & Enforcement Committee Meeting - July 11, 2006
Lazarus Government Center
Ohio EPA
6th Floor conference room

Attendees: Co-Chairs - Jim Orlemann (CO), Jim Braun (Cleveland) Minutes - Ed Fasko (NEDO)
- Mike Ahern, Andrew Hall, Mike Hopkins, Jenny Nichols, (CO), Rick Carleski, (OCAPP), Todd Scarborough, (CDO), Bud Keim, (Canton), Jeff Canan, Chris Clinefelter, (RAPCA), Joslyn Summers, (Toledo), Sara Harter, (SEDO), Frank Markunas, (Akron). Paul Tedtman, (HCDOES), Craig Osborne, (SWDO), Cindy Charles, (Portsmouth)

1. **Enforcement issues -** Jim Orlemann handed out the graph of resolved cases during calender year 2006.There have been 20 cases resolved so far, the goal is 90 by the end of the year.
Since we cleared the old cases out last year, Jim feels we should meet this goal without issue. Attached to this was a graph regarding F & O□s. Nine have been issued so far this year, the director□s annual goal is 50, up from 45 from last year. The third graph was the compliance percentage taken from CETA. For HPF□s. 97.6 % compliance was reported for HPF□s with emission violations, and 91.8% was reported for all non-complying HPF□s. The last graph was
the number of old cases (greater than 21 months) on the docket. The goal is "0" by the end of the year; we started with 48 and we are at 41 as of the end of June. Jim also handed out a
schedule for processing old cases for 2006 and 2007. Jim will continue to update these lists at the P & E meetings. As of today, there are 120 cases on th EC docket and 62 at the AGO□s office. Jim also handed out the memo regarding the statute of limitations, reminding us that
any violation older than 18 months will not be pursued for penalties. This means a referral to central office from the field office must be submitted prior to 18 months after the field office becomes aware of the violation or civil penalties will not be pursued. Other items of note regarding enforcement; Jack McManus has moved in the AGO□s office to head of taxation. It appears that Nate Orosz will replace Jack. A new ES2 enforcement position will be posted in Central Office. No progress into the duplication issue in the EAR form. - Sarah Harter of
SEDO reported the problems with asphalt plants burning waste oil. Inspections turned up the halogen content of the waste oil being out of range. The facility must prove that the material is non-hazardous. SEDO

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is working with DHWM in this matter. DHWM SEDO is preparing an NOV as they believe the requirement is not being met. It was suggested that the plants burning waste oil statewide be checked; look at the records for the past 4 years. CDO also noted a problem with plants in their area, and found an exceedance of mercury and heat content issues. A firm in Michigan appears to have been supplying the suspect fuel.

Action Item: DO/LAAs are to file EAR□s in a timely fashion. Asphalt plants records are to be checked statewide regarding used oil fuel specs. The enforcement committee will meet with the AGO to discuss the need for the summary form.

2. **Title V permits and issuance update -** Mike Ahern handed out Guidance regarding the GE decision and it included some information regarding SB 265. Terms and conditions are being worked up for the library. Andrew Hall explained the memo specifically addresses ESP and baghouse terms but they could be used for a model for other types of control equipment. If you

have comments on the terms, or wish to propose similar terms for other control equipment, send them to Andrew. The important thing is that these terms have to be embedded in the monitoring terms rather than operational restrictions, and operational restrictions cannot be more stringent than a rule. **Do not use this language if the operational restriction is rule based or comes from a PTI.** Mike Ahern also indicated June was a slow month for permits. He indicated his concern for a growing backlog as the TV permits continue to expire. The numbers; 54 FESOPs need to go final, 270 TV renewals have been filed, 43 significant mods and 16 re-openings need to get issued. Mike and Erica met with Mike Hopkins and Andrew Hall regarding getting these permits out. Andrew will work with his staff to work with the field offices regarding renewal issuance and see what is holding these up and develop a schedule. DO/LAA□s should work up a list of TV renewals and the position of the permit in the process. This list should be done weekly, and also include 10 PTO□s sent to CO contact along with the TV and FESOP. Mike also indicated his concern for old hard copy FESOP applications that were never acted on and never entered into the system. USEPA is revising the permit tracking system (TOPS) and will be watching our progress.

Action Item: DO/LAA□s to prepare weekly list for CO contact, find any hard copy FESOP applications and enter them into STARS, and update Mike Ahern□s list of FESOP□s by sending him an E-mail. CO to act on list and DO/LAA□s will respond by adding to it weekly.

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3. **New Source Review -** Mike Hopkins talked about the new assignments to the field offices.

The central Office contact will handle PTI□s PTO□s, TV and FESOPs. He also mentioned new positions at Central Office. An ES2 will be hired for the emissions trading program and will work for Jenny Nichols. Andrew Hall□s ES3 position will be posted and 2 ES2 positions, one for permit review, and one for non-TV permit backlog. ---- SB 265; the new PTI rules regarding construction are out and the comment period ended July 10. ---- The air toxics language it out for interested parties; it consists basically of a list of approximately 650 compounds. -

- August 3 is the effective date for SB 265 at which time there will be no BAT for sources less than 10 TPY of controlled emissions. (criteria pollutants). It was pointed out that we would lose the one and three minute VE limit for unpaved and paved roadways and storage piles less than 10 TPY controlled. unless they are written in a rule. We would have to go back to six and thirteen minutes as the one and three have been established as BAT. Some discussion ensued as to how we can be ensured that sources less than 10 TPY controlled will use and maintain their control equipment. Operational restrictions? Monitoring? A possibility is the use of terms to require control equipment in order for the source to stay below the 10 ton requirement and stay out of BAT. In order to meet the no backsliding requirement, the threshold only applies to new or modified sources. Existing Model General Permit terms that have already been created will retain the BAT requirements. For any new Model General Permit terms created after August 3, sources with controlled emissions less than 10 TPY will not have BAT in the Model General Permit. -- Mike Hopkins indicated that outside comments have been received and sent to Joe Loucek of NEDO regarding Engineering Guide 44. The Guide 44 team will have to review these comments and consider the modifications to EG 44. □

Mike talked about the boilerplate appeal language for director□s ;letters This should be placed in any director□s letters that state appealable actions. - RAPCA brought up

the possibility of a permit by rule applicability for crushers and screeners the meet the PBR requirements but is at issue with non metallic materials (NSPS OOO). Mike is OK with a PBR, but will have to investigate the definition of non-metallic materials. Tub grinders are a separate issue.

Action Item: Central Office to investigate the non-metallic material

issue. All offices should check for Director□s template letters and modify them where appropriate.

4. **Permit and Data Management -** Mike Ahern indicated that condensible PM is not billable for 2005. A letter was sent to the companies regarding this, the DO/LAA□s may be contacted on this by the regulated community. If they do not want to be billed for condensibles, they should contact Central Office directly. STARship cannot separate out the condensibles for billing purposes.- Mike believes the PTI 2K Macros and templates are working OK at the field offices. Contact him if you still have issues with this program.----PTI 2K automatically lists 31-05 in the template. After Aug 3, you **must delete this rule if it does not apply** to the PTI you are working on. (Less than 10TPY controlled) If you have comments on rule 15-05 changes, you have till July 22.

5. **Engineering Guide update -**
#5 - VOC exemption for fixed roof storage tanks - Akron - one comment received. Moved on to Jim Orlemann. Akron will now work on EG #20 - Determination of compliance with VE limitations for stack sources.
#6 - PTI for coal to oil conversion - Cleveland - Conference call to be scheduled with Jim Orlemann, Mike Hopkins and Jenny.
#7 - Inclusion of weight of water in PWR - NWDO - NWDO not at meeting, comments to Don
#9 - PTI/PTO determination for grain dryers - NWDO - NWDO not at meeting, comments to Don #10 - Applicable TSP rules for stone crushing plants. - Toledo - Ready for Jim Orlemann to review #11 - Use of Table 1 for multiple sources permits/derating - Cleveland - No progress
#12 - BAT requirements for GDF. - NEDO - This guide will be modified to answer questions about procedures at GDF□s. Rough electronic draft sent out last week. Comments to NEDO.
#16 - Conditions for requiring additional source compliance tests. - NWDO - NWDO not at meeting, no progress
17 - Authority and criteria for requiring compliance tests at normal boiler operating rate. - RAPCA- This deals with mostly multiclones on coal fired boilers. The group determined this guide is still needed and a draft should be out before next meeting.
#18 - SO2 Compliance determination methods for coal fired boilers. - Toledo -no progress
#19 - Applicable TSP rules for coke oven battery combustion stacks. - HAMCO will work on this guide. #53 - Interpretation of open burning standards - Rule is done and effective. Jim will contact Lee to help work on guide revision.

#XX - Condensibles and determination for reporting purposes - Andrew Hall□s team should have a draft out by next meeting. Now called EG 74.
#75 - 17-07, 17-08 issues and examples - Flow diagrams are holding this up and should be
completed soon.
SMC issues Jim handed out the draft rule changes to 21-07 that address the Feds belief that the rule applies to SMC operations. New factors put a number of facilities in violation. Jim
believes we are locked into the 8 and 40 or 85% controlled for the Feds to accept our SIP.
USEPA feels the rule can be more stringent than the MACT, is reasonable and can be followed.

6. **Terms and conditions and Policy distribution -**
An intern is converting word perfect terms to word. Tub Grinder terms and conditions on back burner, a number of recently issued permits have been submitted as examples. . Landfill
issues are waiting on information from USEPA. (higher operating value)The navigation of the library is making progress.

7. **CETA update -** Mike VanMatre made a presentation on CETA changes. There is a new report and there are 2 buttons on compliance status for enforcement. A grid of violators can be
created to calculate compliance. It is extremely important that CETA enforcement information
be updated. He is concerned about things not being done correctly in enforcement page. Things have to be done in sequence or the Fed system will not accept the data. A spread
sheet is being sent to each field office to outline any deficiencies. Mike is to update the MACT
entries into CETA.

8. **Stack Testing -** No update

9. **New items and parking lot -**
Multiple emissions units controlled by common control device. - The pending PTIO rules will eliminate Chapter 35. We cannot make these changes to Chapter 31 right now since it is currently undergoing the 5-year rule review. Adding these concepts to the PTIO rules is not a possibility because we do not want to delay promulgation of these rules by 2007. These concepts cannot be added to Chapter 77 since this rule does not allow for adding new
emission limits. There is a small possibility that these permitting concepts might be used for
the new BAT rules under SB 265 or they could be used to develop pollutant specific limitations
in the OAC rules. This project will be on hold until a decision can be made sometime in the future.

Next meeting is September 12

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September 12, 2006

P & E minutes September 12, 2006

Permitting & Enforcement Committee Meeting - September 12, 2006
Lazarus Government Center
Ohio EPA
6th Floor conference room

Attendees: Co-Chairs - Jim Orlemann (CO), Jim Braun (Cleveland) Minutes - Ed Fasko (NEDO)
- Mike Ahern, Andrew Hall, Mike Hopkins, Cheryl Suttman, (CO), Rick Carleski, (OCAPP), Todd Scarborough, Adam Ward, (CDO), Angela Glosser, (Canton), Jenny Marsee, Christine Swetz, (RAPCA), Don Waltermeyer (NWDO), Sara Harter, (SEDO), Brad Miller, (HCDOES), Cindy Charles, (Portsmouth)

1. **Enforcement issues -** Jim Orlemann first addressed the question that was raised about the duplicity in the EAR, specifically to the initial table which is the summation sheet. Jim indicated completing the summary sheet was now optional; it is acceptable to either complete it or not. Eventually the form will be revised. Jim handed out the schedule of resolution of the old cases as well as a set of graphs regarding case resolution progress. The first graph was the tracking of EAR□s and the timely submittal in 2006. Jim referred to the statute of limitations, reminding us that any violation older than 18 months will not be pursued for penalties. Out of 46 EAR□s submitted so far in 2006, 14 were **not** submitted within the18 months time frame. The second graph was the compliance percentage pulled from CETA. The data pulled from CETA has been reliable thus far. We are looking at a goal of 97.4% compliance. The third graph was of cases resolved; 28 so far this year with a goal of 90. Fourth graph was final F & O□s; 12 so far, goal of 50. Fifth graph was old case resolution; 36 of 48 left to go; that looks like about 12 a month. In regard to the new open burning rules, Jim said EAR□s should still be sent; template orders will be developed in Central Office on the next case; possibly in the future orders could be prepared in the field offices based on the template.

   Action Item: DO/LAAs are to be prepared to respond to requests for information in order to settle the cases before the end of the year. .

2. **Title V and other permits and issuance update -** Mike Ahern indicated there are 58 FESOPS that still need to go final in addition to 64 initial Title V permits. There are 256 extended Title V permits; that is, expired but having filed a timely renewal applcation. There are 34 expired Title V permits that have submitted late renewal applications or no application at all. In August, 2 draft renewals were issued; 3 PPP, 6 PP and 4 final. Andrew Hall commented that FESOPS to avoid a MACT is a priority. PTO□s are moving and

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being issued, continue with providing your reviewer with a list of prioritized permits. 1st issue PTO□s after PTI□s will be issued to avoid building a new backlog. Just make sure the PTO□s that may be a few years old get another review to verify that the language is current. When processing PTOs, be sure to follow G.E. decision. guidance and place the operating parameter range in the monitoring section of the permit unless the requirements are rule based or established in a PTI. If the parametric operating restriction was established in a PTI, then the operating restriction should remain in the PTO since BAT and the PTI are applicable requirements. However, the company can specifically requests to remove the parametric operating restriction from the PTI unless it is rule based. This can be an administrative modification. For a brand new PTI, follow the GE decision guidance and place the operating parameter range in the

monitoring section of the permit unless the requirements are rule based. RAPCA raised a question about the changed General Terms in Title V reporting of deviations as it relates to visible emissions and excess emissions reports. To confuse the issue, further, visible emissions as a result of malfunctions are not considered violations based on the new rule language. There is confusion in industry on this. Jim Orlemann stated that a deviation is a violation, but an excess emission is not necessarily a violation. There are exemptions in the excess emission reporting program, but all emissions are to be reported and in the review of the report a determination is made as to what is truly an exemption. Apparently clarification is needed in this area. Cheryl Suttman will be working with Todd Brown on this to address the terms and conditions for both CEM□s and COM□s. There also should be a reference to this in the Title V Q & A□s on the web site..

Action Item: DO/LAA□s to continue weekly list for CO contact, work on FESOP□s especially those involving the avoidance of a MACT. Continue working on the TV renewals and be aware of the issues involving the GE decision. CO to provide guidance on conflicts with new General Terms, excess emission program and rule changes.

3. **New Source Review -** Mike Hopkins provided some positive news and stated that most offices are getting the PTI□s out on time. He noted that our overall backlog on PTIs is low based on past data. Mike handed out the SB 265 draft guidance. Comments are due to Andrew Hall in two weeks after the meeting. (This document was electronically sent on 9/14). Mike also indicated the draft toxics rule was going to the director by the end of the week. There were a lot of comments that are still being reviewed. Paul Koval and Diane McClure are justifying the compounds on the list. Presently there are about 400. The new draft is to be filed with JCARR, and the air toxics rule is expected to be Final by the end of this year. The start construction rule is also on track to be final by the end of this year. . In regard to the toxics rule, a

synopsis
is to be written to show the procedure of justifying the criteria for evaluating the various compounds. We imagine there will be questions in JCARR, but SB 265 does give the director power to list additional compounds in extreme cases. No permit will be required for an
emissions unit that generates only non-toxic, non-VOC, non-criteria pollutant emissions. An example of this is methane generated from sources other than landfills. Per the definitions for OC and VOC in OAC rule 3745-21-01, methane is neither a VOC nor OC. Likewise, the
proposed air toxics rule does not include methane on the list of air toxics. Consequently, since there are no applicable requirements for non-landfill methane emissions, an air permit is not required for an emissions unit that generates only methane emissions.

Action Item: DO/LAA□s to review and provide comments on the revised BAT guidance to Andrew Hall by the end of September. Central office to proceed with rules.

4. **Permit and Data Management -** Mike Ahern indicated FER program is progressing well and pointed out that George Strobel is the first contact for STARS and STARSHIP issues. A new person is to be added for web info; Title V Q& A update, etc. Data requests should now go to Mike Van Matre. Mike Van Matre is also working with Lisa Holscher on additional CETA requirements for grant committed agencies. There may be a program interface issue involved. Sandy Craig is to retire in November, replacement is to be trained. Engineering guide 65 in to

be looked at as to the monitoring requirement issues.

5. **Engineering Guide update -**
#5 - VOC exemption for fixed roof storage tanks - Akron - Jim Orlemann reviewed and provided comments to Akron. Should go final.
#6 - PTI for coal to oil conversion - Cleveland - Mike Hopkins reviewing comments provided by
Jim Orlemann
#7 - Inclusion of weight of water in PWR - NWDO - comments under review.
#9 - PTI/PTO determination for grain dryers - NWDO - , comments under review.
#10 - Applicable TSP rules for stone crushing plants. - Toledo - Jim Orlemann reviewed and ready to issue Final.
#11 - Use of Table 1 for multiple sources permits/derating - Cleveland - Copies of draft sent out electronically on September 11 Provide comments to Jim Braun by November 14.
#12 - GDF procedures and issues - NEDO - One comment received. Final draft to be sent out
in two weeks. Comments to NEDO.
#16 - Conditions for requiring additional source compliance tests. - NWDO -No progress.
17 - Authority and criteria for requiring compliance tests at normal boiler operating rate. - RAPCA- Comments sent to Jim Orlemann. Should be finalized soon.
#18 - SO2 Compliance determination methods for coal fired boilers. - Toledo not at meeting.
#19 - Applicable TSP rules for coke oven battery combustion stacks. - HAMCO - Should be out for draft in a few weeks.
EG #20 - Determination of compliance with VE limitations for stack sources. Akron was not at the meeting.
#53 - Interpretation of open burning standards - Rule is done and effective. Jim will contact

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Lee
to help work on guide revision. No progress.
#74 - (new Engineering Guide) - Classification of Particulate Matter (PM) for Permitting, Testing and Reporting - Draft handed out. Comments should be sent to Andrew Hall by next meeting. (Nov.14)
#75 - 17-07, 17-08 issues and examples - Flow diagrams are holding this up and should be completed soon. No progress
#44 - Portable Plants - Comments from Flexible Pavement Association sent to NEDO. Joe Loucek preparing response.
#23 - Determination of significant figures for TSP emission limitations. - SEDO will work on this
Engineering guides 13, 14 and 15 do not need updating, however, Jim Orlemann will reissue
as Final without changes.

6. **Terms and conditions and Policy distribution -**
The "Operational Parameter Monitoring Record Keeping and Reporting" terms that appeared
in Mike H, Jim O, Andrew, and Mike A's e-mail of 7/11/06 will be up on the Library internet soon-(possibly this week,) as will the new terms in Andrew's SB 265 question/answer memo. There are now enough terms to have a new Section, which I will call "New terms for Senate Bill
265" with a link to the ESP and Baghouse terms in the "CEM & Parameter monitoring", "J" terms, as J50 and J51. Bob Goulish has sent us a set of HAP terms, for non-MACT coating sources; holding for Jim O's review. Terms from Part 63, Subpart A have been submitted to
Jim O for review, these include:
a. Start-up, shutdown, & malfunction plan
b. Site-specific test plan
c. Quality Assurance Program & Performance Evaluation for CMS
d. Stack testing for MACT source
e. Semi-annual reports, Excess emissions reports, General Recordkeeping and Reporting requirements from Subpart A for the MACTs
f. and more
Working on Industrial Boiler MACT, 63 Subpart DDDDD; anticipated completion date is the end of the year
The Cr electroplating MACT was amended on 7/19/04 and the Library terms need to be modified for this amendment. Some of these changes included:
a. The revision and division of the hard Cr electroplating source limits into "enclosed surface" and "open surface"
b. Modification to pressure drop requirements for composite mesh-pad systems
c. Addition to the wetting agent, surface tension measurement records
d. Alternative Cr emission rate calculations (2) for enclosed hard Cr electroplating tanks. The Tub Grinder draft permit was crafted after existing PTIs and units & it did not consider "Senate Bill 265" and the lb/hr limits are "everywhere". It will need to be re-drafted for a new unit. Comments received may do that job. It is possible that a General
Permit will be created. Cheryl distributed draft terms and wants comments by November 14.

Landfill Higher Operating Value (HOV) Cheryl is working with Mike Ahern on this.

Action Item: Submit comments on the draft tub grinder terms to Cheryl Suttman by November
14.

7. **CETA update -** Discussed under PIDM update.

8. **Stack Testing -** No update

9. **New items and parking lot -**

Cheryl Suttman stated that Central Office received an e-mail from USEPA regarding landfills. USEPA indicated that Ohio EPA does not have authority to grant approval for the changes. Cheryl said that she needs to revisit USEPA s e-mail message in order to finalize the guidance document.

Jim O. noted that he only received a couple of requests for possible multi-media inspections. If you have some good candidates in your area, contact Jim O. asap.

Jim O. noted that OAC rule 3745-21-07 has been refiled with JCARR and it should be ready by October 10. However, Jim noted that USEPA might contest the exemption from 21-07(G) applicability for mixing operations where no chemical reactions are occurring.

There has been no progress on the proposed Engineering Guide for emission factor changes from the PAG. Mike Hopkins decided to drop this item from the agenda.

17-11, 17-08 Guidance still being worked on. Jim O. is preparing the diagrams

Portable Drills issue is being dropped. NWDO resolved issue with control strategy. Landfill H2S issue. Permit refers to CD & D rules Terms will be established for the
Library.

Next meeting is November 14

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November 14, 2006

P & E minutes

Permitting & Enforcement Committee Meeting - November 14, 2006
Lazarus Government Center
Ohio EPA
6th Floor conference room

Attendees: Co-Chairs - Jim Orlemann (CO), Jim Braun (Cleveland) Minutes - Ed Fasko (NEDO)
- Mike Ahern, Andrew Hall, Jenny Nichols, Cheryl Suttman, (CO), Rick Carleski, (OCAPP), Todd Scarborough, Mike Ringlemann, (CDO), Bud Keim, (Canton), Jeff Canan, Chris Clinefelter, (RAPCA), Don Waltermeyer (NWDO), Sara Harter, (SEDO), Paul Tedtman, (HCDOES), Craig Osborne, (SWDO), Joslyn Summers, (Toledo)

1. **Enforcement issues -** Jim Orlemann handed out three sets of graphs and tables regarding enforcement and compliance. The resolution of old cases is going to keep the enforcement staff busy for the next six weeks; there are 31 old cases to be resolved by the end of the year. Jim further indicated the goal for the year was 90 enforcement cases resolved for the year.
There have been only 30 cases resolved since the end of October. Jim feels we can still meet the goal if we resolve all the 31 remaining old cases, plus the packet of 25 “Shelly-type“ cases. One of the graphs showed the problems we are having in meeting the 18 month Statute of Limitations goal for processing an EAR. When asked what we should do when an EAR gets down to Central Office and doesn□t get moved, Jim□s response was that he should be contacted directly in the matter.The graph that presented compliance rate for High Priority Faciities indicatedwe are meeting our goal of 95% for emissions violations. When the administrative violations are added in, we reach only 92.4 % Jim feels the division will achieve $1 million in civil penalties this year.

   Action Item: DO/LAA□s and Central Office will have to work closely to meet the goal of “0“ old cases by the end of the year. DO/LAA□s and Central Office will both have to work to meet the 18 month goal in the Statute of limitations.

2. **Title V permits and issuance update -** Mike Ahern indicated there are 205 extended Title V permits; that is, expired but having filed a timely renewal application. There are also 35 expired Title V permits that have submitted late renewal applications or no application at all and are now operating under orders. 744 is the total Title V population. Title V issuance since July was as follows: 15 draft, 9 PPP, 13 PP, and 15 final, most of which were renewals. The Feds have a new national TV tracking system called TOPS to track the issuance and backlog of Title V permits. Central Office will be giving the DO/LAA□s lists of their Title V facilities and the modifications/renewals that are outstanding for

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them. Central Office will need to have the DO/LAA□s tell them if the mods will be processed. If the modification type is indicated as "unknown", DO/LAA□s will need to indicate what type of modification it will be. A tracking system of issuance is going to incorporated into STARS2.

A question was raised to Andrew Hall about a companies submitting a separate CAM plan for Title V facilities. Some facilities state their CAM plan was in a PTI and they do not need to resubmit it. If the elements in a CAM plan are in the permit, per the training, it is acceptable,
but having a separate document may be better so the CAM plan can be updated without a revised STARS application being filed. There are 13 Title V facilities that have been issued that include CAM plans. Andrew is to E-mail the list.

Action Item: DO/LAA□s to continue working on the TV renewals and be aware of the issues involving the GE decision. CO to provide list of Title V applications and DO/LAA□s are to respond. Andrew Hall to E-mail list of permits issued with proper CAM language.

3. **New Source Review -** Mike Hopkins was not at the meeting. Andrew Hall reported there have been no big issues on permits and SB 265. The guidance on BAT is still in the draft stage. It should be finalized soon. Andrew said the guidance will address the issues with OAC
3745-31-02.

There were some comments from a public hearing for an ethanol plant in NWDO. There is a legal problem with timing of the SIP approval and the ORC, resulting in a contradiction for BAT for sources less than 10TPY. Companies should not have an issue with this, and it was suggested the language for conflicting rules based on the Federal acceptance of the rule could be placed in the permit.

Mike Hopkins is looking for volunteers to help develop the guidance on compost facilities permitting. Need about five people from the DO/LAA□s. NEDO, CDO, SWDO, and OCAPP agreed to solicit volunteers. Get names to Andrew.

Residential wood burners were discussed and the consensus remains that we will not be permitting them. Local ordinances are encouraged; though some states have passed laws regarding either the banning of these units or some minimum specifications. It was also suggested the USEPA be approached in the monthly call to pass a rule on these units.

Availability of the permit by rule for portable concrete crushers is still an issue regarding the NSPS exemption. Andrew sent information to NEDO on this; Tim Fischer and Joe Loucek sent their work to Mike Hopkins to sign off on. It seems to be an applicability issue in regard to
material and its classification. It appears that the PBR is available for these sources; some offices have issued them, but the written rational needs to be finalized as permits are still being requested for these units.

Action Item:. Volunteers for the compost facilities guidance workgroup should contact Andrew Hall. CO to finalize SB265 guidance. Central Office to review NEDO draft on portable crushers and the PBR and issue determination so we can have

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statewide consistency.

4. **Permit Issuance and Data Management -** Mike Ahern announced that George Strobel is now handling portable source relocation requests. Time extensions for PTI□s is being handled by
Elisa Thomas. Sandy Craig is retiring; Toi Harris is being trained to take her position. A new hire has started in the computer automation unit. Fenglu Li will be handling the posting of the P
& E minutes to the web. For technical issues in PTI 2K , Arunee is still the contact; Sawn Naber is the contact for lock -out or password issues in the PTI 2K program. □ In regard to CETA, Federal AFS data is being updated based on a lot of data sent by OEPA in the past 2 months. The enforcement data is becoming more and more accurate. For CETA lockout, contact Mike Van Matre. □ Fee data for 2006 is being accumulated; a request to the DO/LAA□s
will be going out soon.□ Erica Engle will be going on maternity leave; she is due in January. The Director□s letters are to be posted to the web soon.

5. STARS2 update - Linda Ours said the roll-out date was planned for February 2008. This is tentative, and if the contractors cannot make the date, it will be pushed back to May □08 to not conflict with the fee program due in April. The contractors will know if they will be ready for the February date by September □07.

The screens for STARS2 are in the initial development stage. Linda is looking for volunteers from the field offices for input on the development of the screen layout. Respond directly to Linda. The resolution for STARS2 will be 1024x 1270. Currently we operate at 640x480. It is
hoped the only scrolling place necessary will be the data grids. Roll-out for Microsoft Word for
DAPC will be the same as the STARS2 rollout. DAPC will redistribute old licenses of Word from other divisions as the new Word 2007 Suite is received.

The Workflow concept will be followed for the assignment of tasks. 20 roles have been identified to keep the work moving. The steps will be assigned at the DO/LAA by Central Office
to the person the particular field office specifies. Those at the field office with administrative rights will be able to reassign the task in order to adjust to reassignments, workload, absence. There will be a data maintenance person at each office who will be able to update facility information such as contact person, address, phone #, etc. This will eliminate the need to have Columbus make all these changes. Also, in STARS2 there will be the capability for a graphic
view of the facility and its operations.

The rollout day has also been referred to as the cutover day. STARS1 will be turned off, the data will be migrated, and STARS 2 will be turned on. Training, as well as testing, will be conducted before this occurs. The training for staff and the regulated community should occur
in the second half of □07.

The STARS2 system is web-based, but the info to the facility will not be integrated into our E-mail system. All facilities will be in STARS2, but only High Priority Facilities (HPF, Title V and Synthetic minor) will be required to report Fee Emissions Reports and applications in electronic format. All facilities will be invoiced and issued permits through snail mail and/or posted on the public web page and will

receive notification of these actions in STARS 2 should they login and look up their account. The facilities in the STARS2 system will also be able to submit reports (deviations, fees, usage) electronically in the system or trough an attach function. Regarding the work-flow assignments, (could be one person, group, whatever works for that particular office) Adam Ward or Glen Greenwood may be contacting the field offices.

Mike Ahern handed out the proposed Title V application for the new system. This is the second draft and it is a fictional facility; the rule citations may not be right. He needs comments on the layout and flow of the application by the Wednesday before Thanksgiving (11/22) so he can present them to the PAG. Some of the ideas in the application are as follows: A better description of the facility and the operations will be required and a graphic display of the operations will be available at the facility level. On the Emissions Unit level, the PTE will be
repeated for each EU. Section 3 will identify the primary purpose of the Title V permit, listing the applicable requirements. It was suggested that Section 3 may be mutated into the Statement of Basis. If the compliance status is no, an explanation will be needed, but there is
no room for a narrative. An attachment would be needed.

Mike also handed out the the proposed changes for Title V annual certification document. This was developed as a result of the Title V task force and will be a transition document till the electronic method used in STARS II comes on line. The approach has been changed; rather than ID all terms, only those where a deviation or intermittent compliance occurred need be identified. By signing the form, the responsible official is made aware that he is certifying compliance for the terms not specifically identified, and acknowledging the intermittent compliance of the terms which are listed. A discussion for about a half hour ensued on this form; the issue of blanket approval of compliance without identifying all the terms was voiced
as a concern since it would be less likely for the company to read and understand their entire permit. On the other side, the purpose of the task force was to abbreviate the form to highlight deviations that might otherwise get lost in a comprehensive certification document that lists all terms. Issues and concerns are to be provided to Mike Ahern by the end of the month.

Action Item:.Comments by the DO/LAA□s on the Application are due to Mike Ahern by
11/22. Comments on the Title V certification are due to Mike by 11/30. Volunteers for the screen layout for STARS II are to contact Linda Ours. Central Office is to contact the field offices regarding the assignment of roles in the workflow of STARS2.

6. **Terms and conditions and Policy distribution -**
Cheryl Suttman and the Terms crew have been busy. She handed out a folder with a lot of the recent activities. Jenny Nichols E-mailed the updates to the listserve. Some of the highlights - H2S contingency plan for landfills
HOV plan for landfills. - USEPA says we do not have the authority to handle this
Aluminum dross in landfills - odor issue - Contact Bud Keim if you have a landfill with this issue
Terms for tub grinders - Comments to Cheryl by next meeting.
Catalytic Incinerator terms; corrections to be made based on

GE decision. Non- Appendix A terms Cheryl to E-mail these.
Subpart N, platers, has been corrected
Asphalt terms for used oil 50 Ppm issue
Coke plant terms
Flare terms
Haz. Waste combustor terms waiting on issuance of Von Roll PTI.

Action Item: If you are not on the listserve, sign-up!! Majordomo@lists.epa.state.oh.us
Contact Bud Keim if you have a landfill with odors from aluminum dross. Send comments on tub grinders tems to Cheryl.

7. **Engineering Guide update -**
#5 - VOC exemption, fixed tanks - Akron not at meeting - Jim O. to finalize
#6 - PTI for Coal to oil conversion - Comments from Central Office to be sent to Cleveland
#7 - Inclusion of weight of water in PWR - NWDO - working
#9 - PTI/PTO Determinations for grain dryers - NWDO - working
#10 - Stone processing - Toledo - signed 11/13
#11 - Table I of 17-11 - No comments received - Cleveland will forward to Jim O. to finalize
#12 - GDF guidance - Comments to Fasko by 11/30/06
#13,14,15 - No changes - Jim Orlemann will post a review date on the guide
16 - Conditions for requiring additional source compliance tests - NWDO - in progress
#17 - Boiler operational rate for compliance tests - RAPCA - signed 11/13 -
#18 - SO2 compliance determination for boilers - Toledo - No changes - sent to Jim Orlemann
#19 - Coke plants - PM rule applicability -HAMCO - Comments to Paul Tedtman by 1/9/07
#20 - VE limits, determination for stack sources - Akron - No progress
#23 - Significant figures for TSP emission limitations - Akron - No progress
#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 - Comments to Andrew Hall by 11/30/06

8. **CETA update -** No update.

9. **Stack Testing -** No update

10. **New items and parking lot -** No update
The DAPC Web Applications page is accessed by Ohio EPA Central Office and District Offices through:http://dapcnet/
LAAs who are not on the DAPC intranet need to use the following link:
http://dapcnet.epa.state.oh.us/
Next meeting is January 9, 2007

Happy Holidays to all — Give the Turkey his day!!!!!

January 9. 2007

Permitting & Enforcement Committee Meeting -
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, Andrew Hall, Cheryl Suttman, (CO), Rick Carleski, (OCAPP), Todd Scarborough, (CDO), Ed Pabin, (Canton), Jeff Canan, Chris Clinefelter, (RAPCA), Mark Budge, (NWDO), Glenn Greenwood, Sara Harter, (SEDO), Frank Markunas, (Akron), Craig Osborne, (SWDO), Joslyn Summers, (Toledo), Anne Chamberlen, (Portsmouth), George Baker, Sarah Rehner, (Cleveland DAQ)

1. **Enforcement issues -** Jim Orlemann first hand-out consisted of three sets of graphs and tables regarding enforcement and compliance. In December, 63 cases were resolved, 30 of which were
the Shelly cases that were referred to the AGO. For the year, 110 cases were resolved, exceeding
the DAPC goal of 90. There were 41 F & O's issued for the year; the director's goal was 50. All But 2 "old" cases were resolved. The last 2 were sent as referrals for the AGO to the director, but
the director did not forward them on. Once again, over a million dollars in civil penalties were assessed by DAPC this year. The next handout listed the schedule for processing "old" cases in 2007. It is down to 22; the lowest number of old cases ever. It is a DAPC goal to resolve all of these by July of this year and then begin working on "old cases" for 2008 if possible. The last item Jim handed out was the pending AGO cases. Jim believes the Shelly cases should result in a very large settlement. There has been a lot of turnover at the AG's office; we have a lot of new faces
in air enforcement. Teri Finfrock is the air unit supevisor in the AG's office. All of the AG's were requested to submit resumes to the new AG management. Jeane Mallet retired; Brian Zima is the new air unit supervisor for the agency Legal section. Brian is familiar with our program as we have worked with him in the AG's office. The AG's office is now at full staff. Lately, a lot of time has been put into appeals by the AG's office.

   Action Item: Continue work on EAR's, work with AG on resolving cases.

2. **Title V permits and issuance update -** Mike Ahern said there are now 217 extended Title V permits; that is, expired but having filed a timely renewal application. This number was at 205 last meeting. 28 facilities with expired Title V permits are now operating under orders. There are 608 active Title V permits and 245 in the renewal phase. The total TV population has been reduced from 744 to 688. The reduction is mostly from the information that Erica Engel got from the survey
in December. The Feds are now tracking the renewals and Mike is to report the progress every six months. We will probably have to track this similar to the initial TV issuance. 12 Title V actions were issued in December. Issuance numbers will show up in the monthly report.

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There will be a graph by office on permit actions. PTI productivity will also be tracked in the monthly.

Mike Hopkins talked about the issuance of PTO's. The field offices have been sending lists of permits to be processed to their central office permit reviewer. Most of the work has been concentrated on Title V permits and FESOPS but state PTO's are also being issued. Mike indicated he is planning to direct the Central Office reviewers to issue PTO's with a quick oversite review and with no review if they have been on the "list" for more than two weeks. Mike also talked about the need to identify the universe of PTO's. He asked each represented office if they had all the PTO's applications (basic info) entered into STARS, so he could determine the PTO backlog. He was hoping to assess the percentage of PTO applications entered into STARS for each office. Expired population is accounted for so renewals not entered in are accounted for, but these facilities could be shut down and not be needed to transfer into STARS2. The benefit for the field offices to get the information into STARS now, is that there are more fields required forPTO hard copy entry into STARS2. The answers were as follows:

Akron - Generally do not enter renewal applications, expressed concern about the facilities that have not submitted renewals and how we would account for them. They have been working on the first issue PTO's.

NEDO - Enter PTO's that come with PTI's, renewals and backlog PTO's were entered by an intern a few years back. Recent hard copy renewals not necessarily entered. Also working on first issue PTO's.

CDO - Not entered, but asked about the priority of PTO's.

SWDO - About half of the PTO applications have to be entered.

SEDO - Majority of renewal applications are entered, but they are not chasing down delinquent renewal applications.

NWDO - Low percentage of renewals are entered; same as with first-issue PTO's.

RAPCA - Mostly not entered unless they are going to be worked on. First issue PTO's are a priority.

Toledo - Pursues old renewal applications.

Cleveland - PTO's entered as they come in. Have processed some first issue PTO's.

Portsmouth - Majority are in STARS; same as with first issue PTO's.

Mike indicated that field offices could suggest the facility request a PBR or General Permit when they start to work on a renewal, even if it is an old application. Mike Ahern indicated he could supply a list of renewal applications in STARS and PTI's with installation certificates without first issue PTO's in STARS. The window of opportunity to enter these applications into the present version of STARS is probably less than a year. A suggestion was made to remove exempted facilities from entry into STARS and thereby reduce the workload.

Mike Hopkins said we were doing well with PTI's and thanked all about the efforts made in getting the MACT PTI's for miscellaneous metal coating out by Jan 2. Abdur is to put together a list of upcoming MACT compliance dates so we can keep on top of MACT related PTI's. Don't need another crunch. The change in the "once in always in" policy was discussed. As written, the draft allows sources currently in the MACT to still become area sources but that becoming an area source would not be a defense for violations committed while being a major. This is draft and is currently undergoing a 60-day public comment period. A new PTO reviewer is to start in Central Office. Jenny, from Hazardous Waste, will be doing PTI's in

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Central Office.

Andrew Hall mentioned that he had sent sample CAM plans around. He also pointed out that PM10 is the regulated pollutant for Title V and also the regulated pollutant for CAM. Potential uncontrolled emissions are PM10 and that is the data we use. If no PM10 data exists, we look at PE. We do not want to overregulate. The guidance for this issue is on the STARship newsletter.

Action Item: DO/LAA's to check for MACT related PTI's. Make sure they are applying CAM properly. Abdur to provide a list of upcoming MACT compliance dates. Between Central Office and the field offices, a resolution to the PTO backlog needs to be developed. Continue working
on the TV renewals

3. **New Source Review -** Mike Hopkins reported nothing new in NSR. . Andrew Hall reported the

guidance on BAT, permits and SB 265 will be updated by the end of the month. The flow chart will not be changed, but the language regarding controlled and uncontrolled will be clarified. Yes, BAT stays on old sources.

Concrete crushers and NSPS. Mike Hopkins is reviewing the memo written by NEDO. Asphalt and concrete crushers have been added to the PBR. A question was raised about built in generators and how they should be permitted. Permitting a generator for a portable plant defeats the purpose of the PBR for the plant. A PBR may be in order for generators, and Mike is looking for volunteers. The generator situation becomes even more complicated as it could be part of the crusher, separate from the crusher, used for moving the unit, available on the unit, but
not used if the unit is t powered off the grid.

Action Item:. Volunteers for writing a PBR for generators should contact Mike Hopkins. CO to finalize SB265 guidance. Central Office to review NEDO draft on portable crushers, Concrete and Asphalt ***plants*** are now in listed in OAC 31-03(A)(4)(d) , which could be misinterpreted; issuance
of the memo might clarify this prior to going through a rule revision.

4. **Permit Issuance and Data Management -** Mike Ahern announced that the short form of the Title

V compliance certification should be coming out soon. There is an issue with threshold values in 15-05. These are being clarified. Jim Orlemann discussed the round off issue for 10 lb/day and 1 ton/yr. (for example, 10.499 would be compliant with 10 lbs/day) . Should we specify 10.0 or just state that anything greater than the number specified is not De Minimis and do not address a round off issue? Since the rule is open, should this be addressed in the rule? Would we have to modify other rules? Could a change in the Engineering Guide 23 cover all the issues of rounding off? Jim also commented the hearing held regarding 3745-15 had a lot of comments on the nuisance issue.

5. STARS2 update - Trial screens are being developed. Comments on new application format should go to Glen Greenwood.

6. **Engineering Guide update -**

#5 - VOC exemption, fixed tanks - Akron - Jim O. finalized January 4
#6 - PTI for Coal to oil conversion - Cleveland - Mike Hopkins to review
#7 - Inclusion of weight of water in PWR - NWDO - working
#9 - PTI/PTO Determinations for grain dryers - NWDO - Jim O. sent comments to NWDO
#10 - Stone processing - Toledo - signed 11/13
#11 - Table I of 17-11 - Cleveland - No comments received - Sent to Jim O. to finalize
#12 - GDF guidance - NEDO - Changes from comments sent to Jim O.
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#19 - Coke plants - PM rule applicability -HAMCO - HAMCO not at meeting
#20 - VE limits, determination for stack sources - Akron - Address stack issue only
#23 - Significant figures for TSP emission limitations - SEDO - No progress
#44 - Portable Plants - Mike Hopkins and Central Office to respond to NEDO's questions
53 - Open Burning Standards - Central Office -Rule hearing in February
#74 - Classification of PM - Central Office - revising based on comments received.

New guides to be assigned at next meeting.

7. **Terms and conditions and Policy distribution -**
Cheryl Suttman handed out a list of changes recenlty made in the library. 84 templates now exist
for three MACT rules (Subparts I I I I, MMMM, and PPPP) rather than tables for terms and conditions. The portable source term will have the BAT terms removed. Terms and conditions for
the toxics language are under review in light of the 80% of the MAGLC issues. A new navigation
of the library is to be linked to STARS2

P & E and permit call notes are up to date on the web

8. **CETA update -** Mike Van Matre mentioned a few things about the enforcement case information being entered in CETA. Penalty amount must be entered with F & O's. Make sure the sequence of events are correct in enforcement cases (for example, the sequence should be "Issue F&Os then Case Closed" not "Case Closed then Issue F&Os"). When you update an action, make sure you add to an existing action rather than create a new I.D.#. Things are getting better. An upload
to USEPA was sent on January 9. Mike handed out a list of unresolved cases in CETA as well as
a list of what was entered between 12/01/06and 1/07/07. John Paulian had sent out CETA info for % report. Get any corrections to John.

9. **Stack Testing -** No update

10. **New items and parking lot -** A training program for HON groups I and II is available through Jim Orlemann. Steve Friedman got it from STAPPA/OLAPCOA .

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March 13, 2007

Permitting & Enforcement Committee Meeting -
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, Cheryl Suttman, Abdur Rahim, Jennifer Hunter, (CO), Jim Carney, (OCAPP), Mike Riggleman, Todd Scarborough, (CDO), Jeff Canan, Heather Kawecki, (RAPCA), Mark Budge, (NWDO), Sara Harter, Laura Stalder, (SEDO), Laura Miracle, (Akron), Joslyn Summers, (Toledo), Cindy Charles, (Portsmouth)

1. **Enforcement issues -** Jim Orlemann did an overhead projector presentation, once again DAPC has crossed $1 million mark in penalties, 50 referrals to AGO. The goal was to resolve 90 cases and 50 with F & O's. The actual total cases resolved was 110; 40 with F& O's. 107 new cases last year, backlog down to 79; this is the lowest since '89. Compliance % was at 96.7 for HPF's,
the goal is 95%. Partial role agencies contributed to the resolution of cases. Jim is working on the negotiations for County Wide settlement. AGO staffing is up to where it should be, should see more action in 2007. Jim will send his presentation to the air unit managers and directors at the locals. There were emission reductions from the settlements. These reductions can be credited
in the SIP if the control project is undertaken after the baseline date.

   Action Item: Continue work on EAR's, work with AG on resolving cases.

2. **Title V permits and issuance update -** Mike Ahern showed us a work up of the revised Title V application for the STARS II program. This is the most recent version with the comments from the DO/LAA's incorporated. In addition to the facility profile, which includes a description of operations
at the facility; the application lists each significant emissions unit as in the past and employs a matrix for rule requirements. It also allows for flow diagrams in PDF format. The three sections are general information, the significant EU section and the rule requirements section. The rule requirements will include the applicability for the significant units as well as the insignificant EU determination. Rather than the final quality check that is presently used in the submittal of applications, there will be on screen quality checks. Mike will be soliciting additional comments when Central Office invites STARShip users and permit writers to review application.
   For the month of February, 5 draft Title V renewal actions were issued, 5 PPP, 3 PP, 4 final. Central Office is processing PTO's and issuing registration status permits. Mike is concerned that there are 26 FESOP applications that have not been issued draft yet. There is a problem with
the accuracy of the PTO backlog as it relates to STARdust. At some time during the issuance of

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the last 108 final state PTO's the function in STARdust which indicates the action had been migrated to STARS stopped working. This gave them a false number of the PTO backlog.

Action Item: DO/LAA's to keep working on TV renewals, initial Title V's and FESOP's as well as
PTO's.

3. **New Source Review -** Mike Hopkins stated the governor's office has hired a person to addres permitting issues in the state. Although we have made improvements with the PPEC resulting in the PBR, general permits, etc., air permits will be looked at for process improvement possibilities. Not sure where the attention will be focused; TV, PTI, PTO backlog. The BAT revised guidance promised by Andrew will be delayed. Andrew Hall is out for at least a week. He broke a collarbone when he was hit by a car while riding his bicycle. New projects of concern are the BAARD energy project in Wellsville, and the Warren Steel restart. (Old CSC plant)

   Portable concrete crushers and NSPS. This is on Mike's list to review the memo. Recently, in NEDO, there was an issue regarding actual NOx emissions from a lime kiln in reporting correct emission inventory data. It was suggested to address the accuracy of Nox emissions data from kilns without a short term limit or BAT requirements, stack testing might be requested to establish accurate emissions inventory reporting.

   Action Item:. Andrew has to get better and get back to work....Mike has to put aside a half hour
   to review the crusher IOC.

4. **Permit Issuance and Data Management -** Mike Ahern is concerned about the description of the projects being entered in PTI 2K. These descriptions are transferred directly to the letter the director signs for the PTI and for the public notice. The initial entry that is not complete can be changed up till task 12 for a direct PTI and at the FAR stage for a PTI that goes draft. There is a three line limit, so please get an accurate description in the proper field prior to the PTI going down to Central Office.

   Mike also indicated the new short Compliance Certification form is on the web. (see March
   7, 2007 e-mail from Jennifer Hunter) The reminder letters for compliance certification have gone out as well as the reminder letters for the fee emission reports. Remember the condensibles must
   be reported for emission inventory, but the facility will only be billed for the front half of the particulate. (see February 27, 2007 e-mail from Elisa Thomas).

5. STARS2 update - Linda Ours talked about roles and the workflow issue. It is clear that different offices handle the work assignments differently. However, there must be a name associated with the tasks so that things can move forward. Adam Ward talked about the assignments by geographical areas as being the simplest way to load the system. Both Linda and Adam agreed that the supervisors at the offices would be able to change the task assignments at any time, as workload and tasks can constantly change. A list of the roles and example assignment sheet was handed out; Adam will be leading this project, and will E mail the list to the offices. Get back to him ASAP regarding the assignments. The rebuild team will be seeking industy comments in the future; training is being planned.

6. Excess Emission Reports (EER) and MACT requirements - Todd Brown told the group that sources adding Continuous Emissions Monitors (CEM's) to comply with MACT also need to comply with the quarterly EER requirements that we have to fufill for Region V. The MACT may say semi-annual, but our work agreement with Region V says quarterly. Region V has told us that
we can request quarterly reports. The information needed to complete the EER's is the same as the MACT requirement, and thereby could be rolled into the quarterly EER's that are being sent to Todd now. Right now, Todd is the only one who certifies each CEM. Apparently, the whole thing
is a permit language issue, a federal requirement and a MACT requirement. Cheryl Suttman has already put quarterly language into the Boiler MACT terms. Mike Hopkins is to take a look at this issue.

7. **Engineering Guide update -**
#5 - Finalized -Update needs to be put on the web
#6 - PTI for Coal to oil conversion - Cleveland - Mike Hopkins to review
#7 - Inclusion of weight of water in PWR - NWDO - adding Jim O's comments
#9 - PTI/PTO Determinations for grain dryers - NWDO - adding Jim O's comments
#10 - Stone processing - Toledo - signed 11/13 - Update not on web yet
#11 - Table I of 17-11 - Cleveland - No comments received - Jim O. working on sign-off finalization
#12 - GDF guidance - NEDO - Jim O. working
#13,14,15 - Minor changes - Jim Orlemann will post a review date on the guides. It was also discovered that incorrect versions were posted on the web and Jim O. is working with Mike Van Matre to get the correct version posted.
#16 - Conditions for requiring additional source compliance tests - NWDO - in progress
#17 - Boiler operational rate for compliance tests - RAPCA - signed 11/13 - Update not on web
#18 - SO2 compliance determination for boilers - Toledo - No changes - Jim O.to review
#19 - Coke plants - PM rule applicability -HAMCO - HAMCO not at meeting
#20 - VE limits, determination for stack sources - Akron - Address stack issue only - no porgress
#23 - Significant figures for TSP emission limitations - SEDO - No progress
#44 - Portable Plants - Mike Hopkins and Central Office to respond to NEDO's questions
53 - Open Burning Standards - Central Office - Hearing upcoming
#74 - Classification of PM - Central Office - No progress
New guides
#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

8. **Terms and conditions and Policy distribution -**
Jennifer Hunter talked about the navigation of the library of terms that is being worked on. The plan is to link it to the new STARS. It will be a tree structure of the terms based on the rules. It may be out as soon as summer. Cheryl is working on the boiler templates. Jenny announced the interested party package for PTIO rules has been sent out. Chapter 35 will be gone and all the applicable rules will be in Chapter 31. All the quarterly reports are to go to annual for the PTIO. The effective date for the new rule is planned for the implementation of the new STARS.

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

9. **CETA update -** USEPA is auditing the enforcement programs of DAPC, Wastewater, and RCRA.

They will probably be doing a file review and the DO/LAA's may have to send the files to the Central Office. They also may visit a district office. Jim Orlemann believes we are doing more stack testing than what is showing up in CETA. We need to get the credit for the work we do . USEPA will be concerned with any items that are less than the national average.

Action Item : Everybody has to update CETA, especially with the stack tests.

10. **Stack Testing -** No update

11. **New items and parking lot -**

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

Next meeting is May 8, 2007

May 8, 2007

Permitting & Enforcement Committee Meeting -
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 Grenwood, (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,

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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 committment. 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 writtten 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

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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-I.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 cmments 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

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7. **Terms and conditions and Policy distribution -**
Jennifer Hunter indicated the formatting and scenario group are working on the organization ot 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.

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Next meeting is July 10, 2007

July 10, 2007

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1. **Enforcement issues -** Jim handed out several documents. As stated in the last meeting, no new goals have been established by the director's office at this time for air enforcement. Jim assumes most will carry over from the past administration. 23 cases have been resolved so far this year,
8 with findings and orders. The goal is 90 cases, 40 with F& O's. Jim noted in the graph, that compliance for HPF's has dropped. This information is taken directly from CETA; either entries are not correct, or the numbers have slipped. The old cases have not been moving as fast as planned, but there is only one old case from 2006; the goal is to have the 2007 old cases resolved
by September of this year and to start on the old cases for 2008. Jim does not want to repeat the end of year push for referrals of cases to the AGO's office. His feeling is that by meeting the goals
in enforcement, we can reduce the backlog of cases. He handed out an updated schedule for resolution of these cases. Jim also handed out a list of the 86 cases at the AGO. Those that are bolded are in court and may even have a trial date. Having a trial date set seems to force a quicker resolution of the case. Cases which are asterisked have a statute of limitations date of
7/23/07. No penalties can be assessed in these cases if they are not filed in court by this date unless the violations are ongoing. The Shelly cases are in this group; some are administrative violations, some are emission violations. There are 43 of these cases in sign off.

Lastly, Jim handed out a copy of the unilateral findings and orders for an open buring violation discovered by SWDO. The violation was on May 1, 2007, and the orders were issued by June 25. Jim was concerned that the violator would either appeal or just ignore the orders. Apparently not, as the check for $500 has been received. Asbestos or Gasoline dispensing facilities may be good candidates for unilateral orders; rule changes would have to be made to allow us to proceed in this fashion on these types of cases. Jim also mentioned that the resolution
of the RLR asbestos case was $227,000, the largest settlement for an asbestos case for us.

Action Item: Congratulations on a success with the unilateral orders... CO enforcement will proceed in this direction with open burning cases.

2. **New Source Review ,Title V and permit issuance -** Andrew Hall handed out a copy of the

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handouts of his power point presentation regarding MACT in permits. This presentation will be given to industry at the end of the month. He will forward an electronic copy to the field offices.
In the presentation, the positives and negatives are presented for the differing methods of
identifying the MACT in permits. The general citation approach is valuable for a rush PTI, but will
not be used for Operational permits. Andrew also pointed out that no attachments of the MACT will be available in STARS2. The draft guidance on this should be available in the next month, but
we can use this in PTI's now.

Andrew also indicated the interns are doing a great job entering the hard copy entry data into STARS and offered the services of the intern at Central Office, to enter applications for the field offices. A couple of suggestions that were made for getting more applications for the interns to enter included asking facilities to update an old application, as there may be emissions units that
are new without PTI's or never had a permit; reviewing sources that got PTI's and never applied for PTO's; comparing the blue card database to see if the facility has an expired PTO.

Mike Hopkins joined the meeting and touched on the Title V backlog. There are 425 renewals that need to be issued. He handed out a list of Title V actions by office as well as the remaining Title
V workload. These lists were taken from the Title V tracker off the web; the FESOP list that was also handed out was taken from the web. Should any of these lists not reflect reality, contact Mike Ahern.

Mike indicated the BAT rule making plan is being developed. We have a year and a half to get these rules in place. The sources as groups, will be identified by priority in Central Office. These categories will be farmed out to the field offices for developing BAT for that particular category. CO will review the BAT recommendation and the supporting data for it and write the rule. The initial meeting was held and volunteers will soon be solicited from the field offices. The rule will
be defined by the SCC and what BAT is for that particular SCC category. New categories can be given BAT by the development of a rule after the deadline of 8/3/09, but if an application for an emissions unit in that category to be installed during the gap between 8/03/09 and when a rule goes into effect for that category, no BAT can be applied to that unit. For some sources, it will be pointless to write a rule. For example, if a MACT exists for a category, there is no point in writing
a BAT rule that says the same thing. Although monitoring, recordkeeping and reporting may be included in the rule, no lb/hr limit will be established; per SB 265, a rolling 12 month summation will apply. BAT will be limited to criteria pollutants, as we now have air toxics in a rule. Mike estimates that we should be able to complete 50 categories for the BAT rule writing project by the deadline.

Mike is involved in Advantage Ohio, the governor's office initiative that is trying to address efficiency and quicker permit issuance. The group is looking at new general permit and permit by rule categories. Jenny Hunter sent out a request for categories recently and received a response

of 15 categories. Send Mike or Jenny any additional suggestions. It was also noted that general permits may have to be modified to match up with SB 265 (e.g., less than 10 tons/year no BAT). Any suggestions to modify the general permits and make them more applicable for the user, please contact Mike Hopkins.

Jenny Hunter stated that the PTIO guidance for the DO/LAA's is on its way. The first draft has been written and is under review. The training is to be conducted using the guidance and prior to the transition into PTIO.

Action Item: Get additions to Mike or Jenny on General permit and PBR categories. Continue to enter hard copy applications into STARS.

3. T**erms and conditions Library update** - The library is now available to the public on the state web page. There have been suggestions of changes to the terms that have come through the DO/LAA's. Suggestions are accepted by the public, but we do not want to do a wholesale re-write
of the library. Mike Hopkins commented that the readability of the permits can be improved upon, and this will be a subject in the Advantage Ohio program. Cheryl and Jenny both spoke of the development of the tree structure for the library. It is near completion and will also be web-based. Cheryl also indicated BAT has been removed from the terms; she also made changes on the basis of the GE decision. She is finishing up the "v's" in the library and completing the rolling limits section. She will then move on to the tree project. The conversion to Word depends on the implementation of STARS2. The new terms will be able to be searched by the tree system as well
as alphabetical. **A note regarding voluntary restrictions in permits; 3745-31-05 (C) is to be cited in all cases.**
Jim Orlemann asked how we plan to write VOC control limits into a permit with the new BAT rules.
Mike Hopkins was not sure, as SB265 calls for nothing more stringent than a rolling 12 month limit. We can cite only the existing rules for short term limits.

4. **Engineering Guide update -**
#6 - PTI for Coal to oil conversion - Cleveland - Mike Hopkins reviewing
#7 - Inclusion of weight of water in PWR - NWDO - Jim made some changes, sent bck to NWDO
#9 - PTI/PTO Determinations for grain dryers - NWDO - Same as #7
#12 - GDF guidance - NEDO - Back at NEDO - new comments received. Changes to be made and sent back to Jim. No progress
#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. May need complete re- write.
#19 - Coke plants - PM rule applicability -HAMCO - Jim made changes; back to HAMCO
#20 - VE limits, determination for stack sources - Akron - Address stack issue only - no progress
#23 - Significant figures for TSP emission limitations - SEDO -Minor changes recommended. Sent
to Jim for final review.
#44 - Portable Plants - Mike Hopkins and Central Office to respond to NEDO's questions

#53 - Open Burning Standards - Central Office - Hearing resolved; no progress on guide
#74 - Classification of PM - Central Office - Andrew should have a revised version by next meeting
#75- New guide for crushers and non-mettalic material - Mike working on this
#70 - Toxics - Mike looking at this one. #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

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

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

5. STARS2 update **-** February '08 is the planned month of transition to STARS2. At this time, this is looking less likely to occur, due to complexity of the project. The final decision on this will be made in this October. A test of the permitting workflow will be done the week of July 16th . A test
application will be submitted and a permit will be generated to see what happens in the process.
Contact Linda if you want to participate in the project. 4 Locals are not hooked up yet; Akron, Canton, Toledo and Portsmouth. Linda handed out info to these offices. Reminder - Practice data goes away every Friday.

6. **CETA update -** Inspection schedule for HPF's for next year will be scheduled in CETA. The DO/LAA's will be asked to submit the inspection schedule through CETA by September '07. The comment field will be used if there is a commitment change (i.e. shutdown, etc.) Remember, all Title V facilities are to be inspected every 2 years.

Action Item : Get inspection info into CETA for next year.

8. **Stack Testing -** No update

9. **New items and parking lot -** Mike Ahern talked about the compliance certification review form. It has been sent out, and is a combination of forms from several offices. Highlighting and instructions are only visible electronically. We are to use this form beginning next year. This will be required to be filled out for next year's certification. Compliance review may be added to STARS2. Get comments from staff and get them to Mike Ahern.

Mike also mentioned that an SEP project from the Sunoco enforcement case is allowing for the scanning of SIP documents and placing them in an electronically searchable format.

In the Locals meeting, the IT folks stated they are trying to get away from the long form entry for open burning notifications of publication. The locals agreed on this. The open burning application is not standardized; field offices are to send the application forms to Mike and he will try to develop a standardized form.

Jim Orlemann mentioned that they are going back to proposal stage for 21-07 since there

were so many changes. He also indicated the feds report on the enforcement audit is due, and they may have comments on the files that they reviewed from the field offices. The final report after comments and our response is due in September. The federal fund reduction will be 6%
of the grant in the first year and 12% in the second year. The areas to be cut back on have not yet been decided.

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Next meeting is September 11, 2007

P & E minutes September 11, 2007

September 11, 2007

Permitting & Enforcement Committee Meeting -
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, Cheryl Suttman, (CO), Jim Carney, (OCAPP), Todd Scarborough, (CDO), Jeff Canan, Chris Clinefelter, (RAPCA), Mark Budge, (NWDO), Sara Harter, Glen Greenwood,(SEDO), Mary Lehman-Scott, (Toledo), Cindy Charles, (Portsmouth), Bud Keim, (Canton), Craig Osborne, Rao Dasari, (SWDO), Paul Tedtman, (HAMCO)

1. **Enforcement issues -** Jim handed out several documents and graphs. As stated in the last meeting, no new goals have been established by the director□s office at this time for air enforcement. Jim assumes most will carry over from the past administration. 18 Cases have
been resolved by F & O□s as of the end of August. The goal is 40 for the year. Jim feels we can make this as there are 30-35 cases in negotiation. The goal of 90 total cases to be resolved by
the end of the year may not be made (37 so far). The old cases have dropped from 24 to 16;
still hoping to make zero by the end of the year. Documents are out on 16 cases but 2 are awaiting the Director□s signature. Jim also handed out a schedule for processing "old cases". From the federal enforcement audit, Jim handed out a list of the critical elements and the corrective actions associated with them. The audit was on not only the Air program, but also Water and RCRA. Jim indicated that some of the corrective actions will involve the Field
offices, Central office or both. He also noted we are not meeting our inspection goals, and there is some discrepancy in the numbers. Central Office figures we completed 80% of the inspections in □06, and the Feds say it is in the 70's. Field offices should make sure the
inspections are properly entered into CETA, as a number of the field offices felt they had met
their goals. Jim also indicated that we are not getting our Compliance Monitoring Reports completed by the 60 day requirement. He noted the 60 days is after the evaluation, which may not be the inspection, especially in the case of a large record review. Jim is concerned that
some offices have not yet submitted the inspection commitments for □08. Central Office will monitor the progress on these inspections on a quarterly basis, by reviewing CETA. Jim also
pointed out that the Feds felt the written inspection reports were lacking, especially in non-compliance issues. The Feds would also like us to make unannounced inspections. We do not plan on changing our procedure. Milestones of compliance will be tracked in CETA by
Central Office and will require Field Office input on a quarterly basis. Other concerns that are

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listed in the audit are penalty calculations, resolution of violations at High priority Facilities, and entry issues in CETA. The Feds want the entries completed on a monthly basis and
accurately. The entries are to be completed by the first two weeks of the month following the activity. The most controversial issue with the audit is the issue surrounding the definition of a high priority violation. Ohio defines this as a violation at a High Priority Facility. (TV, FESOP,
Synthetic minor PTI) USEPA uses a matrix that would result in a subset of Ohio□s list. Jim feels
this is a statistics issue, as it makes our numbers look lower. There is a lot of extra work involved in going through the matrix. A decision on how we are going to handle this is to be made by the Director□s office and Bob Hodanbosi. The complete audit report for all three
programs should be finalized by the end of September. Jim is to send out Ohio□s comments on
the draft.
There was a discussion about modifying the inspection form. Jim said the Feds feel the form meets the minimum requirements. We may want to tweek it for clarity, and to address the issues of explanation where the Feds feel our reports are lacking.

Action Item: CETA, CETA, CETA... Make sure it is accurate and timely.

2. **New Source Review ,Title V and permit issuance -** NWDO pointed out that there is a conflict with 77-04 and on page 2 of the Title V permits regarding the timeliness of renwals. (6 months
vs. 180 days) Cheryl and Mike Ahern are to make the appropriate adjustments.

Mike Hopkins indicated that Jenny Hunter is working on the issues with the Feds and 21-09(U)(2)(f). The Feds initially were going to withdraw approval, but are now agreeing on the process as follows: Company states why they cannot comply with the limit in writing by
submitting an application. After review, this will be issued as draft with a 30 day comment period. Feds will give their approval or denial at this time. Company can build after the final permit is issued. We will later submit these terms as part of the SIP. The Feds envision
grandfathering older facilities on the approval. Feds agreed not to take enforcement action on
a company even though the terms are not yet listed in the SIP. The Director□s concern is the company may be in jeopardy until the terms are in the SIP because the gap in time that exists.

Mike Hopkins spoke about Advantage Ohio and the air permitting improvements. There seems
to be some consideration of a step process for studying this. Presently, there are three sources
of the efforts in this area; the director, Advantage Ohio, and recently, the Iowa system was brought into the mix. The Iowa system has a construction permit program, no PTO program,
and permits stacks, not sources. A question was asked how they handle fugitive sources, but
no answer was presently available. Iowa has a smaller universe of facilities. A significant reduction in steps of the permitting system was completed in their

efforts, as a permit can now
be turned around in 10 days. A concern exists about modifying our permit system and how it
may affect STARS2 and PTIO. From Advantage Ohio, “PTOs should not look like Title V permits.“ Mike has given out some permit terms to Advantage Ohio and feels that the record keeping and monitoring may be scratched out, since if there is “no rule, no requirement“. We have been doing our customer response survey which shows positive feedback regarding the field offices. Advantage Ohio may want to try a different type of survey. We seem to have a lot
of #1 priorities these days, inspections, permits, enforcement, backlog.

There has been no progress on the BAT rule writing required by SB265. There is an internal meeting to be held at Central Office, after which the field offices are to be involved for the sources which will be based on SCC codes.

The Hodanbosi memo on the vacated Boiler MACT was discussed. Paul Koval is getting a list together of the affected sources. Still waiting for guidance from USEPA. Field offices are to contact their new source review contact for facilities with immediate issues. 112(j) applies for PTI□s in this situation. If the MACT is attached in the Title V, it is not enforceable in this case. If
it is in the permit itself, technically the company must comply. Mike said to either hold these permits or resolve them on a case-by-case basis.

There seems to be an issue with the PBR for emergency generators and NSPS IIII. The PBR only asks for hours of operation, fuel usage and SO2 content. NSPS has additional requirements. Cheryl Suttman is to modify the PBR and we are to notify the companies that they must comply with the NSPS where applicable. Non-PBRs will have to have the
appropriate terms.

There is a conflict with the preliminary completeness letter for PTI□s and the modified rule 3705-31-33. Field offices should modify their letter.

NSPS OOO issue. Shelly had comments on this; resolution is needed regarding supporting units and clarification of aggregate. Believe this to be addressed in proposed Engineering Guide 75.

Mike Ahern handed out a list of the workload of Title V renewals and initial permits. he indicated that 45% of the Title V population was expired or extended. This information was
taken from the Title V tracker. Field Offices should inform Mike if the information is incorrect or inconsistent. October 1 is the deadline for Blue card straglers and SMTV fee reports. Mike
said we will wait till STARS2 is online to resolve the 180 day-6 month renewal requirement inconsistency mentioned earlier.

Action Item: Modify prelimary completeness letter and be aware of the NSPS IIII issue surronding PBR□s.

3. T**erms and conditions Library update** - Cheryl Suttman reported the terms have been split and is getting ready to set up the tree system. She is working on internal combustion engine terms. She really could not find anything on tub grinder terms for non-appendix A areas. She reminded everyone to use the

new toxics terms.

4. **Engineering Guide update -**

#6 - PTI for Coal to oil conversion - Cleveland - Mike Hopkins reviewing
#7 - Inclusion of weight of water in PWR - NWDO - Jim O. to review
#9 - PTI/PTO Determinations for grain dryers - NWDO - To go to Jim
#12 - GDF guidance - NEDO - Back at NEDO - Issued final 8/14/07
#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. May need complete re-write. Jim is to get with Toledo in reference to the actual question in the guide.
#19 - Coke plants - PM rule applicability -HAMCO - HAMCO to send final to Jim for issuance.
#20 - VE limits, determination for stack sources - Akron - Address stack issue only - no progress
#23 - Significant figures for TSP emission limitations - SEDO -SEDO looking at comments. Changes to go to Jim. Suggest that while 3745-15 is under review, one ton of toxics be changed to 1.0.
#44 - Portable Plants - Mike Hopkins and Central Office to respond to NEDO□s questions. NEDO to track down issues.
#53 - Open Burning Standards - Central Office - Hearing resolved; no progress on guide
#74 - Classification of PM - Central Office - There were comments on reviewed guide. Andrew Hall working on this.
#75- New guide for crushers and non-mettalic material - NSPS OOO - Mike H. working on this
#70 - Toxics - Jennie Hunter reviewing. #69 may need changes due to changes in #70.
#27 - Determination of Heat input during a boiler stack test - RAPCA - looking at layout. Should have something for next meeting
#24 - Application of Fugitive Dust Requirements to Affected Facilities - Toledo - no progress
#25 - Determination of source numbers and Permit fees for fugitive dust sources - Cleveland - no progress.
#26 - Inclusion of weight of water in the weight of “refuse“ charged for incinerators.- NEDO - no progress

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

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

5. STARS2 update **-** The STARS2 testing is going well. Mike said that not only is the team finding bugs that need to be resolved, but is also freeing up the contractors to do other work on the project. Access to STARS2 will be at OAKS, TAS, Motorpool site. The state internet security policies are creating access problems for some of the Local Air Agencies. STARS2 is web-based, STARS presently utilizes a T1 line. Some CETA will be incorporated into STARS2. Release of STARS2 is looking more like spring rather than February. The “Business Gateway“ will allow companies to enter information for all the programs. There will be a user name with a pin and authorization. Anyone, including citizens, can get a user account pin. The authorization will be for the responsible individual signing off. The “staging area“ will be for air programs. This

will contain the facility profile, appllications, and emission reports. “STARS2“ will be where the
permit is developed. There will be an “event loop“ in which a company can observe each stage
of the permit.

6. **CETA update -** Information may have been lost when new CETA was populated from the fields of old CETA. Some of the verbage is there, but info is not. Mike Ahern is working on this, and will try to determine where the issue was and what was lost. Once again, Jim Orlemann reminded all to get the inspection commitments into CETA. A few are missing. Mike Ahern said
the IT folks are moving servers due to a power issue - let Mike know if you are having an issue getting into PTI2K or CETA. You may have noted a slowness in STARS. Let Mike know if it gets bad.

7. ***Action Item :*** Get inspection info into CETA for next year.

8. **Stack Testing -** No update

9. **New items and parking lot -** At the next meeting, odor nuisance rules are to be discussed. An internal meeting is to be held to discuss these issues and the comments from citizens at the hearing on the rule.

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Next meeting is November 13, 2007

November 13, 2007

Permitting & Enforcement Committee Meeting -
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, Cheryl Suttman, Mike VanMatre, (CO), Rick Carleski, (OCAPP), Mike Riggleman, Todd Scarborough, (CDO), Jeff Canan, Chris Clinefelter, (RAPCA), Sara Harter,(SEDO), Paul Barnhart, Mary Lehman-Scott, (Toledo), Duane LaClair, (Akron), Dan Aleman, (Canton), Valencia White, (Cleveland), Paul Tedtman, (HAMCO)

1. **Enforcement issues -** Jim handed out his documents and graphs on enforcement. Regarding old cases, the remaining 16 are expected to be completed by the end of the year, with 3 being referred to the AGO. He expects to meet the goal of resolving 40 cases with F&O's. So far, 22 Cases have been resolved by F & O's. Jim thinks we can make this. The goal of 90 total cases to be resolved by the end of the year probbly will not be met (44 so far). Jim also handed out a a graph regarding timely submittal of EAR's within the statute of limitations. We are at 96%. His graph regarding compliance % of 95.5 was based on the old method of HPV reporting... As of 1/01/08, the new HPV format will be used. Based on a universe of 1655 HPF's, our goal is to maintain a level of 95% compliance.

Jim also handed out an E-mail from Lisa Holscher of Region V which indicates facilities that were to be inspected in FFY '07, but were not reported as such in CETA. If you have a facility on this list, please investigate and report the results to Jim Orlemann, John Paulian and Mike Van Matre.

Jim handed out the pages that he felt were important regarding the HPV guidance. He then presented the slide show from Region III. This presentation may be posted to the web in the future...

Our numbers for HPV's have been historically higher than other states within the region due to the way we report HPV's. Using USEPA's method, we should have lower numbers. For the most part, HPV's will only be Title V facilities; a minor or synthetic minor will can only have an HPV when the violation puts the minor status of the facility in question. There is one other discretionary situation in which a minor can get on the HPV list, but that is only with mutual agreement between Ohio EPA and the Feds. HPV's will get elevated to quicker action on the state level. He also said HPV's will be almost always major facilities, and the violation must be for a pollutant that the facility is major for, as well as violation of a federally enforceable limit or parameter. There are three ways a violation can be an HPV. -

- 1 of the 10 general criteria
- fits the matrix
- Discretionary HPV

- General Criteria
  - -1 - PSD, NSR, BACT, LEAR

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-2 - Air Toxics; NESHAPS or MACT
Emissions or parameters
-3 - Synthetic minor, emissions or permit conditions that affect its synthetic minor status.
-4 - Violation of a substantive term of a local, state or federal order/decree substansitive is determined on a case-by-case basis
-5 - Title V compliance certification - inaccurate, late, not submitted. Substantial.
-6 - Failure to file Title V application, new or renewal. Substantial
-7 - Substantial violation of testing, monitoring, recordkeeping and reporting.
-8 - Emissions violation from stack test. Automatic HPV. Same as matrix 1
-9 - Chronic long term or recalcitrant violator.
-10 - 112(R)

- Matrix criteria
  -1 - Stack test violation. Same as general #8
  -2 - Emission violation; process or formulation data
  -3 - Surrogate limit violation
  -4 - CEM detected violations
  -5 - Opacity violations; by COM or method 9
- Discretionary HPV - Jim does not expect many of these violations not covered elsewhere
  Could be minor source, health hazard. Mutual agreement between agency and USEPA

- Note - substantial, substansitive= case-by-case

Mike VanMatre showed us the modification made to CETA to allow us to enter the HPV in the enforcement page for CETA. A column will be added for HPV. If yes is indicated, a pop up box will display a selection of codes. This will be activated January 1, 2008. You must choose at least 1 code, but can choose up to seven. An HPV is automatically listed as formal. If a change
is needed to make it informal, contact Mike VanMatre or Arunee. Jim Orlemann and Mike have asked that any NOV sent as a result of a HPV be listed as such on the NOV along with the appropriate code. Updating the case in CETA is critical, just like inspections. No formal training
is planned, Jim had contacted Lisa Holscher on any possible training and has not received a response.

Jim indicated the final report on the audit is out and the Feds are moving on to the next state. Ohio is done for this cycle of enforcement audits.

Action Item: Evaluate violations by this method, enter in CETA as such, and note on NOV with code as high priority violator. Tracking will start January 1, 2008.

2. T**itle V and permitting update** -Mike Ahern handed out a sheet which listed non-Title V and FESOP permits issued as well as a listing of the current remaining workload. He feels that all did
a good job in utilizing the interns and getting applications into STARS. The list also included the Title V workload. If any inaccuracies are found, please let Mike or Erica know.

Mike indicated that there has been a change in Chapter 77 in regard to ethanol facilities. Fugitives will not be included in the PTE. He also indicated that STARS2 will have some tie-in with CETA. There are some tight time frames with the cut-over test to STARS2, along with application and production server issues, but they are being worked on.

Odor nuisance rule - An internal meeting was held to take a new look at the rule due to information from the public hearing. The Texas rule has information and approach which is bien looked at as a good model for Ohio. We are restarting the rule making process for this rule on the first of the year.

3. **New Source Review** - Mike Hopkins noted the following

- SB 265 guidance is on Andrew Hall's to do list

BAT rule project - meetings have been held and priorities for source groups are being identified. Jenny Hunter is working with Master list of categories. Permit writers will be solicited from the DO/LAA's to assist in SCC priority determination. The list will be sent out and volunteers
will be solicited to determine the BAT of the particular source categories. A list of requested volunteers for the first phase of the project was provided; get your volunteers to Mike Hopkins by November 26. The initial review of the spreadsheet will involve 2-4 hours and no trips to Columbus. This basically an in house review of priorities.

Boiler MACT - No update

NSPS OOO - No Progress

Chromium EAC form sent out by Jim Braun - Send comments to Jim Braun.

4. Engineering Guide update -

#6 - PTI for Coal to oil conversion - Cleveland - Mike Hopkins - no progress

#7 - Inclusion of weight of water in PWR - NWDO - Jim O. reviewing

#9 - PTI/PTO Determinations for grain dryers - NWDO - Jim has NWDO's marked up changes

#12 - GDF guidance - NEDO - Back at NEDO - Issued final 8/14/07 - Now on web

#16 - Conditions requiring additional testing - NWDO - No progress

#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. May need complete re- write. Jim is to get with Toledo in reference to the actual question in the guide. No progress.

#19 - Coke plants - PM rule applicability -HAMCO - Jim has final for issuance.

#20 - VE limits, determination for stack sources - Akron - Address stack issue only - no progress

#23 - Significant figures for TSP emission limitations - SEDO -SEDO looking at comments. Changes to go to Jim. Suggest that while 3745-15 is under review, one ton of toxics be changed
to 1.0. - No progress

#44 - Portable Plants - Mike Hopkins and Central Office to respond to NEDO's questions. NEDO
discussed issue with Mike. New draft to go out soon.

#53 - Open Burning Standards - Central Office - Hearing resolved; no progress on guide

#74 - Classification of PM - Central Office - There were comments on reviewed guide. Andrew Hall working on this. -no progress

#75- New guide for crushers and non-mettalic material - NSPS OOO - Mike H. working on

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#70 - Toxics - Jennie Hunter reviewing. #69 may need changes due to changes in #70.
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#26 - Inclusion of weight of water in the weight of "refuse" charged for incinerators.- NEDO - no progress

P & E and permit call notes are still only up to 11/14/06 and 10/19/06 respectively on the web
(Hollywood may not be the only place subject to a writer's strike
:)) Action Item - **Updated notes need to be posted to web site..**

5. **Terms and Conditions** - Cheryl Suttman is re-writing the hospital waste incinerator terms. She has looked at the tub grinder terms and conditions and handed out example terms.. Please send and comments to Cheryl. She is also working with Solid Waste on HOV for landfills, as well as emergency generators. The latest air toxics terms are on Mike Hopkins' desk. Mike Ahern indicated that he and a group are working on an open burning form that will be consistent statewide. He will send it out for comment when complete. There has been a lot of discussion on local fire department sign-off. This may be resolved as an optional sign-off, with a copy of the approval going to the local fire department. Jim Orlemann handed out the codes for the HPV matrix.

Other points of discussion -
- Asphalt roofing recycling - Cleveland has some issues on this. Tim Fischer of NEDO has
a facility that recycles rejected new shingles. We believe Akron has a facility permitted to do this.
- PM-10 condensible issue - Some discussion on inconsistancy between AP-42 factors and test methods.
- Residential wood fired boilers - Jim Orlemann is looking at a draft rule by Carolina. Cleveland has a local ordinance on these units. Contact Jim Braun.
- Building capture efficiency for foundries - "0" unless company can establish efficiency and support it with valid data.

6. STARS2 update **-** Linda Ours presented the STARS2 update. For 2008, and only 2008, fee emissions reporting, emissions inventory and emissions statements submission deadline will be moved to June 6. This will allow applicants to familiarize themselves with the new system. Synthetic minors will have the hard copy as well as the electronic version of reporting. In 2009,
the submission date will return to April 15. The "go-live" date for STARS2/PTIO is planned for March 1, 2008. Business will have to go through a culture shift to submit stuff on line. The company must get a pin and a notarized statement in order to meet security requirements. While STARS2/PTIO (Air Services) is poised to be launched, E business gateway, where the state will
do all it's electronic transactions with business, still is undergoing completion. This link is the

high- risk point. A one time training (roadshow) for STARS2/PTIO is being planned for internal people (DO/LAA), and web tutorials will be available. There is an issue with access to the locals, which appears to be a firewall issue at the state level. For the facility, they will have to build the facility profile only once, before proceeding with data entry. Every unit will need an SCC.

7. **CETA update -** See Mike Van Matre's presentation under the Enforcement Section.

8. **Stack Testing -** No update

9. **New items and parking lot -**

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Next meeting is January 8, 2008

Happy Holidays to all, see you next year, Just remember, Happy Thanksgiving and don't forget to give the turkey his day!!! (Ben Franklin wanted the turkey instead of the eagle)

January 8, 2008

Permitting & Enforcement Committee Meeting -
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, Cheryl Suttman, Andrew Hall , (CO), Kelly Toth, Todd Scarborough, (CDO), Jeff Canan, Chris Clinefelter, (RAPCA), Sara Harter, Marco Deshaies, (SEDO), Brad Faggionato, (Toledo), Frank Markunas, (Akron), Bud Keim, (Canton), Paul Tedtman, (HAMCO), Mark Budge, (NWDO), Craig Osborne, Madhava Dasari, (SWDO)

1. **Enforcement issues -** Jim handed out his and graphs and tables on enforcement. The major goals were pushed in the last month. 29 cases were resolved in the last week of December and 37 in the last month alone. 28 were F & O□s. 40 was the goal for the year for F & O□s; we made 52. 90 was the goal for cases resolved; we made 85. All the old cases were gotten off the docket. Jim handed out the schedule for resolving the new list of old cases; there are 28.
   Jim pointed out that HPV cases, in the new classifying method, are taking priority over old cases. 85 cases are presently on the docket, 90 in the AGO□s. Jim also reminded all that NOV□s sent since 1/01/08 must be listed as HPV NOV or non-HPV as appropriate, as well as list the code. Copies are to be sent to Lisa Holscher as well as your CO enforcement contact.
   A formal action is required fo HPV NOV□s. Arunee has revised CETA for HPV reporting. Jim handed out the summary of what will be going to the Director on a quarterly basis. Jim is looking for a 95% compliance rate for TV and Synthetic Minors. He feels as we go through the year, the number of HPV□s will go down, as our previous method of reporting inflated the numbers. In 2008 we resolved 85 cases; we received 7 more than we resolved. We did well in penalties, $720,000 in December alone; $1.4 million for the year. This is the largest amount since the memorandum of agreement with the AGO was issued.- Reminder from Jim - Keep CETA updated, CO will be contacting the DO/LAA□s if schedule of inspections or enforcement progress is not being adhered to..

   Action Item: New HPV methods started January 1. Evaluate violations by this method, enter in CETA as such, and note on NOV with code as high priority violator. Keep CETA updated.

2. **Engineering Guide update -**
   #6 - PTI for Coal to oil conversion - Cleveland - Mike Hopkins - no progress

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#7 - Inclusion of weight of water in PWR - NWDO - Issued 1/3/08
#9 - PTI/PTO Determinations for grain dryers - NWDO - Don Waltermeyer and Jim Orlemann working out issues.
#16 - Conditions requiring additional testing - NWDO - Mark Budge sent changes to the group. Please send comments to Mark by end of February.
#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. May need complete re-write. Jim is to get with Toledo in reference to the actual question in the guide. No progress.

#19 - Coke plants - PM rule applicability -HAMCO - Issued 1/3/08.
#20 - VE limits, determination for stack sources - Akron - Address stack issue only - no progress
#23 - Significant figures for TSP emission limitations - SEDO -SEDO looking at comments. Changes to go to Jim. Suggest that while 3745-15 is under review, one ton of toxics be changed to 1.0. - SEDO to submit changes by next meeting.
#24 - Application of Fugitive Dust Requirements to Affected Facilities - Toledo - no progress
#25 - Determination of source numbers and Permit fees for fugitive dust sources - Cleveland - no progress.
#26 - Inclusion of weight of water in the weight of "refuse" charged for incinerators.- NEDO - no progress
#27 - Determination of Heat input during a boiler stack test - RAPCA - looking at layout. Should have something for next meeting - no progress
#44 - Portable Plants - NEDO incorporated changes to address PTIO, rule changes, and clarifications for the flexible pavement industry. Send comments to NEDO by end of January. Andrew Hall is to submit an additional question that came up as a result of the SB 269 guidance.
#53 - Open Burning Standards - Central Office - Hearing resolved; no progress on guide
#70 - Toxics - Jennie Hunter reviewing. #69 may need changes due to changes in #70. -No progress
#74 - Classification of PM - Central Office - There were comments on reviewed guide. Andrew Hall working on this. -Non-attainment issues must be resolved before guide can go forward.
#75- New guide for crushers and non-mettalic material - NSPS OOO - Mike H. - no progress

3. **New Source Review** - Mike Hopkins noted the following -
BAT rule project - The list of prioritized categories and the request for volunteers for the groups was sent out and volunteers will be solicited to determine the BAT of the particular source categories. Volunteers for the categories are due January 11. Packets will be sent out..
the limit is to be determined along with the appropriate monitoring, recordkeeping and reporting. Also, the supporting data is to be submitted. This is what was selected, this is the research. Volunteers may want to network with other offices. BACT/LAER database, past permits can be used for support. Cost effectiveness may not be needed. There is a concern about opacity and whether it can be required as BAT, as it is not a design parameter. BAT for different groups, such as coating lines, can be all over the place. Size may be the determining

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factor for control equipment. Asphalt plants rule has been started. BAT is being written by the source and the pollutant.

BAT can be -

- Work practices
- Source Design
- Raw material or throughput limit on 12 month rolling
- Monthly allowable on 12 month rolling.

Mike had recently sent out a rewritten version of the permit terms and conditions that would make the permit easier to read. Please have any comments to him by Friday.

This is part of the Advantage Ohio project. Industry wanted a separate document that tells them what they must do, but there is a concern that this would be confusing as well as open up questions to enforceability

Testing is also of concern in this format. The general terms seemed better with the plain language. Mike also reminded all that the requirement that PTI□s with MACT must go draft has been lifted. MACT requirements by themselves do not constitute a requirement for the PTI to go draft.

Andrew Hall indicated work is progressing on the BAT guidance as it applies to SB265. They will go with 9.9 instead of less than 10 tons per year. A new Q & A is being developed as well as the flow chart being updated. Sample permits will also be developed. The whole package will go out as website guidance in the next few months. Mike Hopkins and Mike Ahern met with the director on permit improvement as well as process improvement. They showed the director the 180 day list, tracking methodology and the details of how a permit is written. For last years PTI□s , 42% were done in less than 45 days, 68% were processed within 90 days, and 89% were completed in the 180 day window. SWDO, RAPCA and HAMCO all met the 180 day standard for all PTI□s issued last year. NEDO was 97%. The director will want monthly #□s in PTI issuance and an explanation as to why any are late. The director may visit the field offices on these issues. The director supports PTIO.

Regarding migrated documents into STARS2; work is in progress and the although we may not use some of the documents, they could be important for enforcement cases. There was some confusion as to what would be migrated and what would be lost when the E-mails from the listserve on this topic were issued. For the most accurate and clear description of the process, see the last E-mail from the listserve (through Jenny Hunter) authored by Erica Engel-Ishida (1/07/08). Mike Hopkins indicated that he has instructed his staff that if they cannot get to a PTO within 2 weeks after it has been received, that the reviewer should just issue the permit. A question came up about the old Title V applications and how we could view them once STARS2 comes on. There will be a way that they can be viewed through STARSHIP. Mike Ahern said he was not sure if additional applications which were

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not acted on will be kept. The old STARS will be demolished as there is no economic justification to continue the program. But he did advise that in-process state PTO applications would be pulled in. RAPCA raised a question about the development of a general permit/permit by rule for area MACT facilities. Central Office needs a volunteer to work on this. There is no outreach planned at this time for the area source MACT facilities.

4. **STARS2 update -** Linda Ours presented the STARS2 update. There are still access issues for a couple of the locals. Staff should start working through the program just to familiarize themselves with the operations of the system. Linda will send a quick reference guide on this soon. Linda also wanted all to be aware that QA/QC for hard copy entry for STARS2 will be more stringent. Incomplete applications will not go into the system. The new system will tie into the agency core database. If a new facility exists in the core but not in STARS2, anything that is entered in STARS2 will be lost. Info should be sent to CO to affirm this determination of the core entry. Training is scheduled for STARS2 - Chance that STARS2 may not go on line on March 3, decision will be made the week of January 14. Emissions reporting still set for June, no matter if STARS goes live on 3/3 or not. Please note, each page in STARS2 will have "help". Unlike the past, DO/LAA□s will be able to provide more help to industry with the program. The building of the facility profile will be better handled with the DO/LAA. Word □07, Windows XP is needed as well as internet explorer. Windows defender is needed for the locals. When STARS2 goes up, STARS and PTI 2K will go down. There will not be a snapshot like STARdust. There will be a quiet period in which work will not be able to be done... This presently is February 18 through March 2, but could change.

5. **Title V and permitting update** - Mike Ahern indicated the open burning processing guidance document will be completed between now and the next P &E meeting. Both the guidance and the application should be available electronically. Chapter 77 changes are to be going out soon. Included will be the transition in and out of Title V, area source categories and shutdown emissions units. Mike also indicated the Statement of Basis will be a part of STARS2 and will continue in its present form, although there may be some minor changes along the way. Wordperfect to Word conversion will be available at the transition.
- Residential wood fired boilers - Jim Orlemann is looking at a draft rule by Carolina. It involves setbacks and stack height. At this time, there are no plans for a grandfather clause for already installed units. The draft rule is to be sent to interested parties early this year.

6. **Terms and Conditions** - Cheryl Suttman developed the terms and conditions for tub grinders based on AP-42. These terms are now on hold till BAT issues are resolved. Cheryl is now involved with the BAT rule project. She has been looking at the boiler terms and removed the

MACT language since the rule has been vacated. It was agreed that general permits can stand
for now, but may be changed in the future as a result of the BAT rule re-write.
Cheryl incidated that she has an instructional sheet for subpart IIII of the NSPS, diesel engines. She also mentioned that we are able to grant the HOV for landfills.

7. CETA update - Nothing at this time.

8. **Stack Testing -** All should review the USEPA guidance on testing for the next meeting in order
to address the confusion on maximum process wt rate and worse case conditions.
This was a subject of discussion in the stack test call.
The USEPA "National Stack Testing Guidance" & the July 25, 2006 Workshop presentation (same subject) is available for downloading.
http://www.epa.gov/compliance/resources/policies/monitoring/caa/stacktesting.pdf

http://www.epa.gov/enforcement/resources/publications/data/systems/air/2006conf/afs2006-july
25-miller-stack-test.pdf

9. **New items and parking lot -** 21-07 rule revision; the JCARR conference has been held off. Bob Hodanbosi and the director received concerns from the attorneys as well as from Honda on issues. As changes need to be made, JCARR meeting will probably be held in the end of
January or early February. The revisions for Chapter 17 have been signed by the Director. The revised rules have been posted on the DAPC web site.

The DAPC Web Applications page is accessed by Ohio EPA Central Office and District Offices through:http://dapcnet/
LAAs who are not on the DAPC intranet need to use the following link:
http://dapcnet.epa.state.oh.us/
P & E minutes and permit call notes have been updated on the web page. Thanks!!!

Next meeting is March 11, 2008

Permitting & Enforcement Committee Meeting -

March 11, 2008

Lazarus Government Center
Ohio EPA
7th Floor DAPC conference room

Attendees: Co-Chairs - Jim Orlemann (CO), Jim Braun (Cleveland)
Minutes - Ed Fasko (NEDO)
- Mike Ahern, Cheryl Suttman, Andrew Hall , (CO), Luke Mountjoy, Mike Riggleman, Todd Scarborough, (CDO), Jeff Canan, Chris Clinefelter, (RAPCA), Marco Deshaies, (SEDO), Brad Faggionato, Peter Park, (Toledo), Frank Markunas, Duane LaClair, (Akron), Bud Keim, (Canton), Paul Tedtman, (HAMCO), Mark Budge, (NWDO), Craig Osborne, Madhava Dasari, (SWDO), Rick Carleski, (CO/OCAPP),

1. **Enforcement issues -** Jim Orlemann

Jim Orlemann discussed the 2007 enforcement activities report. The report will be passed out this week to the DO/LAA. Some of the report highlights are as follows, please see report for specifics; In 2007 DAPC had a 89% compliance rate, 2008 compliance goal is 93%, DAPC resolved 85 cases in 2007 with 52 sets of F&Os, 18 are at AG's office, and 20 were resolved internally. 92 new cases, 86 cases pending, 90 cases are pending at the AG's office (40 are Shelly Materials). We received 12 million in civil penalties and 107 million since 1984. The environmental benefit by the resolved cases are as follows; CO 6 TPY, PE 515 TPY, VOC 170
TPY, NOx 1077 TPY, and SO2 3196 TPY. DAPC currently has the largest number of court cases filed and are in various stages.

DAPC submitted the 2008 goals to the Directors office and are awaiting comment. The 2008 goals were handed out.

Action Item: *Reminder* USEPA mentioned to review all annual certifications, and enter them into CETA once completed.

2. **Engineering Guide update -**

#6 - PTI for Coal to oil conversion - Cleveland - Mike Hopkins - no progress
#7 - Inclusion of weight of water in PWR - NWDO - Issued 1/3/08
#9 - PTI/PTO Determinations for grain dryers - NWDO - Don Waltermeyer and Jim Orlemann working out issues. Questions were forwarded to Don, progress unknown.
#16 - Conditions requiring additional testing - NWDO - Mark Budge sent changes to the group and received 3 – 4 comments. Next meeting should have them addressed. The comments are significant and may possibly need to redistribute the guide.
#18 - SO2 compliance determination for boilers – No Update
#19 - Coke plants - PM rule applicability -HAMCO - Issued 1/3/08.
#20 - VE limits, determination for stack sources - Akron - Address stack issue only - no progress
#23 - Significant figures for TSP emission limitations - SEDO -SEDO looking at comments. Changes to go to Jim. Suggest that while 3745-15 is under review, one ton of toxics be changed to 1.0. - SEDO to submit changes by next meeting.

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#24 - Application of Fugitive Dust Requirements to Affected Facilities - Toledo - no progress
#25 - Determination of source numbers and Permit fees for fugitive dust sources - Cleveland - no progress.
#26 - Inclusion of weight of water in the weight of "refuse" charged for incinerators.- NEDO - no progress expected until stars work is further along.
#27 - Determination of Heat input during a boiler stack test - RAPCA - looking at layout. Should have something for next meeting - no progress
#44 - Portable Plants - NEDO incorporated changes to address PTIO, rule changes, and clarifications for the flexible pavement industry. Andrew Hall is to submit an additional question that came up as a result of the SB 269 guidance.
#53 - Open Burning Standards - Central Office - Hearing resolved; no progress on guide
#70 - Toxics - Jennie Hunter reviewing. #69 may need changes due to changes in #70. -No progress
#74 - Classification of PM - Central Office - There were comments on reviewed guide. Andrew Hall working on this. -Non-attainment issues must be resolved before guide can go forward.
#75- New guide for crushers and non-mettalic material - NSPS OOO - Mike H. - no progress

3. **New Source Review** - Mike Hopkins noted the following -

As many of you know Director Korleski has titled the 2008 calendar year "the year of the permit". The Governor and Chris Korelski have received many complaints from industry about the time it takes to receive a DAPC permit. Chris Korleski has gone around to the DO's discussing his and the Governor's philosophy about Ohio EPA service to industry and his expectations of the staff. DAPC is being asked what can we do to assist this permit goal, how can DAPC be more timely. See DAPC memo dated 1/31/2008 Short Term Projects (copy of memo was handed out).

Andrew Hall discussed the MACT general citation approach. PTI's are required to develop a general approach and the detailed approach for PTO's & TV's. The detail citation approach is what we are currently doing. This is meant to simplify work and lower the amount of copying text in permits. You still need to look and know which MACT that applies. Stars2 library will be a compliance tool and check list.

Regarding Item 3 on memo, Andrew Hall sent an email to all LAA/DO to identify all PTO's and what can CO do to help/move the permits. Mike Hopkins

Andrew Hall discussed the Senate Bill 265 Guidance. The guidance document is complete with a last revision date of March 2008. Page 33 on is the new guidance and includes updated BAT decision flow chart. Both documents were passed out. There is always the possibility for other revisions. The documents will be posted on the public web.

Mike Riggleman, posed the question if this group was open to the idea of creating more general permits. Create a list similar to the engineering guides for groups or individuals to adopt and draft new general permits. This could assist keeping the project of developing more general permits on the front burner and streamline the permitting process. Mike asked what specific general permits are needed? CO does have a list to offer. A comment was made that we need
to revise at least 75% of the existing general permits. The consensus of the group was, to make any further decisions on the topic we will need to see the list of GP's that need revised, look at

the list of GP's CO has, and at that time the group may make an informed decision to take on the project or not.

Please email any new general permit ideas to Mike Riggleman.

BAT rule project – CO is still working on the project, there has been a lull in the progress. CO is still putting together directions and a guidance packet. FYI – USEPA mentioned problems or issues with SB 265. We may be backsliding our SIP. The BAT work deadline is 5 to 6 months away, so there will be increased activity to meet the deadline.

OAC rule 3745-21-07, the terms and conditions are not in our SIP. We need to include the language from the 3745-23 rule changes and apply it to the 3745-21-07 rule. A white paper on this issue is available and posted on the web. There is also going to be a 3745-21-07 guidance prepared in the near future.

http://www.epa.state.oh.us/dapc/regs/3745-21/3745-21-07WhitePaperRefile.pdf

USEPA will not approve sheet mold compound (SMC) exemption. USEPA may elect to disapprove the rule in its entirety or specific sections. The old rule and the new rule are required to be in all federally enforceable permits. The state only permit will have only the new rule included. Todd has finished the 21-07 package, so we will request USEPA to make a timely decision.

4. **STARS2 update -** Linda Ours presented the STARS2 update. Stars2 is still on target for the June 30, 2008 launch. The director has indicated he did not want any more delays. Bugs are still being found and worked out.

On April 14, 2008, CO is hosting a training session on PTOs and air services from the external side at the Riffe Center. We will send out invitations to the regulated community and if space is available OEPA DAPC staff will be invited.

Stress Testing is extremely helpful and thank you for your participation. Please continue to participate. In the last test, we found that 20 users was too much and maxed out the system. All changes are being monitored to locate solutions. The next stress test will include the LAA. Upon completion of a stress test, please email Chris Anderson and Mike Ahern. Emails will be sent with more information and with the corresponding times. DAPC has contracted with Unicon thru mid July, plus the contract includes warranty issues. Next week five Unicon members will
be leaving.

The quiet period guidance is complete and will be sent out soon. Data migration review is ongoing, and some search functions are not working. Overall it appears the data is migrating properly. As a note never use the "back button" in Stars2, please use the reset button.

5. **Title V and permitting update** - Mike Ahern passed out TV workload by district and application status handout. NTV fee reminder letters will be sent out the last week of March or the first week of April. (Which Is the first information generated from Stars II). The

annual certification letters were sent out during the first week of March to all TV. Facilities may still use the long version but this will be the last year for the long version. Andrew Hall discussed the recently vacated Boiler MACT and USEPA indicating that 112J applies. Andrew wanted to get an idea of how many permits are being held up state wide by the MACT Hammer and possibly address this problem regionally.

Action Item: Please email Andrew Hall with the number of permits that are being held up by the MACT Hammer 112J by the end of week of April 1, 2008.

Mike also mentioned that the PTIO "plan language approach" guidance is complete. It is in a Q & A format for the Terms and Conditions. The type of information contained in the guidance is - Who is responsible for the permit, more guidance, explanation of the terms, and frequestnly asked questions. Finally, we develop forms for open burning requests and notifications. They
are currently posted on the public web page. The open burning contacts will be able to enter information which will assist in better/quicker notifications and permits.

The June 2007 Open burning pamphlet was created by PIC and is the most recent document on open burning.

6. **Terms and Conditions** - Cheryl Suttman
Some of the Library terms have become outdated with the issuance of new rules in Chapters 21, 17, and others.

The VE terms have been updated for changes made in 17-03, e.g. the elimination of the
Method 9 "as existed on 7/1/02".

The PE control requirements for non-exempt coating operations (at the end of the "J" terms) have been updated for changes made in 17-11.

The terms representing Chapter 21 are next on the list for updating, to include those "numbered" in the Library as B thru H, and Q. These should not take too long, as they are usually only 3 to 5 pages of OAC rules for each set.

Now that we are only going to reference U.S. EPA rules, it should be easy to get terms drafted for all of the OAC rules for which terms are needed.

Three summary tables of the limits found in the steam boiler NSPSs, Subparts D, Da, Db, and Dc, have been to the added to the Terms-by-Rule page, for the three major fuel groups, coal, oil, and gas. A summary table for wood and the calculations for the limits for a mix of fuels can be added later. The terms for Subpart Da are drafted, but will probably not be used due to the new "reference only" policy. They might later be useful in drafting a General Boiler permit?

Since the new OAC rules are not approved in the SIP, the revised and new terms will be segregated from the "old" terms that will still need to be used on the "Federal/State" side of the permit, in order to comply with the existing approved SIP. This new format has not yet been determined.

Jim O said that the new term might also be included on the Fed/State side of a permit, with a notation that it will become effective (and replace the old) upon U.S. EPA's approval of the new SIP.
A question was asked about the status of the new Toxic Air Contaminant Statute (Toxics
Policy), Engineering Guide 70 (EG 70). Cheryl Suttman will ask Jennifer Hunter about her progress. EG 70 is available as a draft on our website. Jennifer is very busy with STARS2 projects and it is doubtful she will be working on the final of the EG at this time. The terms for
the new Toxic Policy have been posted as final, in the terms "numbered": ZZZ.2A, ZZZ.2B, and ZZZ.2C in the Miscellaneous T&Cs.

Andrew Hall talked about the vacated boiler MACT and the "reference only" policy that will help to speed up the permitting process. However, the vacated boiler MACT terms (near the bottom of the "Terms by Rule" page) do contain some parameter monitoring terms that can be used and easily found by selecting the appropriate combination-control device listed down the left first column, and in the Monitoring/Recordkeeping and Reporting sections. The
compliance testing term would also work better than drafting one from the "K" testing term, for a steam boiler with site-specific controls (very little MACT detail might need to be deleted).

7. **CETA update -** Nothing at this time.

8. **Stack Testing –** Some confusion regarding the maximum process wt rate and worse case conditions. This was a subject of discussion in the last stack test call. Stack tests shall be run at a run of representative conditions or worst case. What operating conditions will cause the most severe emissions? Will the agency need to tweak the language to make sure we can dictate the operating conditions during a stack test? The general consensus of the group is the current language does not need changed, always include necessary wording in the permit to help with test requirements, and conduct pretest meetings.

The USEPA "National Stack Testing Guidance" & the July 25, 2006 Workshop presentation (same subject) is available for downloading.
http://www.epa.gov/compliance/resources/policies/monitoring/caa/stacktesting.pdf

http://www.epa.gov/enforcement/resources/publications/data/systems/air/2006conf/afs2006-july25-miller-stack-test.pdf

P & E minutes and permit call notes have been updated on the web page. Thanks!!!

Next meeting is May 13, 2008

May 13, 2008

Permitting & Enforcement Committee Meeting –

Lazarus Government Center
Ohio EPA
7th Floor DAPC conference room

Attendees: Co-Chairs - Jim Orlemann (CO), Jim Braun (Cleveland)
Minutes - Ed Fasko (NEDO)
- Mike Ahern, Cheryl Suttman, Andrew Hall, Mike Hopkins, (CO), Luke Mountjoy, Mike Riggleman, Todd Scarborough, (CDO), Jeff Canan, Dale Davidson, (RAPCA), Sarah Harter, (SEDO), Mary Lehman-Schmidt, (Toledo), Frank Markunas, (Akron), Cindy Charles, Anne Chamberlin, (Portsmouth), Mark Budge, (NWDO), Craig Osborne, Madhava Dasari, (SWDO), Rick Carleski, (CO/OCAPP),

1. **Enforcement issues -** Jim Orlemann

Jim Orlemann handed out his enforcement numbers with graphs, in addition to a summation of the inspections completed so far this year. The concern about the number of inspections completed was an issue for Jim, as the Feds are tracking inspections and expect them to be completed in the month that they were committed to. A 5/9/08 memo went out to the DAPC program managers at each DO/LAA from Bob Hodanbosi addressing this. For those offices that have not met the goal, Jim has requested a plan by May 23. He said counting the extra inspections that some offices have done can be part of the plan. Also, it is acceptable to switch
the inspections as long as the goal to meet 100% of the Title V's over two years and 100% of the FESOPS/Synthetic Minors in five years is not compromised.

In regard to the enforcement program, Jim said the division goals were turned in; they are the same goals as the past. Old cases used to be defined as 21 months old, are now 18 months old. Old cases are still to be resolved by the end of the year. F & O's goal have moved from 40
to 50. Jim pointed out that 95% of the EAR's submitted were done so within 18 months of discovery of the violation. 90 cases are at the AGO's office; several which are scheduled for trial, including Shelly. A question was raised about the possibility of establishing unilateral orders for specific enforcement situations. They have worked well for open burning, although several have been appealed. Jim was not disagreeable to a general rule for unilateral orders, though he feels source specific written into the individual rule would be more appropriate. Jim also talked of a bill in the legislature in which penalty waivers may be established for first time violators and administrative violations. Also suggested for unilateral orders were fugitive dust
at construction sites, VE violations and gasoline dispensing facilities. These are blatant violations now that enforcement is slow on and might benefit from unilateral orders.

Action Item: Keep on top of inspection commitments. If behind, get plan to Jim Orlemann by 5/23.

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

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Mike indicated the Feds passed the new PM2.5 NSR rules on May 9, 2008. The final rule will become effective in thirty days approximately June 9, 2008. We will not do anything different at this time. The state has to modify our rules to match the Federal Rules. We will use PM 10 as
a surrogate at this time. Engineering Guide #74 was being held up until the Federal Rules on

PM2.5 were passed. Andrew Hall's group can now progress on this project. In regards to Title V applicability, PM 2.5 will be added, but PM 10 will be retained in STARS2.

A JACARR meeting on rules was held yesterday and. The PTIO rules were being held up and after involvement of the director and governor's office, the issues were resolved and the rules should go through as planned. The director will sign off in order to have an effective date for
the rules coincide with the deployment of STARS2. Mike thanked all for the efforts made to reduce the PTI backlog; we have 250 pending statewide, which has been reduced from over 600. The goal is 200. State PTO's are being moved on; the last day of issuance is 5/30. Loretta has 250 actions on her to do list. Andrew Hall handed out placeholder language for the Boiler MACT in Title V permits. At least 50 permits statewide are affected by this vacated MACT.

A suggestion was made to copy developed terms for State PTO's that will not be issued prior to the quiet period. This concern was addressed by the document attached to the end of these notes. This was provided by Erica Engel-Ishida by E-mail following the meeting. Mike Ahern suggested that state PTO's to be issued no review stop being sent down a week before the
5/30 date of final issuance. Loretta has a large amount on her to-do list.

SEDO brought up a concern about portable plants and the use of the conditional terms and conditions. We have always used them to address the issue of more stringent controls for an Appendix A area, but SEDO wanted to know if we can use them for facilities that are not in compliance, but want to relocate. Mike Hopkins said this is fine, but if the facility cannot meet the conditional terms, then the approval should be denied and the facility found to be in violation. Mike is looking at a rule change in regard to this.

Andrew Hall handed out a discussion document about MACT/NSPS vacaturs, which may answer some questions about these vacated rules He also handed out placeholder language for the Boiler MACT in Title V permits. At least 50 permits statewide are affected by this vacated MACT. USEPA has "kinda approved" this language and will not veto permits using this language. He also pointed out that the 112(j) which requested the MACT Hammer has expired. The Feds are trying to pass a rule to correct this.

3 **STARS2 update –** Mike Ahern

Mike handed out copies of the screens from the E-business gateway and demonstrated how the system works. A hard copy pin will be mailed to the responsible authority, as persons with this pin will be the only ones to be able to submit information. Consultants will not be issued a pin for a facility; although they can work in the system, they will not be able to submit information as that can only be done by the party using the pin. Once the information is submitted, it cannot be changed. The responsible official can remove access to a facility form a consultant. There was a suggestion about OCAPP involvement in

the viewing of this data when they work with a company. Mike Ahern asked that if the Locals are having issues getting into the test apps., they should let him know. It is important that all offices have word '07 before June 30. Mike also handed out a list of initial Title V permits, extended Title V permits and FESOPS by office. If there are any errors in these lists, you should let Erica know.

4. **Engineering Guide update-**

#6 - PTI for Coal to oil conversion - Cleveland - Mike Hopkins - no progress
#9 - PTI/PTO Determinations for grain dryers - NWDO - Don Waltermeyer and Jim Orlemann working out issues.
#16 - Conditions requiring additional testing - NWDO – Changes have been made and this guide will be redistributed for further comment.
#18 - SO2 compliance determination for boilers – No Update
#20 - VE limits, determination for stack sources - Akron - No progress
#23 - Significant figures for TSP emission limitations - SEDO -SEDO handed out new draft. Please have comments by next meeting.
#24 - Application of Fugitive Dust Requirements to Affected Facilities - Toledo - no progress
#25 - Determination of source numbers and Permit fees for fugitive dust sources - Cleveland - no progress.
#26 - Inclusion of weight of water in the weight of "refuse" charged for incinerators.- NEDO - no progress expected until stars work is further along.
#27 - Determination of Heat input during a boiler stack test - RAPCA – RAPCA handed out new draft. They would like comments by June 15.
#44 - Portable Plants - NEDO – Jim Orlemann reviewed the final document. Changes mostly administrative. NEDO to make changes and Jim will recommend issuance.
#53 - Open Burning Standards - Central Office - Hearing resolved; no progress on guide
#70 - Toxics - Jennie Hunter reviewing. #69 may need changes due to changes in #70. -No progress
#74 - Classification of PM - Central Office -. Andrew Hall and his group can start working on this now that the Feds have passed the PM2.5 rules..
#75- New guide for crushers and non-mettalic material - NSPS OOO - Mike H. - no progress
#76 – New guide on MACT and NSPS incorporation by reference issued final on March 11, 2008.

A discussion ensued on the list of potential PBR's and General Permits and how the work might be accomplished as part of the BAT rule development project. CDO has been working on a list of potential General Permits and PBR's which is attached to the end of this document. It was noted that general permits are easier
to change than PBR's. Also that there are no PBR's for sources over 25 tons per year, or that require stack testing. All should check the PBR web page for the complete list of criteria. The package for the BAT rule development should be sent out soon, probably near the quiet period. The recommendation was the work group doing a BAT should address the possibility for a PBR or general permit after they research and recommendation for BAT for that source group is completed. The format for approval will be the same as for Engineering Guide review. Also, the general permit and PBR should make allowances for SB 265.
As a way to address our work load issues, Bob Hodanbosi has

requested the need for 90 additional people state-wide, the director is looking at the fee structure in response to this request.

5. **Terms and Conditions** - Cheryl Suttman
Cheryl has updated a number of terms for coating lines and printing operations. She now identifies the date of update on the listing of the term. Cheryl indicated Todd Brown reviewed her language on CEM and COM terms in the library and accepted them. He did want to stress that COM's and CEM's for MACT need to be submitting quarterly reports so that the EER commitment with the USEPA can be met. The spelling out of the Method 9 procedure is now listed as an option. She will save the old 2107 terms until the SIP is approved.

Next meeting is July 8, 2008

Guidance from Erica regarding transfer of terms for State PTO's 5/13/08 E-mail

This is what will be migrated out of STARS related to permits....

Title V AND State PTO terms and conditions at any stage whether they have been issued or not. This means that if a permit has been issued, at any stage, the terms and conditions will be migrated for the permit. In addition, any permit that is currently in development, not issued, will have the terms and conditions migrated.

Note: The ONLY EXCEPTION to that rule is when a Title V permit has been issued FINAL and there are terms and conditions that are old (dead, no longer valid) working copies of permits that were not issued at any stage.

For example, let's pretend that Ed Fasko from NEDO was working on a Title V permit in STARS in action TVP001. He created the draft terms and conditions and started working on them. Then the company submitted a revised application. So Ed copied the draft terms up to action TVP002 (and did not delete the ones in TVP001). Subsequently the permit was issued draft, PPP, PP and Final - all in TVP002. In Stars2 Ed would see 1 Title V permit, with the permit reason of "Initial", created in Stars2. It would have 2 applications associated with it. The Stars2 permit would have the issued terms and conditions (and issuance documents) for the draft, PPP, PP and Final. This would be a total of 8 documents. However, he would not see the old draft that was not issued in TVP001.

Let's take this a step further. Now let's say this facility's Title V permit is up for a renewal, so the facility has submitted a renewal app in TVP003. Ed has begun composing/revising the draft terms and conditions for the renewal in TVP003. In Stars2 Ed would see (1) the initial Title V permit as described above; and (2) a renewal Title V permit. The renewal Title V permit would have 1 application associated with it and 1 document that would contain the draft terms and conditions Ed was composing.

The terms and conditions coming out of STARS are being put into an HTML file (text). It has been pulled out of the STARS database fields and put into that format.

PLEASE, log into Stars2 and take a look, you can see what I am talking about. The data in testapps right now is as of May 5th

General Permit or Permit-by-rule Development

The purpose of this work effort is to continue to develop GPs and PBRs so as to improve the permitting efficiency of DAPC statewide. If an individual or field office would like to assist in this task please feel free to pick a category. There is no specific deadline that must be met but as a guideline 6 -12 months would be reasonable and a good goal. This effort will be discussed and coordinated at the P&E meetings. Please inform Mike Hopkins or Mike Riggleman if you plan to work on a category.

The following table contains a listing of suggested new permit-by-rule or general permit categories. These categories were suggested by Ohio EPA district office or local air authority permit writing staff. The GP and PBR check boxes are suggestions for the type of permit process that are suggested for the source type. Suggestions for new categories can be proposed at the P&E meetings. Please find below a list of criteria that can be used when determining whether the category should be a GP or PBR.

Source Type	GP	PBR	Field Office	Action status
Human Crematories		X	Cleveland	Assigned
Pet Crematories		X		
Small paper/cardboard type waste		X		
Grain Dryers		X		
Country Grain Elevators	X			
Material Storage Piles		X		
Tire Shredders		X		
Enclosed Waste Transfer Stations	X			
NSPS Kb Storage tanks, with reporting requirements only		X		
Greenhouse coal-fired boilers (low sulfur	X			
Paint burn-off ovens		X		
Dry fertilizer plants (or parts of them)	X			
Wood Tub Grinders		X	CDO	Assigned
Torch cutting		X		
Molding operations	X			
Organic Compound Clean-up processes	X	X		
Asphalt plants	X			
Additional paint booth categories	X	X		
Diesel engines/generators			SEDO	Assigned
Aggregate facility				

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General comments to consider:

1. Human/pet crematory furnaces, paper/cardboard incinerators and part hook burn-off ovens are good PBR categories. However, although emissions are not a problem, the need to stack test may be a concern. PBRs do not, and should not, be for sources that require stack testing. If DAPC makes a collective decision not to require stack testing, then proceed with PBR. If not, consider general permit.

2. Grain dryers are subject to NSPS Sub DD if elevator storage capacity exceeds 2.5 million bushels. The NSPS also applies to grain receiving, loading, and all handling operations. With the exception of the natural gas boiler/heater PBR, all PBR's were written to avoid any NSPS rules. DAPC needs to decide if a PBR can be used for a NSPS source, especially if the NSPS requires special reporting, testing, etc.

3. Not sure if tire shredders is a good PBR category. I don't think there are many in the state, similarity in design, controls, etc.

4. NSPS Storage tanks – good PBR category as long as the PBR qualifications limit the eligible tanks, i.e., only fixed roof tanks, no tanks w/floating roofs or vapor recovery systems required, etc. Including all tanks would be way too complicated for the PBR.

5. Tub grinders – main pollutant concern seems to be NOx from integral diesel engine. However, fugitive dust from the grinding may be a big compliant issue. Units typically don't operate many hours per year and many are portable. Suggest asking Akron LAA for their experience in dealing with these units.

6. Suggest torch cutting be a permanent exemption under 31-03, not PBR or GP.

7. What kind of molding operations? A good GP category is for reinforced plastic composites, (fiberglass bathtubs, whirlpools, sinks, swimming pools, etc.) With the recent 21-07 revisions, these operations are subject to the RPC MACT subpart WWWW. Most of these facilities could use a facility-wide, synthetic minor GP to keep styrene emissions under 10 tpy.

8. Low-usage paint booths are a good PBR category (many exist, individual emissions low, common design, etc.) but several new area source NESHAP rules really complicate the requirements. DAPC needs to decide if PBR is a good vehicle for sources subject to area source NESHAPs.

9. Non-emergency use diesel engines – good PBR category. Main concern is staying under 25 tpy for NOx, which often necessitates an operating hours restriction. Size of engine varies, affecting emissions. PBR should be for all piston IC engines, not turbines, regardless of the power application (i.e, generator, pump, compressor, crusher, etc.)

10. Country grain elevators – it would be nice to have one facility-wide GP that covered grain receiving, loading, handling, drying, and roadways. Then the industry would get a long-desired break on permit fees.

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Existing General Permits

Boilers (nat. gas and oil 10- 45mmBtu)
Drycleaning Operations
Miscellaneous Metal Parts Painting Lines Ready Mix Concrete Batch Plants Unpaved Roadways and Parking Areas Paved Roadways and Parking Areas Storage Piles

Existing Permit by Rule

Auto body shops
Gasoline Dispensing Facilities (both stage I and II)
Boilers and heaters (nat. gas 10mmBTU - 100mmBTU)
Printing facilities (small and midsized) Emergency generators/pumps/compressors Resin compression/injection molding Crushing/screening equipment
Soil remediation activities

Criteria for determining whether a category should be a GP or PBR:

General Permit

-there are a fair number of sources that are similar in design and operation;
-air emissions do not exceed NSR and PSD thresholds;
-allows for stack testing;
-can be a synthetic minor

Permit by Rule

-there are a fair number of sources that are similar in design and operation;
-the sources have few applicable air pollution regulations;
-the regulations are not likely to change;
-the emissions from the sources are well defined and the sources do not have the potential to emit large quantities of air emissions, < 25 TPY PTE;
-the sources do not need to employ add-on pollution control devices;
-the sources do not require stack testing; and
-the sources employ a proven type of technology or clean design which is unlikely to change significantly in the near future.

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July 8, 2008

Permitting & Enforcement Committee Meeting –

Lazarus Government Center
Ohio EPA
7th Floor DAPC conference room

Attendees: Co-Chairs - Jim Orlemann (CO), Jim Braun (Cleveland)
Minutes - Ed Fasko (NEDO)
- Mike Ahern, Cheryl Suttman, Mike Hopkins, Jennifer Hunter, (CO), Luke Mountjoy, Mike Riggleman, Todd Scarborough, (CDO), Jeff Canan, Chris Clinefelter, (RAPCA), Marco Deshaies, (SEDO), Peter Park, (Toledo), Frank Markunas, (Akron), Anne Chamberlin, (Portsmouth), Mark Budge, (NWDO), Paul Tedtman, (HAMCODOES), Bud Keim (Canton), Ralph Witte, (CO/OCAPP),

1. **Enforcement issues -** Jim Orlemann

Jim Orlemann handed out his enforcement numbers with graphs, in addition to a summation of the inspections and percentages by office completed so far this year. We started out with 44 old cases and are now down to 31, with a goal of 0 by the end of the year. He also provided a schedule for completing old cases. Jim also handed out a copy of HB 285 which was signed into law on June 17. This should go into effect on September 15. The bill allows for first time paperwork violations at small businesses to have the fines waived. There are some exceptions
to this such as when a first responder or resident would be put at risk if the report was not filed. (Risk management plans and asbestos notifications could be an example). The director is trying to determine how this will apply and what to put on the web site in relation to this. In regard to inspections, Jim indicated that these number would be watched on a monthly basis
to make sure that the goals are reached. All inspection should be entered into CETA by
October 30. Again, it is acceptable to switch the inspections as long as the goal to meet 100% of the Title V's over two years and 100% of the FESOPS/Synthetic Minors in five years is not compromised.

Action Item: Keep on top of inspection commitments.

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

Mike indicated the federal register May 16, 2008 posted the new PM2.5 NSR rules. For Ohio, the PSD portion is not effective until we revise our rules. We have until 7/15/11 to revise the rules. The NNSR portion (Appendix S) become effective tomorrow, 7/15/08. Beginning tomorrow, we will be using the Appendix S rules, as amended, for NNSR. This means we will using the following major source thresholds for PM2.5 NNSR:

either 100 T/Y PM2.5 (filterable only), or
100 T/Y SO2
(NOx will not be a trip level until we revise our
rule) For the significant emission rate:
10 T/Y PM2.5 (filterable only), or

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40 T/Y SO2
(No significant emission rate for NOx until we revise the rule)

He did point out that for PM 2.5, NOX and Sox credits can be used, but in a ratio; that is 40 tons SOX for 1 ton of PM2.5 and 200 tons of NOx for 1 ton of PM 2.5. VOC offsets are also being considered, but would have to show that NOx is not that important for the region. For PSD, we continue to use the surrogate policy of PM 10 for PM 2.5, but for NNSR we use direct PM 2.5. At this time we will be using only the front half of PM 2.5 since a method has not yet been approved; but the back half will be included by 2011, or sooner if a method is accepted. Robin Kenny is handling the changes in the states NSR rules. Contact her with any issues that may create problems.

The issue of retrofitting an older dry cleaning machine with a carbon absorber was brought up. Ohio lacks the delegation for the area source MACT, but Mike feels atha if the retrofit meets the requirement it should be OK and the state should be able to make the decision. Further, since a MACT applies to a facility, SB265 is over- ridden. The PBR and general permits will updated. The NSR write up should be included in STARS 2 as an attachment, as would be calculations and modieling. Items that are going to be issued with the permit terms should be in the permit strategy document. He is going to verify this with Erica.

3 **STARS2 and permit issuance update –** Mike Ahern

Mike indicated that the big push to issue permits in the old system resulted in an issuance of 515 State PTO's in May alone. Since the start of STARS in '95 till its end, we have issued
9400 fee reports, over 10,000 state PTO's 1400 registrations and 991 final TV. Permits are going to be posted on the web, though the format may change. Mike also discussed the macros that are use to transition from HTML to Word. He said they can develop additional macros if a situation warrants one. He also mentioned that responsible officials may not have been. If a company is having problems establishing this status, they will have to get the right information so access to gateway can be resolved. Generally, the responsible official is VP or above, who can delegate authority. The responsible official must be a duly authorized officieal having overall control over facility operations. The corporate officer gets the initial access and makes the delegation.

Linda Ours spoke of some issues on STARS2 along with Mike. Specifically, she spoke about how and amended DAPC application can be used to get EU's into a permit that was migrated missing a few things. It is important that the facility profile be modified if necessary to pull those units into an amended application. She also spoke of bulk operations as a tool to modify assignments. If you change by bulk operations, only future assignments will be affected. The migration was done at the county level, and this is where bulk operations tool is most affective.
Do a role at a time. Select the criteria and make the change. When you make a change in a role, do it on the facility level, as from the to-do list will only change that particular task and future tasks will remain assigned per the facility level user roles. When changes are needed on a specific permit or assignment, re-assign or self assign can be used. The loop back feature is not working, loop back is not the same as self-assign or reassign. Management reports is a feature that Central Office can expand upon, and develop new reports which may be of value to the DO/LAAs. If you get an error message, you can print the screen and send it to Linda.

There will be bugs, and we need to work together to get control of them. The internal answer place on the DAPC guidance web page has lots of help. Central office will be developing video training. If you have any suggestions for specific training, send them to Erica. Clone Workflow
is a tool that can be used when EU's in a PTIO have to follow a different workflow. To add EU's, they must exist in the facility profile. STARS2 will assign facility ID's to new facilities.

Linda will contact the field offices to see what numbers each one will start at. The "96" to "99" codes in the city area of the facility ID will no longer be used to designate portable facilities. STARS2 has an option to indicate if a source is portable. Mike Ahern indicated we do have the capability to issue permits daily. He also suggested the review option in Word be used for bold/strikeout in PTIO mods.

4. **Engineering Guide update-**

#6 - PTI for Coal to oil conversion - Cleveland - Mike Hopkins is looking at this.
#9 - PTI/PTO Determinations for grain dryers - NWDO - Don Waltermeyer and Jim Orlemann have had some discussion on this.
#16 - Conditions requiring additional testing - NWDO – Comments should be sent to NWDO by August 29.
#18 - SO2 compliance determination for boilers – No Update, Joselyn has left the Toledo Air Program.
#20 - VE limits, determination for stack sources - Akron - No progress
#23 - Significant figures for TSP emission limitations - SEDO – No update
#24 - Application of Fugitive Dust Requirements to Affected Facilities - Toledo - no progress
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#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..
#75- New guide for crushers and non-mettalic material - NSPS OOO - Mike H. - no progress
#28 Methods for Ascertaining the Uncontrolled Mass Rate of Emission for Figure II and #29 Applicability of the PTI Rules to Increases in Capacity of a Derated Boiler - assigned to CDO.

-The BAT rule development package has been prepared and is with the director; and will be discussed with Mike Hopkins and Andrew Hall before being distributed to the Field office volunteers.

-There has been no progress on the 21-07 guidance.

-General Permit and PBR project. See list at end of document. Jennifer Hunter recommended that we avoid anything that is a synthetic minor or needs modeling.

The Boiler GP has a restriction to avoid modeling, not being a true synthetic minor, a General Permit worked out OK here. She also indicated that PBR terms should be presented in 8-12 weeks or wait for a year because of rule passage. A suggestion is to start with the qualifying criteria for general permits that already exist to see if the group you are working on would truly make a good candidate for
a general permit.

-An E-mail group may replace the existing listserve for guidance,

5. **Terms and Conditions** - Cheryl Suttman
Cheryl handed out a listings of updated terms and conditions. She noted that the reporting requirements for CEM and COM have to remain at quarterly. However,
3 quarterlies and a PER could be accepted if the PER is timely. She also handed out the vacated boiler MACT placeholder terms, as well as the reporting requirements for PTI's PTIO's and FEPTIO's. She is also working on the 31-03 permanent exemption and the area source MACT update as well as the 21-09
and BBBBBBB conflicts. Further, MACT terms will not be converted to Word as we should be going to inclusion of MACT by reference. If you do need the terms in Word, use the the conversion procedure that we are using for terms from older permits.

Next meeting is July 8, 2008

General Permit or Permit-by-rule Development

The purpose of this work effort is to continue to develop GPs and PBRs so as to improve the permitting efficiency of DAPC statewide. If an individual or field office would like to assist in this task please feel free to pick a category. There is no specific deadline that must be met but as a guideline 6 -12 months would be reasonable and a good goal. This effort will be discussed and coordinated at the P&E meetings. Please inform Mike Hopkins or Mike Riggleman if you plan to work on a category.

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Country Grain Elevators	X			

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Tire Shredders		X		
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Dry fertilizer plants (or parts of them)	X			
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Torch cutting		X		
Molding operations	X			
Organic Compound Clean-up processes	X	X		
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Additional paint booth categories	X	X		
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General comments to consider:

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any NSPS rules. DAPC needs to decide if a PBR can be used for a NSPS source, especially if the NSPS requires special reporting, testing, etc.

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Existing General Permits

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Existing Permit by Rule

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-the regulations are not likely to change;
-the emissions from the sources are well defined and the sources do not have the potential to emit large quantities of air emissions, < 25 TPY PTE;
-the sources do not need to employ add-on pollution control devices;
-the sources do not require stack testing; and
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September 9, 2008

Permitting & Enforcement Committee Meeting –

Lazarus Government Center
Ohio EPA
7th Floor DAPC conference room

Attendees: Co-Chairs - Jim Orlemann (CO), Jim Braun (Cleveland)
Minutes - Ed Fasko (NEDO)
- Mike Ahern, Cheryl Suttman, Mike Hopkins, Jennifer Hunter, Andrew Hall, (CO), Mike Riggleman, Adam Ward, (CDO), Jason Simon, Dale Davidson, (RAPCA), Marco Deshaies, (SEDO), Pam Barnhart, (Toledo), Cindy Charles, (Portsmouth), Mark Budge, (NWDO), Bradley Miller,(HAMCODOES), Madhava Dasari, George Nemore, (SWDO), Bud Keim (Canton), Rick Carleski, (CO/OCAPP)

1. **Enforcement issues -** Jim Orlemann

Jim Orlemann spoke of the Shelly Trial which started on 8/27 in Franklin County. Because there are 40 plants involved, the Judge is looking for stipulations before court resumes on
9/17. He wants the PTI dates, construction dates, used oil burning periods to be stipulated. Jim handed out his enforcement numbers with graphs, including the schedule of resolution of old cases. We started out with 44 old cases and are now down to 24, with a goal of 0 by the end of
the year. He hopes to resolve the Marzane cases with Findings and Orders or they may just be dropped. With a goal of 100 cases to resolve, 56 have been completed. The goal for findings and orders is 50 for the year and so far we have completed 37 which includes unilateral orders. Jim also mentioned the Ford Brookpark Findings and Orders resolved with a civil penalty of $1.4 million, the largest civil penalty ever. Approval was received not to go to the AGO for this one. The Facility Compliance Evaluation schedules went out. It is very important
to update CETA as the transfer of data from STARS2 is still in question.

Action Item: Keep on top of inspection commitments, update CETA accordingly.

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

Mike spoke of the major projects which seem to be springing up recently. These projects are taking quite a bit of his time as well as NEDO's. He asked about how the staff is handling the learning curve of STARS2. There is a general concern about getting the hardcopy applications into the system and generating a workflow so the project can be properly tracked. The field offices are using different methods to get these applications entered. Some are using clerical people, some are using the permitting staff, and some are using a combination of both. Data entry is critical, and there is no way to backdate activity. If a note is placed to indicate a correct date, it will not affect an statistical reports that are generated. The note will only be considered if the specific application is looked at. The date stamp is the date that the application is considered received. If you cannot get an application validated, this will work against you. To stop the clock, when more information is needed, use the referral option. There has been a problem that consultants have in that they have been submitting data that they do not have the authority to do so. A fix is being considered that would allow them to do all the work and not

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loose it, prior to the responsible party submitting the information. *Tracking changes option* under review is very helpful. There is a link to a Microsoft Video that shows how this works. This is helpful in review, as Central Office is more likely to catch the changes that the field office may have made and thereby a permit can be issued quicker. The Statistics function has

not been used in Central Office as Mike does not quite have faith in it yet. Eventually, however, this is how we will track the numbers. Management reports, " late permits" should be working. The bar on workflow diagram still has some questionable dates. Remember, workflow start date sets the system into motion.

Mike Hopkins' group will be working on how we are going to handle rush permits. The "rush box" should be checked, and a letter of request scanned in. The letter should still be sent to Mike Hopkins, and copied to the field office. This is how the guidance reads on the web.

Jenny Hunter brought up a FEPTIO issue. Previously, a PTI which went draft (syn minor PTI) would be followed by the issuance of a regular PTO (non-draft). STARS2 does not allow for that and checking the draft box will mean a FEPTIO will be issued. Come Friday , 9/12, this will be corrected, and it will not be necessary to check the draft box for a FEPTIO. Instead a Direct Final FEPTIO can be issued. The Field Office will make the decision if a draft is in order.

Jim Braun brought up the R & D exemptions with the attached questions. He also brought up a question about the continued reporting requirements in a permit surrounding 3745-21-07. Mike Hopkins response was, if it is in a Title V permit, the requirements must still be followed until
the terms are changed after the Feds accept the SIP. If the requirements are in a state only permit, they could act only on the basis of the new rule, as we will not pursue enforcement, but the Feds may in Title V situations. The director has asked the USEPA to act on the SIP approval as soon as possible in order to provide some relief to industry recordkeeping requirements. The main item the Feds may not approve is the SMC exemption in the rule, but maybe the rest will be okay. The other item in the rule that may be of issue is the applicability of the new 21-07 rule to existing sources only (i.e., sources installed prior to the effective date of the new rule) . The Feds may object to this because they might view this as backsliding since the new rule does not apply to new sources (i.e., sources installed after the effective date of the new rule).

3 **STARS2 and permit issuance update –** Mike Ahern

Mike mentioned the court decision which authorized the local authorities to establish monitoring requirements for gap-filling. The court was clear in stating this was actually an obligation of the states to act on these requirements. The previous ruling was that all monitoring requirements had to be rule-based. Mike also stated rule citation is critical for industry to use in applying for permits. Ahern will review the Title V renewal guidance to consistency. He also stated that our Title V rule revision is moving forward. In regard to FAR documents, there is some involvement from PIC when a public hearing is held, and we have been using a format when a public hearing is held, and another when one is not. A template is
to be developed that will be used for all FAR's. It will be uploaded as a correspondence
document. All documents uploaded should be in word.

The CAU has been working with the Contractors to develop reports. Send any suggestions for reports that might be needed to Mike Ahern and Linda Ours. And SCC search for reports is also to be developed and could be helpful for the BAT project. Central Office is unable to process the intent to re-locate letters right now, but this should be fixed soon. There will probably need modifications to EG. #44.

The 14 day requirement for preliminary review is for initial installations and Chapter 31 mods. This does not apply to other permits. A question that was brought up previously about numbering the emissions units at a dry cleaner. Initially, all units were listed under D001. There may have been an occasion where D001 and D002 were used when a petroleum machine as well as a perc unit were both located at the same site. Using additional numbers may help keep track of the units installed. The single EU number may have been established for billing purposes. The fee schedule for PTIs established a permit fee for the entire facility. Consequently, after the facility obtains its first permit then for any additional units that are installed the permit can be issued with applying a zero fee. The thoughts behind this issue need to be investigated.

Linda Ours addressed some of the issues that people were having with STARS2. If a unit is never installed, you have to mark it as shutdown. Invalid units must be marked as such. A problem that has occurred is the unintentional dead-ending of a workflow by indicating return of the application. If you just need more information, you can just refer the action. (This stops the clock) A returned application means a new entry for the project with a new workflow. The magic button which will allow the field offices to add EU's is a system administrator function. However, one person in each field office will be given this authority. By Friday, 9/12, all DO/LAA's are to let Linda know who that will be. Bulk operations has finally been fixed so facility roles can be changed in just a single process flow. Speaking of facility roles, there are default roles that Linda needs to change if staff leave or change responsibilities so that new facilities will be assigned properly. Looping back is to go back to the original person assigned, but when you do loop something back, you should check the workflow to be sure the proper party has been assigned the task.

Linda reminded us that ownership/contact is established on gateway and is maintained outside the profile. The facility has to submit the information. A consultant cannot do this. This will be changed soon so a non-responsible party can save changes as a "in progress task" which must be submitted by a responsible official. A question was raised about when a facility adds an emissions unit and assigns an emissions unit number. Linda responded that the EU will be listed as "temp". Staff will have to correct the EU number ; if not, they will get a warning; the facility cannot change this, nor can they change the OEPA description. The next question was about creating a new facility. When you create a new facility, the facility ID is unique; that is, each facility gets a facility ID#. You can, however, have a different facility ID # at the same address. STARS2 will not provide a warning if a second facility number is created for the same address. Most of these situations should be caught though when Linda Lazich performs the CORE ID search. A question about legacy permits, this one was specifically started in PTI2K and migrated to STARS2. The EU's are x'd out in the application, but not in the permit detail, will the permit be able to be processed? Linda said yes. Regarding looping back, you should always check your to-do list. In order to make people better aware

of this action, a different color could be considered for the workflow diagram. Possibly a number listed (1,2) in
the workflow would be another way to address this. You can also sort your workflow and to do in different ways to find things. Please note that the bolded items in the workflow list are those that have not been addressed. If you have any enhancement requests, send them to Linda with "Enhancements" in the subject title of your e-mail. There is still some money to address some of these issues.

The intent to relocate letters for the portable plants is currently not working, but the issue is being addressed. The intent of group names initially was by company, or common ownership. Is that still what we want to do? We are no longer using the "90's" numbering system, but those units issued with "90's" will still show up that way. Linda also wanted all to
be aware that you can enter deviation reports as well as stack test reports into the system. It is okay to upload these reports as needed, it is recommended but not
mandatory.Upload reports to the Facility attachments. The question came up as to just how much we can or should put into the system. This will also affect records review and FOIA requests. It was also pointed out that outside people cannot see the permit detail notes. Mike Hopkins stated that
it's possible that guidance for uploading reports will need to be developed to establish consistency across the state. Please note that total particulate was added under the list of pollutants in the Applicable Requirements section. The pick lists for the pollutants are not the same across the system. If information is missing on a pick list, notify one of the SAs: Linda Ours, Mike Ahern, Erica Engel-Ishida, or Mike Van Matre. Linda encouraged everyone to use
the Online Help in STARS2 as much as possible and to contact Erica if any corrections are needed. We were also told a MACT coordinator was to be assigned.

OCAPP is helping facilities that did not get the SMTV's filed hard copy in time to file them electronically. The DO/LAA's should be prepared for questions.

Action Item: Engineering Guide 44 will have to be modified to address STARS2 issues, group names, and supportive EU's. It was pointed out that portable EU's and non-portable EU's should not be used in the same permit. SEDO and NEDO have to get together with Mike Ahern to address the guide revisions. Some standards need to be established as to how much material should be loaded into STARS2, Confidentiality issues and records requests.

4. **Terms and Conditions -**

Cheryl Suttman is checking the exemptions and permits-by-rule in Chapter 31 to see if there are any discrepancies between the requirements for exemptions from obtaining a permit and any new U.S. EPA rules, e.g., new NSPSs or area source MACTs. Some Chapter 31 rules that may be affected include GDF's, emergency generators, and autobody finishing.

Cheryl has drafted terms-by-reference for GDF's based on 63 Subpart CCCCCC and for stationary combustion engines based on NSPS Subparts IIII for compression ignition and JJJJ for spark ignition engines. No comments have been submitted to date.

The effective date for 63 Subpart CCCCCC for new (commence construction after 11/9/06) GDFs is 1/10/08 or upon startup; and an existing source must be in compliance by 1/10/11. The GDF Appendix A static leak test (ST-30) and Appendix B dynamic pressure performance test (ST-27) in OAC 3745-21-10 do not agree with the CARB vapor recover test procedures

from the subpart: **1.** leak rate and cracking pressure test of pressure/vacuum vent valves (CARB TP-201.1E) and **2**. static pressure performance test (CARB TP-201.3).

Cheryl has served on a landfill "higher operating value" (HOV) work group with the DSIWM who are working together to resolve the state's landfill gas problems and to enforce the NSPS, Subpart WWW.

The HOV committee has modified Cheryl's draft guidance document (into a NSPS summary and a landfill gas guidance document) and her landfill NSPS applicability table (completed following the submission of a survey mailed by DSIWM) and have forwarded these documents to Bob Hodanbosi and Pam Allen for sign-off. The guidance document has been or will be sent to landfill owners and operators and their consultants for comments. The new guidance does not allow for an HOV approval for O_2 or N_2, these requests will be denied; and higher well temperatures will require testing beyond the scope of the NSPS: the higher the requested temperature, the more testing we will require.

All of the HOV and alternative timeline requests received to date at Central Office (all HOV and alternative timeline requests should be sent to Cheryl's attention at CO) will accompany an inspection team made up of staff from both divisions (DAPC and DSIWM). The HOV committee plans to resolve and address all of the past HOV and alternative timeline requests through these inspections (most should be back in compliance, as required by NSPS rule). Outstanding HOV requests and those received following this inspection shall be reviewed by both divisions and the approval or denial letter shall be drafted by the DAPC district office or LAA and reviewed by both Central Office and the DSIWM contact for the facility before they
are mailed.

The new “tree” format for the Library of Terms and Conditions will be ready in a few weeks. It will replace the current library. Most likely a link to the old library format will be retained for a short period of time for the transition to the new format.

5. **Engineering Guide update-**

#6 - PTI for Coal to oil conversion - Cleveland - Mike Hopkins is looking at this. No progress
#9 - PTI/PTO Determinations for grain dryers - NWDO - Don Waltermeyer and Jim Orlemann have had some discussion on this. The information is to be sent to Jim.
#16 - Conditions requiring additional testing - NWDO – Comments received by NWDO, ready for final review by Jim O. .
#18 - SO2 compliance determination for boilers – In the works, maybe version next time.
#20 - VE limits, determination for stack sources - Akron - No progress
#23 - Significant figures for TSP emission limitations - SEDO – Received comments
#24 - Application of Fugitive Dust Requirements to Affected Facilities - Toledo - no progress
#25 - Determination of source numbers and Permit fees for fugitive dust sources - Cleveland – No progress.
#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
#27 - Determination of Heat input during a boiler stack test - RAPCA – Ready for final review by Jim O..
#44 - Portable Plants - NEDO – NEDO and SEDO to discuss with Ahern.
#53 - Open Burning Standards - Central Office - Hearing resolved; no progress on guide

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#70 - Toxics – Hopkins reviewing; #69 may need changes due to changes in #70. – No progress.
#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. No progress.
#75- New guide for crushers and non-metallic material - NSPS OOO - Mike H. - No progress
#28 - Methods for Ascertaining the Uncontrolled Mass Rate of Emission for Figure II – CDO - draft handed out, comments to Mike Riggleman by November 13, 2008.
#29 - Applicability of the PTI Rules to Increases in Capacity of a Derated Boiler - CDO –
working on this

Mike Ahern offered to post the current draft engineering guides on the DAPC Guidance page. The group authoring that particular guide is responsible to get Mike the latest draft, which will be posted for internal viewing only.

Cleveland handed out the model general permit for crematories. Comments should be sent to Jim Braun by the next meeting. For the tub grinders, Mike Hopkins noted that we need to determine what BAT is for these emissions units. It will also be necessary to address the high NOx emissions from the generators for minor source modeling. It might be necessary to

establish stack parameters for the generators. The BAT rule development package has been prepared and is with the director; and will be discussed with Mike Hopkins and Andrew Hall before being distributed to the Field office volunteers.

There has been no progress on the 21-07 guidance. Jennifer Hunter will see that the old version of 2107 is posted so that it can be referred to.

Next meeting is <u>Thursday,</u> November 13, 2008

Questions regarding R & D.

3745-31-03 Exemption

(i) Laboratory equipment

(i) Laboratory equipment and laboratory fume hoods used exclusively for chemical or physical analyses and bench scale laboratory equipment.

(ii) Laboratory paint booths used to prepare samples for chemical or physical analysis where the actual emissions of each laboratory paint booth is less than 3.0 tons of VOC per year and where:

(a) The owner or operator maintains records, available to the director upon request, detailing that the VOC emissions are less than 3.0 tons of VOC per year, and

(b) Any exhaust system that serves only coating spray equipment is supplied with a properly installed and operating particulate control system.

Questions:

1. For the exemption above, is it necessary for the facility to maintain records for each individual paint booth or is it acceptable to maintain records for all the paint booths combined and demonstrate that the average VOC emissions for each booth are less than 3.0 tons/year?

   Answer: The facility must maintain records for each individual paint booth. However, if the total annual emissions for all of the paint booths combined

   is less than 3.0 tons/year then it is acceptable to maintain records for all of the paint booths combined.

2. If it the answer to question 1 is yes, then what happens if the average for all paint booths exceeds 3.0 tons/year - will the facility need to obtain a permit for all of the spray booths if they are not able to determine which spray booth(s) exceed the 3.0 ton/year limit?

   Answer: Since the answer to 1 above is that records must be maintained for each paint booth, the facility would only need to obtain a permit for each paint booth that exceeds 3.0 tons/year of VOC. If the total combined emissions for all booths was originally less than 3.0 tons/year with the facility maintaining records for all booths combined and then the combined emissions increase to over 3.0 tons/year then the facility would have to begin maintaining records for each paint booth to demonstrate that each booth is less than 3.0 tons/year in order for the booth to maintain exempt status under this exemption.

3. If the facility needs to obtain a permit for all of the paint booths, is it possible to identify all paint booths as a single emissions unit such as “R&D Paint Booths” so that they can continue to maintain facility wide records for all paint booths combined? Or will it be necessary to obtain individual permits for each booth with individual record keeping?

   Answer: The facility will need to obtain a permit for each individual booth that has annual emissions greater than 3.0 tons/year VOC. Each permit will have its own record keeping requirements for each paint booth.

4. If it can be determined that one or more specific paint booths have actual emissions greater than 3.0 tons/year, then those emissions units would need a permit and would have individual record keeping requirements while the remaining spray booths that qualify for the exemption could remain under facility wide record keeping (if the answer to question 1 is yes). Is this correct?

   Answer: As noted above, each paint booth with emissions greater than 3.0

tons/year VOC will need a permit. Per the answer to question 1, any remaining paint booths that still qualify for the exemption will be required to have individual record keeping unless it can be demonstrated that all of the exempt paint booths combined have total emissions less than 3.0 tons/year VOC.

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Note: Another option to consider is the possibility that an individual paint booth might be able to comply with the De Minimis exemption contained in OAC rule

3745-15-05. The booth can be exempt if either actual or potential emissions of VOC are less than 10 pounds/day as well as less than 1 ton/year HAPS. If the potential to emit is less than these thresholds, then the only record that needs to be maintained is the potential to emit calculation for the booth. If the potential to emit is over the thresholds but actual emissions are below, then the booth can still be De Minimis but daily records for the booth must be maintained to demonstrate that actual emissions are below the De Minimis thresholds.

Potential to emit should be determined based on the maximum hourly coating usage operating 24 hours per day and 365 days per year.

Questions regarding 21-07

Comment: As examples of the applicability of this paragraph, if a permit-to-install, a permit-by-rule, a permit-to-operate, or a Title V permit has been issued prior to the effective date of this rule and contains both a citation to rule 3745-21-07 of the Administrative Code and one of the associated requirements referenced within this comment, the associated requirements contained in such a permit shall be void upon the effective date of this rule. The associated requirements covered by this comment shall include: (a) any requirement that prohibits the use of photochemically reactive materials, or prohibits the use of volatile photochemically reactive materials; (b) any requirement that limits organic compound emissions from an operation to eight pounds per hour and forty pounds per day, except as specified in paragraphs (M)(3)(d) and (M)(3)(g) of this rule; (c) any requirement to determine or document materials as being photochemically reactive materials; and (d) any recordkeeping and reporting requirements related to requirements referred to in (a), (b) or (c) of this comment.

All other permit conditions, including annual emission or material usage limitations (tons per year, gallons per day or month or year, VOC per gallon, etc.) and all other recordkeeping and reporting requirements associated with those permit conditions remain in effect.

Question:

1. The above comment states that the noted requirements become void upon the effective date of the rule. Is a facility allowed to take advantage of this new allowance

immediately or do they have to wait until their permit is modified to reflect the changes in the new 21-07 rule?

Answer:

Facilities should be aware that if BAT limits were established instead of the limit from 21-07 then they should continue to maintain the records required in their permit. If the permit contained the limits from the old 21-07 rule then we will not pursue enforcement if the facility chooses to take advantage of the above allowance. However, for Title V and Synthetic Minor facilities the company needs to comply with the old 21-07 requirements until USEPA approves the new 21-07 rule. The old 21-07 rule remains as an applicable requirement under the effective SIP until the new rule is approved by USEPA. Minor facilities can stop maintaining records per the above prior to getting their permit modified.

Ohio EPA has requested that USEPA take action soon on the pending new 21-07 rule. Ohio EPA anticipates that USEPA will approve most of the new 21-07 rule except for the Sheet Molding Compound (SMC) exemption. However, since a MACT rule now exists for SMC operations, USEPA might be willing to accept the SMC exemption.

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November 13, 2008

Permitting & Enforcement Committee Meeting –

Lazarus Government Center
Ohio EPA
7th Floor DAPC conference room

Attendees: Co-Chairs - Jim Orlemann (CO), Jim Braun (Cleveland)
Minutes - Ed Fasko (NEDO)
- Mike Ahern, Cheryl Suttman, Mike Hopkins, Andrew Hall, (CO), Mike Riggleman, Todd Scarborough, (CDO), Jason Simon, Chris Clinefelter, (RAPCA), Sarah Harter, (SEDO), Peter Park, (Toledo), Anne Chamberlin, (Portsmouth), Mark Budge, (NWDO), Paul Tedtman,(HAMCODOES), Bud Keim (Canton), Rick Carleski, (CO/OCAPP)

1. **Enforcement issues -** Jim Orlemann

The Shelly trial ended last Thursday, 11/6. Jim Orlemann said there were a lot of witnesses called. Bob Hodanbosi, Mike Hopkins, Todd Scarborough Sarah Harter, Christina Wieg, Kim Reinbold and Jim himself were among them. The judge did not want any closing arguments because of the number of violations that were presented. On 11/7, the judge met with attorneys from both sides with a request. He asked for findings of fact and conclusions of law from both parties. He also wanted information to either refute or mitigate the charges and recommended penalties. All this information is due by mid-February. Jim feels this is one of the biggest trials in air program history; there are more violations than in any other case. Jim feels
if we lose the case, the air permitting program will be in jeopardy as most of the issues have to do with air permitting. He pointed out that portable generators were a big issue in this case.

Jim handed out his graphs regarding enforcement. Cases resolved so far this year have reached 65; the goal of 100 by the end of the year is attainable. F&O's are at 44 with a goal of 50; Old cases are down to 18. Goal is "0" by end of the year. For EAR submittals, 90% submitted in the third quarter were within the 18 month goal of submittal date. The penalties look like they will be high this year. There are presently 100 cases on the EC docket, and 90 at
the AG's office, 45 are the Shelly cases. On the handouts for inspections, the graphs showed 98.3% of the scheduled TV was inspected, and 96.3% of the scheduled SMTV inspections were completed. Jim also noted that the policy of not pursuing penalties for first time administrative violations was not really affecting the program. HPV cases have been given priority, and tend to be more complicated and not resolved quickly, but we are progressing well.

RAPCA had submitted a question regarding the definition of "agricultural waste" Structural materials are in the definition, but not buildings. There were two interpretations of whether a barn could be torn down and burned as agricultural waste. One interpretation said as long as the non-wood materials were removed, the remaining wood materials could be burned as agricultural waste. The second interpretation indicated the removing of material and then the burning of the remainder of wood, seemed to be a circumvention of the rule. It was generally agreed that the second interpretation was correct, especially in light of the asbestos rules, but RAPCA is to check on the source of the responses.

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Action Item: Stay on top of enforcement and inspection deadlines. Source of interpretation of open burning question to be investigated. *

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

In light of the major projects, Mike made note that the PM2.5 non attainment designations should appear in the Federal register in late December or early January. At this point, it appears the effective date will be 90 days out from the notice in the Federal Register. USEPA has told us that States will have 45 days from the FR notice to submit 2008 data. If we have attainment data for a certain area, then it would not go to non attainment. For permits trying to beat the redesignation deadline, he is looking at an effective date of 3/15/09.

For non attainment NSR, Appendix S should be followed (as revised May, 2008). We will continue to use Appendix S until we revise our Chapter 31 rules. At this point, PM 2.5 and SO2 will trigger NNSR. When the state rule is written, NOx will also be included. See the August 4, 2008 guidance memo from Mike Hopkins.

There was a question about BAT for PM and the 10 ton threshold. The example Mike gave was if a source has 8 tons of PM-10 and 30 tons of PM, BAT should be based on the PM-10 emissions and not on the PM emissions. Rule citations would apply for PM but not BAT. (The guidance for SB265 on the web page needs to be corrected to reflect this)

Andrew Hall handed out a sheet on BAT submittal expectations. He has received initial submittals from Mike Ahern, NWDO, Toledo and RAPCA. Andrew would like the rest submitted as they are completed. He thanked all that submitted their work so far. He has the schedule posted on the web page and we are presently behind. He also said the cost effectiveness can be submitted later, in time for the rule package. A question was raised at to if the cost effectiveness can be bypassed if permits have been issued with the BAT that you are proposing. He indicated that was a possibility. One person commented that the info for BAT is not that easy to get from STARS2. Some of the other places that he suggested to look for info were the Control Technology Guidelines (CTG) for cost effectiveness, Google searches, other offices, and other search engines. He also suggested the RACT, BACT, LEAR clearinghouse
as well as the BAT database. Andrew Hall is to send an E-mail with some examples. If a rule is used as BAT, you must specify. If you use the area RACT as BAT, RACT as it was in 2006 is to be used.

It was brought to our attention that the multi-media task in STARS is only a check-box. Some offices do E-mail to fulfill the obligation. Andrew handed out the memo by Dennis Bush dated January 14, 1999 regarding the Bessie Williams decision and the Multi-media form.
Some forms have been attached to STARS2 under the terms and conditions.

3 **STARS2 and permit issuance update –** Mike Ahern

Mike Ahern handed out a list of Fee reports that need to be approved. Some of these actions may have been previously approved, but may have to be redone due to the problems we were initially having with fee reports. He pointed out that a new facility ID must be used when a shutdown facility is restarting at the same location. A transfer should not be used. The only time that a facility ID is reactivated is when there might be a migration issue into STARS2
or if we mistakenly shut it down. If a facility never installed the operations, has no Emissions units, it should be shut down. Deminimis units will keep a facility active in facility profile, even with no permits. If a PER due date is to be changed, the company should send a

letter of request to the DO/LAA. The DO/LAA reviews the request and forwards it on to Erica. This change is an action of the director and modifies the permit. A problem occurred when information was migrated from CETA. The revocation data never made the migration to STARS2. Revocation letters are being scanned and put into STARS2.

Mike indicated he is working with PIC in regard to a template for the response to comments document. A template is to be put into the system. This will apply to all draft documents. The response will be incorporated into the final document. It will probably appear before the authorization page in the final permit.

50,000 issued documents in the system have to be converted to PDF from word perfect so they will be available for processing. These are all the documents that were issued in the old systems and were migrated. Mike also mentioned that electronic attachments to permits are available for Air Services users to view.

A group has been formed to address the portable source issue. The Aggregate Association met with Bob Hodanbosi regarding portable issues; there concerns will be taken into consideration in developing a method in how we handle portable plants. The time to get approval for intent to relocate is a concern for industry. At this point, it looks like we are issuing
a separate facility ID for each permitted operation. Although we have not always done this in the past, we are not to split up the facilities with multiple portables just yet. There may be some changes in STARS2 on this. Some of the questions to be addressed are how often do
we do portable permits, the possibility of Permit by rule or general permits. If a portable plant is on the list for inspection commitment, and moves from one district to another, who is responsible and how does this affect our commitment. Another point that was made is that we get notified of intent to relocate, but do not get notified when move is made, if in fact the company does make the move. Sometimes notifications are filed in anticipation of getting a job, which may never materialize.

Linda Ours spoke of some STARS2 issues. She was asked if the intake task could be adjusted to be parallel to the reviewer, so applications would not sit when the intake person is out of the office or not able to move the application on. Linda indicated that the intake role is currently disabled, and applications are currently going directly to the permit writer. A decision has not yet been made on if the intake role will be enabled or not. Linda was asked if bulk operations can distinguish by application type and that is not possible since the application type is not a field in the facility profile and thus can't be used to identify the 'universe' of facilities to update via Bulk Operations. However, facility classifications such as TV, PBR; and reporting category (SMTV/NTV/TV) can be used to assign roles. She asked that we keep the suggestions coming. She also wanted to caution those who have been given System Administrator rights to add EU's after permit issuance (i.e., magic button). DO NOT add EU's
to permits if they are not in some application. This especially true of Title V permits.

It was brought up that all new facilities (new facility ID's) must have core reconciliation prior to developing the permit. This is to be followed for PBR's as well as other facilities. You can waste a lot of work if you do not follow this procedure.

Mike Ahern handed out an example of metrics report. These will track time spent on issued reports. In order that these days attributed to your office are correct, make sure that the referral is used as appropriate. It was pointed out that enhancements to the program can still
be made.

The first set of PER reports is expected (November 15). A letter was sent out

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requesting that the reports are due. The hard copy entry is not working right now and is scheduled to be fixed. (Fixed as of 11/20) NTV facilities have the option of submitting either electronically or hard copy, but eventually all the PER reports do have to be entered into STARS2 by the DO/LAA if the company does not submit electronically. STARS2 will generate a NOV if the report does not appear in STARS2. These reports are entered on the facility level on the left under compliance reports. You can enter into Stars2 the date received, date reviewed, report status and identify if they reported deviations or not. Then, if many deviations (or other comments) were written in the hardcopy report, the DO/LAA could choose to not enter those notes by hand but scan the hardcopy report and upload it to the specific PER in Stars2. There are only 24 facilities state-wide that should be submitting PER's for November. Initial Notice of Violation will come out of Central Office. After two cycles of PER's, data entry is to be evaluated.

The TV and SMTV quarterly and semi-annual compliance reports are to be electronic as of January 31for last ¼ of 2008. This was addressed in a letter sent to the TV and SMTV facilities on November 6. The letter also addresses other air services issues. A copy of the letter is available on our web site under air services.

Action Item: Engineering Guide 44 will have to be modified per portable plant group determinations; enter hard copy PER reports into STARS2 as soon as the system allows you to.

Terms and Conditions -

Since the last P&E meeting the following files have been revised, and for the following reasons:

The Toxic Air Contaminant Statute terms, ZZZ2A and ZZZ2B were revised to reference only one permit type rather than all of them (PTI, PTIO, or FEPTIO). The appropriate permit type is now a fill-in-the blank for [XXX8].

The synthetic minor restriction terms (V, W, X, and Y terms) have been revised to include the changes made to the reporting requirements in OAC 3745-15-03. Until there is time to change all of the sets of terms that include reporting requirements, permit writers should try to blend the appropriate reporting requirements with the new reporting term drafted for these Chapter 15 changes, titled: Reporting Requirements for PTIs, FEPTIOs, and PTIOs. A PTIO, non-Title V facility would now report annually in the Permit Evaluation Report, rather than quarterly, as many of the old reporting terms have been drafted.

The Visible Emission (VE) terms have been split out into individual files according to the required compliance scenario, and following Bruce Weinberg's guidance document from many years ago. Many of the existing VE terms are located in one file and it can be difficult to determine which terms go together when drafting a permit. Bruce's guidance document will be included as one of the files. Individual files have been completed for the following scenarios:

Standard VE opacity at stack 17-07(A) (1)
Standard VE opacity for fugitive dust 17-07(B)(1)
Standard VE for stack and fugitive (mix) 17-07(A)(1) and (B)(1)
Stack BAT determination (fill in XXX1)
Stack BAT of 0%

No fugitive emissions BAT
Minimize fugitive emissions from points of capture and no VE at stack 17-08(B)(3) New term
Bruce's VE summary, VE scenario, document will be the first file in the tree.
Since these terms will need new branches to be made in the "TREE" they are not yet available in the Library; a hard copy of this set was passed out in the meeting because of this delay.

The first attempt at drafting Federal Rules into a summary table has been completed for stationary internal combustion engines. Subpart JJJJ for Stationary Spark Internal Combustion Engines and Subpart IIII for Stationary Compression Ignition Internal Combustion Engines are summarized in Excel tables. The first sheet of the Excel file shows the operating scenario (size engine, fuel etc) down the left side column and the applicable sections of the subpart follow in each row under the appropriate section of the permit. The second sheet of each Excel file summarizes each paragraph of the rules and they are listed in numerical order. The manufacturer's requirements were not included.

The next set will be for Steam boilers, Subparts D, Da, Db, and Dc.

The permit can either reference the entire subpart in the Additional T&Cs or Summary Table, or the appropriate sections of the subpart can be referenced as applicable within the individual sections of the permit. This format also provides for a useful inspection tool, to allow the inspector to familiarize him or herself with the appropriate sections of the federal rules, without wasting time trying to determine the requirements applicable to the source.

GDF terms were drafted from the Part 63 Subpart CCCCCC GACT. These terms have been out for comment for some time and were drafted prior to the decision to only reference Federal rules. If they are added to the Library, they should be used for guidance rather than pasted into terms. GDFs that have a monthly throughput of 100,000 gallons or more have to meet the management practices in Table 1 to the Subpart and cargo tanks unloading at GDFs with a monthly throughput of 100,000 gallons or more must meet the management practices in Table 2 to the subpart.

Cheryl will soon be adding PSD and non-attainment permits issued since the middle of April to the RBLC database. If she cannot find the application in Central Office, she will be calling the district and local offices for the information needed for the entry.

Cheryl has served on a landfill "higher operating value" (HOV) work group with the DSIWM who are working together to resolve the state's landfill gas problems and to enforce the NSPS, Subpart WWW.

The HOV committee has modified Cheryl's draft guidance document (into a NSPS summary and a landfill gas guidance document) and her landfill NSPS applicability table (completed following the submission of a survey mailed by DSIWM) and have forwarded these documents to Bob Hodanbosi and Pam Allen for sign-off. The guidance document has been or will be sent to landfill owners and operators and their consultants for comments. The new guidance does not allow for an HOV approval for O_2 or N_2, these requests will be denied; and higher well temperatures will require testing beyond the scope of the NSPS: the higher the requested temperature, the more testing we will require.

All of the HOV and alternative timeline requests received to date at Central Office (all HOV and alternative timeline requests should be sent to Cheryl's attention at CO) will accompany an inspection team made up of staff from both divisions (DAPC and DSIWM). The HOV committee plans to resolve and address all of the past HOV and alternative timeline requests through these inspections (most should be back in compliance, as required by NSPS

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rule). Outstanding HOV requests and those received following this inspection shall be reviewed by both divisions and the approval or denial letter shall be drafted by the DAPC district office or LAA and reviewed by both Central Office and the DSIWM contact for the facility before they are mailed.

The new "tree" format for the Library of Terms and Conditions will be ready in a few weeks. It will replace the current library. Most likely a link to the old library format will be retained for a short period of time for the transition to the new format.

4. **Engineering Guide update-**

#6 - PTI for Coal to oil conversion - Cleveland - Mike Hopkins is looking at this. No progress
#9 - PTI/PTO Determinations for grain dryers - NWDO - Don Waltermeyer sent information to Jim.
#16 - Conditions requiring additional testing - NWDO – Comments received by NWDO, ready for final review by Jim O. No Progress
#18 - SO2 compliance determination for boilers – Toledo sent questions to Jim.
#20 - VE limits, determination for stack sources - Akron - No progress
#23 - Significant figures for TSP emission limitations - SEDO – In the works.

#24 - Application of Fugitive Dust Requirements to Affected Facilities - Toledo working on this.
#25 - Determination of source numbers and Permit fees for fugitive dust sources - Cleveland – No progress.
#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
#27 - Determination of Heat input during a boiler stack test - RAPCA – Ready for final review by Jim O.
#28 - Methods for Ascertaining the Uncontrolled Mass Rate of Emission for Figure II – CDO - draft handed out, comments to Mike Riggleman by November 13, 2008.
#29 - Applicability of the PTI Rules to Increases in Capacity of a Derated Boiler - CDO –
working on this
#44 - Portable Plants - NEDO – Will be updated based on Portable Plant group determinations.
#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.
#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. No progress.
#75- New guide for crushers and non-metallic material - NSPS OOO - Mike H. - No progress

Cleveland is working on comments for the general permit for crematories.. CDO and Tub grinders general permit has been put on hold. NEDO needs to move on General permit for Generators. The aggregate general permit may be looked at by NWDO. There is a landfill meeting next month (Dec 11) regarding HOV's requests. The requests will be submitted to the district solid waste and air. DAPC will generate a letter based on Cheryl's review.

P & E minutes need to be updated on the web.

Jim Orlemann, Jim Braun and Christine McPhee are working on the terms for 21-07.

A facility in NWDO may be shutting down due to a conflict with the rule and federal approval. (or lack of).

Next meeting is Tuesday, January 13, 2009

Happy Holidays to all….Turkeys everywhere ask that you eat more beef and vegetables.

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January 13, 2009

Permitting & Enforcement Committee Meeting –

Lazarus Government Center
Ohio EPA
7th Floor DAPC conference room

Attendees: Co-Chairs - Jim Orlemann (CO), Jim Braun (Cleveland)
Minutes - Ed Fasko (NEDO)
- Erica Engel-Ishida, Cheryl Suttman, (CO), Kelly Toth, Todd Scarborough, (CDO), Jeff Canan, Chris Clinefelter, (RAPCA), Sarah Harter, (SEDO), Peter Park, (Toledo), Anne Chamberlin, Louis Boerger, (Portsmouth), Mark Budge, (NWDO), Frank Markunas (Akron), Rick Carleski, (CO/OCAPP)

1. **Enforcement issues -** Jim Orlemann

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Jim handed out his graphs regarding enforcement. Cases resolved this year reached 99; 1 short of the goal of 100. F&O's completed was 55 exceeding our goal of 50; This is the first year that we are under the new definition of old cases; 18 months rather than 21. Of the 44 old cases, only 2 were not resolved by the end of the year. Goal was "0" by end of the year. For 2009, we have 37 old cases to be resolved. Jim was not happy about the compliance percentage for HPV facilities. It stands at 86.7 and we are aiming for 93%. Jim is asking for EAR submittals to address the non-compliance issues. Bob Hodanbosi is meeting with the staff regarding the goals of the division. At this time, it looks like there will be no enforcement goals from the Director's office. Other goals are to be determined. Jim pointed out that we ended the year with 80 cases on the EC docket and 97 cases at the AG's office. Although the Shelly trial is over, the lawyers for both sides are preparing documents for the judge in order that a decision by the judge will be made. Mike Hopkins is in a meeting on the Shelly matter today.

There was no update on CETA.

RAPCA had submitted a question regarding the definition of "agricultural waste". Structural materials are in the definition, but not buildings. Determination was as laid out in agenda e-mail response:

Subject: Re: Fwd: Burning barn siding/wood

Jeff, as explained below, Bryan does not believe it would be lawful to consider a dismantled building to be agricultural waste that could be burned for disposal. In other words, burning a dismantled building would be prohibited.

>>> Bryan Zima 12/22/2008 3:38 PM >>>

Jim, I think Tom Kalman's position is correct.

As you know, "agricultural waste" means, in part, "any matter generated by crop, horticultural, or livestock production practices, and includes such items as woody debris and plant matter from stream flooding, bags, cartons, structural materials, and landscape waste that are generated in agricultural activities. . . ."

Words in definitions are supposed to be given their common meaning. The phrases, "generated by crop,

horticultural, or livestock production practices" and "generated in agricultural activities" would not normally be read, in my opinion, to include building demolition. As was suggested, there are types of "structural material"

that may fit the bill of being generated by agricultural activities and practices. They could include structures on which vines or plants could grow, freeze prevention tarps and cloth, etc. In contrast, building demolition is not what one would typically think of as being generated in an "agricultural practice" or ongoing "agricultural activity." Demolition seemingly is something that is done in the temporary cessation of normal practice or outside normal practice or activity.

The other items listed in the definition as examples can also suggest what was intended. They--flooding debris, bags and cartons--all refer to more regularly or periodically-generated wastes. This contrasts with the extraordinary, or once-in-a-generation act of demolishing a building.

> Most conclusive, however, is the express exclusion for buildings. That exclusion creates two different groups: "Buildings" on one hand, and "structural material generated in agricultural practice or activity" on the other. I see nothing in the definition that would suggest an intent by the rule drafters that "buildings" would be converted into "structural material" at some point in the demolition process. That could convert just about every building into structural material (unless it was burned with no demolition), and would literally eliminate the exemption for buildings. I read the rule to indicate that once a building, always a building, whether demolished or not. The burning of a demolished building would still be the burning of a building, and so excluded from the definition of agricultural waste

Frank Markunas of Akron shared his court experience on a recent case regarding a crusher. Although some time had passed since the incident, the case had finally gone forward and Frank's testimony was key to the case..The judge was new to environmental law, and the AGO handling the case was also new. Frank talked about good documentation and adherence to following procedures, especially when conducting fugitive dust and method 9 readings. He also spoke of how other settlements come
to light when the case was presented. This discussion led into the concern for the efficiency of unilateral orders and the possibility of expanding this program for other categories of violations, such as gasoline stations, fugitive dust violations or work practice violations. Jim had stated that a good percentage of unilateral orders have resulted in failure to pay fines. These are turned over to collections, but no one seems to know of the results after that. The question appeared to be "is it better to collect a low percentage of fines under unilateral orders which are easily developed, or pursue a smaller number of cases under traditional findings and orders?" Jim committed to discuss
the possibility with Bob Hodanbosi.

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

Mike was not at the meeting… He was involved in a meeting regarding Shelly.

3 **STARS2 and permit issuance update –** Erica Engel-Ishida

Erica handed out a list of the permits issued in December as well as a list of the permits issued for 2008. This report does not distinguish between initial installations and Ch. 31 mods and operating permits for non-Title V permits. There was some concern about the PBR number as it seemed rather high. Erica also told us the reminder letters for emission fee reports would be going out soon. Compliance certification letters should be going out in February. Although we encourage all facilities to use the electronic submittal for reports, non- HPF reports can be submitted hard copy and entered into the system by DO/LAA staff. To follow on that thought, if a company has a

requirement under Title V and is becoming non- Title V, fee reports and compliance certification must be submitted electronically, quarterly reports can be submitted hard copy. Erica talked about the Web-ex training that was held on
1/07. She has gotten a lot of positive feedback. The next Web-ex training for staff will be on 1/21. Extra time will be added on to address issues that normally would be discussed in the STARS2 procedural calls that Adam Ward started. The first hour of the call will be the training,

and the second hour will be discussion of the mechanics of the permits, and the items that Adam was addressing in the STARS call that he had been holding. There was some discussion as to tying the permit call into this, or at least looking at it and the overlap that might apply. Erica also wanted all to know the PER function was up and working as of Friday, and
the reminder letters for PER's due this quarter would be sent out soon. Erica anticipates there will be a lot more this time. The time covering the PER will be from the issuance of the PTIO till the end of the year.

The permit keyword search capability will be pursued, although it will be costly and come at the expense of other suggested enhancements to the STARS2 program. You will be able to search all the permits under a keyword as this enhancement will benefit all. At this time
we have spent $4.5 million on STARS2.

After the break, Erica indicated there will be 298 PER reminder letters going out for this quarter. The first Webex industry training for Air services will be conducted today. If you get a call as to future trainings for industry, direct them to the Air Services Website. Because one of
the functions of STARS2 is the grouping of similar EU's for emissions reporting purposes, engineering guide #72 has been rewritten and forwarded to Jim Orlemann for his review. The Webex training today will be archived, and all the questions that are asked, be they directly or
in the chat box, will be addressed and the answers documented.

Terms and Conditions -

Since the last P&E meeting the following files have been revised, and for the following reasons:
Most of our terms are written for Chapters 17, 21, and 15.

Cheryl has finished the updates for Chapters 17 and 21; but almost all of the terms have reporting requirements that need to be changed to include the new PER for PTIOs and FEPTIOs.

The reporting terms have been modified in the: Visible emission, GDF, Total Enclosure, synthetic minor (V, W, X, and Y terms), and parameter monitoring J terms; the CEM J terms are quarterly reporting and did not need modification. The generic PER term can be used for all the rest or can be modified (until corrected) for all the rest.
However, it was suggested that Cheryl read the PTIO Implementation Guidance for the PER requirements; and there she would find a list of things to be reported in the PER, suggesting that the generic file can be used for everything (and maybe delete the reporting term in all the rest).

Not from meeting: However, after doing this Cheryl found Appendix A to this document (referenced reporting list?) is entitled/for "Examples of additional reporting requirements not included in the PER" for more-frequent-than-annual reporting requirements (where we are sort of telling them not to include a lot of exceedances in the PER). It was not a list of things that might be included IN a PER, but excluded. Cheryl thinks, however, this document is for internal use only and has asked Kelly Toth and Sarah Harter if there is a reporting sample list for facilities in STARS2 for their PERs (no response yet).

The parameter monitoring terms were written to compliment the generic PER term (file name "RPT", the first file linked in the Misc. section of the Library), and the parameter terms reference it. Cheryl thinks she has been updating all the reporting terms, for Chapter 15 PER change, using similar language to prevent the duplication of PER terms, for example as in the parameter reporting terms:
"The permittee shall identify in the annual permit evaluation report the following information concerning the operations of the ESP during the 12-month reporting period for this/these emissions unit(s): "

Getting with Jim O to see if we can keep the parameter, J, PER reporting terms, and maybe others.

Cheryl has finished the NSPS tables for JJJJ, spark ignition internal combustion engines (ICE) and IIII, compression ignition ICE. The first page of the Excel document shows the different scenarios and applicable NSPS subparagraphs, by permit section; the 2nd page shows a short summary of each sub-paragraph, referenced in the first, in numerical order. Cheryl excluded the requirements for the manufacturer.

Cheryl has (long ago) completed a summary of the emission limits, by fuel (excluding wood and special fuels), for NSPSs D, Da, Db, and Dc for steam generators. She would like to complete this "summary" in an Excel document and for the entire rules.
Not sure we will follow this path in the future; rather we will only reference the full rule, e.g. 60 Subpart Dc, in the permit emission limit/applicable rule table.

The used oil terms are being reviewed by Jim O. We have added the new (from April) DHWM guidance on the rebuttable presumption for total halogens, for 1000 ppm or greater (we passed out this guidance and draft term for off-spec used oil).

Cheryl has drafted new terms for 21-09(Y) for flexographic and rotogravure printing, being reviewed by Bill Juris; however, I still need to add the record keeping requirements (from the "B" terms and not in 21-09 (Y)) to make them complete.

The visible emission terms have been separated into different files (instead of being crammed into two files) and according to Bruce Weinberg's old VE scenarios (included in TREE and numbered to match the appropriate set of terms); and so permit writers don't have to scroll through a mess of VE terms to try to determine which are appropriate.

4. **Engineering Guide update-**
   #6 - PTI for Coal to oil conversion - Cleveland - Mike Hopkins is looking at this. No progress

#9 - PTI/PTO Determinations for grain dryers - NWDO – Finalized and issued on 12/24. Copy handed out.
#16 - Conditions requiring additional testing - NWDO – Comments received by NWDO, in signoff
#18 - SO2 compliance determination for boilers – No update.
#20 - VE limits, determination for stack sources - Akron - No progress
#23 - Significant figures for TSP emission limitations - SEDO – No Progress.
#24 - Application of Fugitive Dust Requirements to Affected Facilities - No Progress.
#25 - Determination of source numbers and Permit fees for fugitive dust sources - Cleveland – No progress.
#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

#27 - Determination of Heat input during a boiler stack test - RAPCA – Finalized and issued on 12/29.
#28 - Methods for Ascertaining the Uncontrolled Mass Rate of Emission for Figure II – CDO - draft handed out, comments to Mike Riggleman by November 13, 2008. In Signoff
#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 – Starting to review.
#44 - Portable Plants - NEDO – Will be updated based on Portable Plant group determinations.
#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 submitted modifications to Jim Orlemann
#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. No progress.
#75- New guide for crushers and non-metallic material - NSPS OOO - Mike H. - No progress
#XX – 17-08 scenarios – Comments to Orlemann by 1/31. Flow Diagrams courtesy of Diane Orlemann.
#XX – 21-07 sunset language – Comments to Jim Braun by 1/31

Cleveland is working on comments for the general permit for crematories. Jim Braun will E-mail final version. Please send comments to Jim by 2/15. . CDO and Tub grinders general permit has been put on hold. NEDO needs to move on General permit for Generators. The aggregate general permit may be looked at by NWDO.
.Jim Orlemann handed out the Hazardous Waste Division used oil policy so that we would be aware of what other divisions are following when facilities use used oil. Also handed out were the used oil terms and conditions.

A discussion ensued around SEDO's e-mail regarding the enforcement actions around non-road engines. A list of 10 questions was handed out and Jim Orlemann indicated that Marc Glascow is looking at a rule change in order to clarify the issue. Jim's belief is that if the generators are considered mobile, they are exempt and are not included in inventory for that reason. Although permits have been issued including these generators, there seems to be some confusion as to the definition of portable vs. mobile. Our 31-01 rule addresses this and it is based on Part 89.

Action Item **– This should be addressed soon, to not do so will open up all kinds of inconsistency in the statewide application of how each office has been looking at this…**

Outdoor wood fired boilers – The rule has been revised and is presently at the Director's office. The next step would be to circulate it to interested parties.

Last entry of P & E notes is November '07----- Action item--- Update page---
----------Next meeting is Tuesday March 10

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March 10, 2009

Permitting & Enforcement Committee Meeting –

Lazarus Government Center
Ohio EPA
7th Floor DAPC conference room

Attendees: Co-Chairs - Jim Orlemann (CO), Jim Braun (Cleveland)
Minutes - Ed Fasko (NEDO)
- Cheryl Suttman, (CO), Kelly Toth, Todd Scarborough, Kelly Saavedra, (CDO), Jeff Canan, Chris Clinefelter, (RAPCA), Sarah Harter, (SEDO), Peter Park, (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

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Jim presented the enforcement totals for 2008 in a power point presentation. This report, as well as the 2009 goals was sent hard copy to all the DO/LAA's. For the year, 99 cases were resolved; the goal was 100. F & O's were used to resolve 57 cases (goal was 50),
18 were referred to the AGO. Over three million dollars was assessed in civil penalties for the year. 93 new cases were received and 80 cases remain pending. All but two of the 44 old cases were resolved before the end of the year. Goal is to do them all. The goals for 2009 are:

Resolve all 37 old cases
Resolve a total of at least 80 cases, at least 40 with F&O's
Calculate environmental improvement for each resolved case
Achieve a compliance percentage for HPF's of 93% or greater – hit 86.7% in 2008
Priority resolution of HPV cases

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

Mike handed out the draft BAT Requirements rule, 3745-22-02. This is being prepared for the interested parties package. We are not making anyone happy with this rule; USEPA is concerned about backsliding; Industry does not like BAT restrictions, and citizen groups do not feel we have enough BAT. Basically this rule will replace 31-05, identifying the applications and exemptions. (E) in the rule addresses determinations prior to 8/03/06; (F) addresses the gap between 8/03/06 and 8/03/09, and (G) addresses the installations after 8/03/09. (G)(1)(a) and (c) seem to fall back to RACT and BACT. The original idea was to write this rule based on SCC codes. There are over 27,000 codes, to write rules and update them every five years is an impossible task. Mike asked all to check for categories that do not need short term limits in addition to the ones listed in (E)(7). He also asked all if they knew of an additional operations that should be listed under (G)(1)(d). Further, since time is tight to get this rule issued, Mike indicated he would accept BAT limits for sources that seem obvious, and the supporting data could follow later. He requested it be in table form; the blank table is available from Mike Mansour, as the table in the rule writing software only accepts equal columns. Mike also talked about "late" permits, specifically initial installations and Ch. 31 Mods. There are 260 permits in process across the state, 120 are "late" , in "anger" or in warning status. This is high;

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we have to reduce this. Andrew Hall is tracking this, as the goal for next year is 225 for an average; the goal for 2008 was and average of 250, which we met, but it is climbing away from us. It is suggested that we use the management reports tool to track these permits; under

Permit status; select PTI, PTIO, Chapter 31 mods, initial installation and not yet assigned. To track the late permits, select late permits and use the same filters. Mike asked that we chip away at these. He also mentioned the new addition to the reports with a show notes spot. This shows the notes from the workflow where notes are automatically added when a task is reassigned. You can add notes at the workflow page to better identify any issues that are holding up a permit. One thing to remember is that workflow status numbers are calculated differently than permit status numbers.

There will be a Shelly hearing with ERAC next week regarding the burner tuning , waste oil, and other issues that Shelly is objecting to in asphalt plant permits. Mike stated that the slag and high SO2 mods to the 13 permits have all gone draft per the director's commitment. An aggregate industry group is being formed to develop a general permit for rock crushers and aggregate handling. A question was asked if you have two different facilities, same owner for TV purposes, can you reference one EU from on permit in the other. The answer is yes.

Regarding the burner tuning issue, Mike asked if there were any successes or problems with the burner tuning reports. Let him know. If any calls are received from Mr. Altman for information on SB 265, refer him to Nichole Candellora or your CO contact.

There was some discussion about deviation reporting and the confusion of the requirements that are listed in the older permits. (See agenda) Mike said the EU terms supercede the General terms, and as soon as something is specified in regard to reporting, the EU terms become the default rather than the general terms. In new language, PER replaces 1/4ly no deviation reporting unless the writer specifies otherwise. Other reports, rule based and federally enforceable, stay on the same schedule as specified by the rule.

3 **STARS2 and permit issuance update –** Mike Ahern

You may have noted the web and stimulus project issues. There is an extreme focus by the governor's office on issuance of permits for these projects. If you have any permits for asphalt plants in which shingles are being used, E-mail the information to Mike Ahern.

Mike and Rick Carleski talked about the 181 Synthetic minors that do not have a serviceable PIN in STARS2. There are also 68 Title V facilities that have no PIN. Fee reports for all these facilities are due on April 15. Mike will E mail a link so the DO/LAAs can follow up with phone calls and log the progress made in getting the companies to correct this issue. Use the answer place item 1653 as guidance for helping these facilities get their PIN. If you contact the company, log your progress on the link. Place your name under the OCAPP contact. For the fees themselves, Elisa and Erica are the contacts. Elisa will return on 3/16.

Another new tool in management reports is the expired permits report. You can select any range to determine what permit will expire. Some compliance certifications (a few of the old non-renewed Title V permits) are due on March 16 since March 15 is on a Sunday. All others are due on April 30. A company can fill out short version on the web and attach it to Air
Services or use the form directly in Air Services.

With permits being submitted electronically, do we still need to submit a copy of PSD permits to the Feds? Yes, but the most conservative way is to have the company send a hard copy to the USEPA. The company can print out a PDF and just mail it to the Feds. Ideally, an electronic application should suffice, but this has not yet been resolved with the

Feds.

Terms and Conditions - Cheryl Suttman

The T&C Coordinator has been working on removing all of the old quarterly deviation reporting terms, due to the Chapter 15 changes, and has been replacing them with a reference to the generic reporting term (named RPT) in the Library.

The reference for the TV and FEPTIO quarterly reporting terms includes the replacement "list" of requirements to report, i.e., the XXXX fill-in-the-blanks of the generic RPT term. The new PER term describes what is required to be submitted in the generic PER report, which only states that it will be mailed and must be submitted.

The T&C Coordinator has removed the 3-hour parameter monitoring terms from the coating 21-09 terms, to get rid of the duplication, and has updated the same in the "J" parameter monitoring terms, with the reference to the "J" terms left behind in the coating "B" terms. The reporting terms in the coating terms reference the appropriate "J" term set, based on the control device and monitored parameter to "pick up" the RPT fill-in-the blanks (XXXX1); and the J reporting terms reference the generic "RPT" reporting terms.

One exception is the Can Coating terms from 21-09(D), terms B8C & B8T, which maintain their "3-hour" parameter monitoring terms because they are slightly different, and they would have made the J terms a little more complicated and messy. The can surface coating reporting terms are handled the same as above.

Please e-mail the T&C Coordinator if you notice any terms or parts of terms missing. There were many terms, or their parts, discovered missing, accidentally deleted by an Intern during the outlining set-up in WORD. This is especially true in terms that do not show a current update in the term number.

The Aggregate GP has been re-assigned to the T&C Coordinator and Jay Liebrecht to complete, with meetings planned every other month with the Industry, till resolution. The Industry has also requested GPs for their diesel generators (CI ICE) and for mineral extraction. Jay has provided terms for both the Agg GP and the mineral extraction GP, as well as, the qualifying criteria, and the calcs!. Cheryl will be drafting the GPs for the generators. NEDO started on this project and will forward any work to Cheryl.

4. **Engineering Guide update-**

#6 - PTI for Coal to oil conversion - Cleveland - Mike Hopkins is having Misty work on this.
#9 - PTI/PTO Determinations for grain dryers - NWDO – Finalized and issued on 12/24. On web.
#16 - Conditions requiring additional testing - NWDO – Finalized and issued. On web.
#18 - SO2 compliance determination for boilers – No update.
#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 - No Progress.
#25 - Determination of source numbers and Permit fees for fugitive dust sources - Cleveland – Changes made, comments to Jim by 4/15.
#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
#27 - Determination of Heat input during a boiler stack test - RAPCA – Finalized.
#28 - Methods for Ascertaining the Uncontrolled Mass Rate of Emission for Figure II – CDO - Finalized.

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#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
#53 - Open Burning Standards - Central Office - Hearing resolved; no progress on guide

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#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. No progress.
#XX- New guide for crushers and non-metallic material - NSPS OOO - Mike H. - No progress
#75 – 17-08 scenarios – Comments to Orlemann by 1/31. Final issued on March 6, 2009
#XX – 21-07 sunset language – Comments received, under review.

Cleveland is working on comments for the general permit for crematories. Number of units is an issue for the general permit. The GP can either cover number of units or issue a regular permit using the general terms as a template. The Board of Building Standards and Appeals in Cleveland denied a variance to put a crematory in a residential area, as it was a zoning issue, citing concerns for mercury emissions. Mike Hopkins indicated that the threshold that has been used with industry for determining if an air toxics analysis for mercury emissions
is needed is 100 lbs/year, not 1 ton/year. CDO and Tub grinders general permit is being looked at. NEDO needs to move on General permit for Generators and get with Cheryl.

Last entry of P & E notes is November '07----- Action item--- Update page---
----------Next meeting is Tuesday May 12

May 12, 2009

Permitting & Enforcement Committee Meeting –

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), Br
ad 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

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one person doing all the stack tests for the office, as this can result if 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 that 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

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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.

3 **STARS2 and permit issuance update –** Mike Ahern

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.

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

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

Meeting minutes have been updated on the web – Thanks!

----------Next meeting is Tuesday July 14

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July 7, 2009

Permitting & Enforcement Committee Meeting –

Lazarus Government Center
Ohio EPA
7th Floor DAPC conference room

Attendees: Co-Chairs - Jim Orlemann (CO), Jim Braun (Cleveland)
Minutes - Ed Fasko (NEDO)
- Andrew Hall, Mike Ahern, Cheryl Suttman, (CO), Adam Ward, John McGreevy, (CDO), Jeff Canan, Jenny Marsee, (RAPCA), Sarah Harter, Michael Carper, (SEDO), Peter Park, (Toledo), Matt Freeman, (Portsmouth), Mark Budge, (NWDO), Frank Markunas (Akron), Bud Keim, Kelly Walker, Greg Clark, Carl Safreed, (Canton), Rick Carleski, Jim Carney, (CO/OCAPP), Rich Bouder (Director's Office)

1. **Enforcement issues -** Jim Orlemann

Jim handed out the graphs for enforcement activity ending June 30. 30 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, 19 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 30. We are at 89.6% compliance rate for HPF, and the goal is 93%. This includes administrative violations. Make sure CETA is updated, because the numbers reported to the Feds are taken from CETA. Inspections are way behind; and we are getting closer to the end of the year. There are 98 cases 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, as she has accepted a position with ODNR and Becky has taken a job with PUCO.

2. **New Source Review** - Andrew Hall

Andrew indicated that BAT rules were going out in two phases. The first was to avoid backsliding by using RACT from specific rules to be applied as BAT for similar sources anywhere in the state. The second phase is to be as outlined in the 8/11/08 memo as how BAT is to be done based on the SIC codes. With the August 3 date soon approaching, and the rules not final, the Feds are concerned about the status of BAT. They are insisting on BAT in permits, and there are two ways to address this. One approach is to place BAT on the Federal side of the permit only; The other approach is to proceed as with Item 7 in the 8/11/08 memo. Andrew feels that Industry would probably not have a problem with a rolling average, but might take issue with work practices. Andrew indicated the BAT flow chart needs work and asked for volunteers. Although we are using the less than 10 ton per year exemption, that might go away. If there is no BAT, The Feds could disapprove the PTI; environmental groups may appeal. In approaching this issue by placing BAT as federally enforceable only; a statement at the top of the terms referring BAT as federally enforceable only would have to be placed in the permit

A discussion ensued about the disposal of used pharmaceuticals. Solid Waste is

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working with DAPC in Central Office to develop a policy on the issue. DAPC is to provide a list of specific facilities as well as the District Contact where the material can be disposed of properly. Collection events have been held by municipalities. Landfilling these is preferred to

flushing them, but the destruction in kilns or hazardous waste incinerators would be complete disposal; misuse of prescription drugs is second only to the use of marijuana, and has to be treated as contraband for disposal purposes. 1200 degrees Fahrenheit is ideal temperature to destroy pharmaceuticals. A question was raised as to what had to be destroyed; the pharmaceuticals only or the vials and handling material involved in the process? DISWM is looking for additional facilities to take the material and destroy it. There is a rumor that smaller communities are using burn barrels to dispose of the pharmaceuticals. Holding material in evidence rooms in Police stations may be an issue as the material may get mixed with other items being held for evidence, as is collection, since law enforcement is involved. Mixed material (guns and drugs) has gone to arc furnaces. How material enters into the combustion zone is important for the complete destruction. Could sharps also be included with the material? Only 4% of pharmaceuticals are classified as hazardous materials; so it is cost prohibitive to treat these materials as hazardous waste, especially in collections. Rather than provide a list of facilities to DISWM, it was suggested that the list of DO/LAA contacts be placed on line.

Greg Clark of Canton presented a power point on the mobile house grinder that the City of Canton wishes to use for demolition of condemned homes. The Beast Model 3680 hasa a 700HP Diesel engine, consists of a hammer mill and a conveyor and does not fit under 31-05 for portable plant notification. The biggest issue is that the non-friable material that normally remains in the standard demolition can become friable under the forces of the grinder. It was pointed out that intentional burning of homes for fire training requires all asbestos material to
be removed as the fire could release fibers. Lead and mold are also other areas of concern. Someone brought up the residential exclusion from the rules if a single house on a block is being demolished. Some offices have considered city ordered demolitions all as project. There was some controversy about this, Tom Buchan of Central Office was going to get a determination in the matter. The problem here is that if the project is regulated, grinding would not be allowed unless all asbestos was removed. If it is not regulated, we have no say on the matter. All agreed that the use of this machine would be problems. A letter will probably be sent to the City of Canto indicating the asbestos regulations apply.

Andrew Hall handed out a graph regarding PTI trends. Applications are down, mostly due to the economy, but we are reaching our goal of 210 pending installation and CH31 mods permits in STARS2. Andrew also asked that we check management reports to keep track of late permits. Track initial installations, Ch 31 mods, and not yet assigned. Some not assigned have been out there for 50 days.

3 **STARS2 and permit issuance update –** Mike Ahern

***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

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September 8, 2009

Permitting & Enforcement Committee Meeting –

Lazarus Government Center
Ohio EPA
7th Floor DAPC conference room

Attendees: Co-Chair - Jim Braun
(Cleveland) Minutes - Ed Fasko
(NEDO)
- Andrew Hall, Mike Ahern, Mike Hopkins, Cheryl Suttman, (CO), Todd Scarborough, (CDO), Jeff Canan, Jenny Marsee, (RAPCA), Sarah Harter, Steve Lowry, (SEDO), Peter Park, (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 did not make it in to the meeting.

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

Mike spoke of the recent court decision on a landfill roadway construction issue and if a continuing program of construction allows for the validity of an installation permit. The court agreed it does, but we have to look at these cases individually as to how continuing construction applies. Regarding SB 265, USEPA wants supporting data that the less than 10 TPY exemption will not cause backsliding or affect our program. Other issues regarding BAT; 9 sample permits have been developed for the director's office without short term limits; there are 4 ways to establish BAT in SB 265, but currently, the logic leads to only one; TPY. E-mail guidance a month back suggested this; right now, you should contact your new source contact to see what form of BAT can be used for applications received after 8/03/09. The "storm" discussed in the past about the USEPA reaction to our new BAT will probably depend on how we proceed. Industry has not weighed in on this so far, but if BAT is used in a post 8/03/09 permit, the permit will likely be appealed if industry has any issue with the limit imposed.

Mike handed out an e-mail about using PM10 as a surrogate for PM2.5. Apparently this is a change and we can no longer use PM10 as surrogate for PM2.5 without a justification or analysis. We will continue, however, to use PM10 as a surrogate for PM2.5 for fees.

Mike talked about the "rocket docket" and the 330 appeals that HB1 wants resolved by December 15. It also indicates that new appeals must be resolved within a year. Right now it looks like these will be one hour cases with a 15 minute break and no discovery and no depositions. About 30 cases have been dropped. There may be more that can simply be dropped. Sudhir is the coordinator on this project. He will contact the appropriate DO/LAA in the case; a certified record will be submitted and the DO/LAA person should prepare for the meeting, even though they might not be needed.

The topic of grinding houses for reduction of waste for disposal was brought up again for an update. It looks like no permit will be required, non-road engine (unless part 89 of the

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NSPS applies) and deminimis for the grinding operation. Canton is to prepare a recommendation for a written response for Central Office and the DO/LAA's to comment on. Upon CO approval, we will have a statewide policy on the issue. The other issue that still seems to have some question is about the definition of a "project" for purposes of asbestos removal.

3 **STARS2 and permit issuance update –** Mike Ahern

Mike Ahern discussed some of the issues surrounding records requests. Depending on the reason for the request, different issues will come up. One question is who exactly owns the records in STARS2? Who responds to the requests? There will be a webex on this topic;
check out topic 1968 in the answer place.

The links in the new website have been fixed; the DO's and LAA's should both be able to get to internal guidance.

Language is to be refined on the signature issues

There is a confidentiality issue which must be resolved if a non-OEPA person accesses information in STARS2 at a file review. Mike said that each office can choose either hard copy or electronic media to respond to a records review.

4 **Terms and Conditions -** Cheryl Suttman

Update on General Permits:

We are working with the Ohio Aggregates & Industrial Minerals Association to produce GPs for aggregate processing and mineral extraction. Jay Liebrecht has been working on these two GPs and he is getting close to a finished product.

I am working on the GP for compression ignition internal combustion engines, for the aggregate industry as well. Since these engines are subject to the requirements of NSPS Subpart IIII, with manufactures limits set in Parts 89 and 1039, there is a chance we will determine no permit is required (per Mike Hopkins earlier in the meeting).

The amended Miscellaneous Metal Parts Coating GP is ready to go out for public comment. We are waiting on the Director's decision on SB265 before moving on with the revisions.

The automotive coating MACT was amended on **4/26/04** to allow the average temperature difference across the catalyst bed to be maintained at 80% of the average temperature difference across the bed during the performance test; **and it removed the requirement to maintain the pressure drop across a concentrator, and instead allows the desorption gas inlet temperature to be 8 degrees Celsius below the average maintained during the compliance test and added temperature set point requirements.** AND if the source has a PTI or PTO and using the reporting and record keeping requirements of 60.395(c), the average 3-hour minimum operating limit for the combustion temperature for thermal incinerators and catalytic oxidizers (before the catalyst bed) may be set at 28 degrees (50 F) below the average combustion temperature during the performance test.

The MACT files never made it through the conversion to WORD last year and I am now trying to copy them into an older version of WORD to eliminate the page breaks that appear when using the 2007 version (as now linked in the Library). I hope to re-load all of the MACT files by the first of next week: 1. to get rid of the page breaks in everything already linked in WORD 2007 and 2. add the boiler MACT in WORD 2002.

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The Landfill HOV guidance is ready to go final in DSIWM. It will soon be available for comments from the landfills, their consultants, and DAPC. There will be training provided before we can address the requests. The HOV and alternative timeline requests will be scanned so they can be sent to both divisions. I anticipate we will have an inspection conducted by both divisions, in order to determine what requests are still valid.

5 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 – No Progress
#20 - VE limits, determination for stack sources - Akron - No progress
#21 – BAT Requirements for New Fugitive Dust; non-Appendix A Areas – Cleveland – Comments received, almost final
#22 – Manual covers for open top degreasers – Cleveland – Comments received, almost final
#23 - Significant figures for TSP emission limitations - SEDO – No Progress.
#24 - Application of Fugitive Dust Requirements to Affected Facilities – Toledo - No Progress
#25 - Determination of source numbers and Permit fees for fugitive dust sources - Cleveland – No comments – on to Jim Orlemann to review
#26 - Inclusion of weight of water in the weight of "refuse" charged for incinerators.- NEDO – Draft by next meeting.
#29 - Applicability of the PTI Rules to Increases in Capacity of a Derated Boiler -CDO – No Progress
#30 – Discontinuation of fugitive dust control measures – non- Appendix A areas – Cleveland – No comments. – finalize with Jim O..
#31 - Grouping of similar process units, figure II – Cleveland – Comments due September 14.
#32 – Variances from visible emission requirements. – Cleveland – Comments due October 1.
#34 - Conditions for Issuance of PTI/PTO for an Inactive Source – RAPCA – No update.
#35 – Registration Status for Floating roof storage tanks. – Cleveland – Comments due October 14.
#36 – Fuel burning equipment, physically and operationally united – Cleveland - Comments due November 1.
#44 - Portable Plants - NEDO – Changes reviewed, moved on to Erica
#53 - Open Burning Standards - Central Office - Hearing resolved; no progress on guide, Decision appealed
#70 - Toxics – Hopkins reviewing; #69 may need changes due to changes in #70. – No
progress.
#72 – Grouping of Emissions Units for fee purposes – Jim Orlemann and Mike Ahern to meet
#74 - Classification of PM - Central Office – Surrogate policy issue (PM10/PM2.5) .
#XX- New guide for crushers and non-metallic material - NSPS OOO - Mike H. - No progress
#77- 21-07 language – Finalized 8/24.

General Permits - Cleveland made changes to the general permit for crematories. Modeling is to be done in regard to the mercury issue.

WEBEX for GDF Stage 2 will be held on 9/24.

Meeting minutes will be relocated to the answer place

----------Next meeting is Tuesday November 10.

November 10, 2009

Permitting & Enforcement Committee Meeting –

Lazarus Government Center
Ohio EPA
7th Floor DAPC conference room

Attendees: Co-Chairs – Jim Orlemann (CO), Jim Braun (Cleveland)
Minutes - Ed Fasko (NEDO)
- Andrew Hall, Mike Ahern, Mike Hopkins, Cheryl Suttman,Erica Engel-Ishida, (CO), Todd Scarborough, Kelly Toth,(CDO), Jeff Canan, Chris Clinefelter, (RAPCA), Sarah Harter, (SEDO), Peter Park, (Toledo), Anne Chamberlin, (Portsmouth), Mark Budge, (NWDO), Frank Markunas (Akron), Ed Pabin, Carl Safreed, (Canton), Paul Tedtman, (HAMCODOES), Jim Carney, (CO/OCAPP)

1. **Enforcement issues -** Jim Orlemann

Jim handed out his graphs; we should meet our goal if we resolve the "old 22" cases. 83 new cases were received in October; F& O's should approach 50 this year. There is an old large penalty case in NWDO (asbestos) that needs to be resolved. The Shelly responses have been completed and sent to the court with a pending $350,000 pending penalty. 38 rulings were in favor of the state, 32 for Shelly. The judge indicated that the state did not correctly determine PTE; he used actual emissions, not the federal definition that we have used for years. The state is to file a brief in response to this. % compliance graphs do not reflect the resolution of the Shelly cases; it is 90.7, not 89.4. 97.5% of the HPV facilities have been inspected this year, 1% better than last year. There are 100 air cases on the EC docket. $750K has been assessed in penalties so far this year. We expect a high penalty $ from the AG this year; over $4MM potential. The GDF enforcement initiative has a dozen facilities which are to be resolved. Sarah Bloom of the AGO will be handling any referred GDF cases. Bob Hodanbosi is to speak to the Ohio Petroleum council; the enforcement activity seems to be a monetary concern to small dealers.

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

Mike handed out the draft BAT guidance document. He would like comments by 11/20. The guidance seems to be in the middle of the SIP requirement for BAT and SB265. Mike also stated the rule package for BAT is on hold. To approach BAT now, we must first see if the project qualifies for BAT, then look for any MACT, BACT or LAER rules followed by applying any RACT rules for the source. Be careful to look at the date the rules are promulgated before applying them.

The Temporary case-by –case BAT is applied per the draft guidance as follows: Choose only one of the four options in the memo. This is the format for the limit. Mike wants to know if the format table for industry is OK. Comments to him by 11/20.

Use the guidance as it is, it will probably be modified several times. USEPA is not happy with no BAT and feels we have to use the SIP which still contains BAT. The guidance applies to all TV, SMTV and NTV facilities unless a BACT applies. If a company does not want BAT; the feds will be copied on the permit and the company may be subject to federal enforcement. A question was raised as to splitting out the BAT between fugitive and stack.. The answer is yes. A complication with no BAT is evident at Advanced Organics in NWDO. An incinerator

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was installed as BAT for control on the old plant, and the company does not want to install an incinerator for control at the new plant.

BAT example for an asphalt plant. Require .03 grains, but not the baghouse. Some parameter monitoring to support the limit is needed. There will probably be no burner tuning language. Compliance demonstration in testing, not so much in monitoring.

Identify new BAT in a no review permit by inserting a comment in the workflow notes so Central Office will be sure to take a look at it. Mike is thinking about developing a white paper on the whole subject before the BAT rules are developed.

Industry may battle with Ohio or with the Feds; keep a copy of the draft permit; maybe more permits should go draft on a controversial basis. A question was raised about issuing a permit without BAT because of the <10TPY exemption. The answer is yes, even though the
rule does not directly cite this, the intent is to use the <10TPY exemption. Remember, a voluntary BAT is still possible.

Mike Ahern handed out the installation permits survey. Right now we have 243 application workload. The 1/1/11 goal is 200. A jump in September was due to the Toyota warranty spray booth permits developed in Central Office. Mike said we look good in the survey; 10% response and all positive comments.

Rod Windle's position is to be posted; the MACT coordinator has been posted and is down. The annual DAPC training is being held on December 8 on the 31st floor of the Riffe Center. There is no update on the rocket docket.

Adam Ward handed out the guidance that CO developed for Potential to emit determination. Please get comments to him by Jan 5.

3 **STARS2 and permit issuance update –** Mike Ahern

Erica Engel-Ishida reported there is no update for the file review group or on the signature document. She asked that the fee report review tasks be resolved by 11/20. E-mail has been sent out twice on this. Erica is going to send out a list of facilities that she is planning
on sending NOV's for failure to file Title V renewal applications. DO/LAA's are to review and report on inaccuracies. The on-line help in STARS2 is being updated; the external help will be updated first. Contact Erica if you have issues.

ITR's are not all in STARS2 at this time. Erica's group is scanning old documents into STARS2. Revocations are now complete up to the Toledo office. Continuing on.. not doing extensions.

4 **Terms and Conditions -** Cheryl Suttman

a. A work group was formed to revise the Miscellaneous Metal Coating GP. This group consisted of:
Eileen Morgan, Jennifer Marsee, Maria Cruset, Amy O'Reilly, Sara Harter, Peter Park, Bud Keim, Cheryl Suttman

Jim Orlemann reviewed the final revised monitoring and recordkeeping section of the revised permit.

The GP posted on our website is missing: 17-11(C) and the requirements to control PM from overspray (for processes using 5 or more gallons of coating per day) and the requirement to send recovered solvent off-site for disposal or recovery. A copy of the proposed changes were passed around for additional comments.

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b. We have been working with the Aggregate Industry (Ohio Aggregates & Industrial Minerals Association) to draft general permits for aggregate and mineral extraction. Jay Liebrecht has been working on these two General Permits and we are very close to a final draft for each.

c. We have also been working with the Aggregate Industry on stationary compression ignition (diesel) internal combustion engines, from 60 Subpart IIII. Cheryl Suttman has drafted 41 templates based on the size and model year engines, and for the limits contained in the 3 tables (for < 30 liter/cylinder engines) in Part 89, Part 1039, and Table 1 from Subpart IIII. Mike Hopkins is working with Cheryl to try to draft a smaller number of General Permits for the aggregate industry (and for others).

d. The recission of 21-08(B) has been adopted/approved in our SIP by U.S. EPA, so the temporary term that was used in Title V permits, till this approval was provided, will be removed from the Library Terms and Conditions (Term ZZZ.9A).

e. Cheryl Suttman will start drafting terms from the NSPS D terms (D, Da, Db, and Dc), unless otherwise directed by Mike Hopkins. Cheryl has proposed that she first draft a term for Method 202, as it is referenced in Da, Db, and Dc, so that permits will not need to be modified after U.S. EPA publishes revisions to "minimize artifact measurement" from that Method. Da, Db, and Dc also requires the permittee to enter their own testing results into a U.S. EPA database (WebFIRE) or mail the results to U.S. EPA after 7/1/11 and w/i 90 days after completing a "correlation testing run".

f. The DAPC/DSIWM HOV group is still working on the Landfill Higher Operating Value and alternative timeline guidance documents. The landfills are still not happy with the guidance. We have also received comments from RAPCA and Cleveland local (Jim Braun). We will be posting our final proposed guidance on Listserve for your opportunity to review and provide additional comments on the guidance before it is published as final.

g. Be careful if you are entering combined limits, since our new PTI/PTIO says the limits are for each emission unit (listed above), i.e., you must write out that "the following limit is for emission units xxx, xxx, xxx..... combined", e.g./etc. or the limits will appear as doubled or tripled for the individual units.

5 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 – No Progress
#20 - VE limits, determination for stack sources - Akron - No progress
#21 – BAT Requirements for New Fugitive Dust; non-Appendix A Areas – Cleveland – Jim
Braun and Jim Orlemann are working on this.
#22 – Manual covers for open top degreasers – Cleveland – In signoff
#23 - Significant figures for TSP emission limitations - SEDO – No Progress.
#24 - Application of Fugitive Dust Requirements to Affected Facilities – Toledo - No Progress
#25 - Determination of source numbers and Permit fees for fugitive dust sources - Cleveland – Tom Kalman to review
#26 - Inclusion of weight of water in the weight of “refuse” charged for incinerators.- NEDO –

Draft by next meeting.
#29 - Applicability of the PTI Rules to Increases in Capacity of a Derated Boiler -CDO – No Progress
#30 – Discontinuation of fugitive dust control measures – non- Appendix A areas – Cleveland – No comments. – Jim Braun working on this
#31 - Grouping of similar process units, figure II – Cleveland – Jim Braun working on this.
#32 – Variances from visible emission requirements. – Cleveland – Jim Orlemann working on this.
#34 - Conditions for Issuance of PTI/PTO for an Inactive Source – RAPCA – No update.
#35 – Registration Status for Floating roof storage tanks. – Cleveland – Comments due October 14.
#36 – Fuel burning equipment, physically and operationally united – Cleveland - Comments due December 18.
#44 - Portable Plants - NEDO – Sarah and Michael of SEDO working on this with Erica.
#53 - Open Burning Standards - Central Office - Hearing resolved; no progress on guide, Decision appealed
#70 - Toxics – Hopkins reviewing; #69 may need changes due to changes in #70. – No
progress.
#72 – Grouping of Emissions Units for fee purposes – Jim Orlemann and Mike Ahern to meet
#74 - Classification of PM - Central Office – Surrogate policy issue (PM10/PM2.5) .
#XX- New guide for crushers and non-metallic material - NSPS OOO - Mike H. - No progress
#77- 21-07 language – Finalized 8/24.

General Permits - Cleveland made changes to the general permit for crematories. There is an issue regarding mercury and modeling. It was also pointed out that radioactive parts are not removed from bodies prior to cremation.

PBR issue; 18 month limit on soil extraction, does shield only good if they apply for a PTIO? The answer is to use enforcement discretion.

Jim gave us a rule update; the RACT rule for composites has been refilled with JCARR on 11/16. If approved, the director will move it forward as a SIP revision and old 21-07 will go away. It looks like the Chapter 17 changes will be approved except for issues surrounding the Marietta plant.

RAPCA reported running a test on asphalt plant with using shingles. The filter was heavy and there were lots of fugitives.

The first time the FTIR was used in Ohio to test a flare was conducted recently; this is not an approved method, but the Feds like this method. The Feds are looking at flares on refineries..

Canton made an announcement that Angela Glosser passed away. Keep her family in your thoughts.

Meeting minutes will be relocated to the answer place

----------Next meeting is Tuesday January 12. Happy Holidays!!!

January 12, 2010

Permitting & Enforcement Committee Meeting –

Lazarus Government Center
Ohio EPA
7th Floor DAPC conference room

Attendees: Co-Chairs – Jim Orlemann (CO), Jim Braun (Cleveland)
Minutes - Ed Fasko (NEDO)
- Andrew Hall, Mike Ahern, Mike Hopkins, Cheryl Suttman, Eric Yates (CO), John McGarvey, Adam Ward, (CDO), Jeff Canan, Mike Maleski, (RAPCA), Sarah Harter, (SEDO), Peter Park, (Toledo), Anne Chamberlin, (Portsmouth), Mark Budge, (NWDO), Frank Markunas (Akron), Bud Keim, Carl Safreed, (Canton), Paul Tedtman, (HAMCODOES), Rick Carleski, (CO/OCAPP)

1. **Enforcement issues -** Jim Orlemann

Jim handed out his graphs; our goal to resolve 80 cases this year was easily met ; we resolved 95. The goal for F&O's issued final was 40 for the year, 52 were issued. Our goal for "old" cases was to get to "0", we have 10 left which we plan to complete by the end of January.

A few of these were ready for the Director's signature at the end of December, so they should be easily completed by the end of January. Jim handed out a schedule for processing these cases. We are still working toward our compliance goal of 93%, not quite there yet.

Jim handed out a graph regarding our High Priority Facilities Facility Compliance Evaluations for the first quarter. Some offices have completed 25% of their scheduled inspections; Jim wants everyone to keep the inspection goal in mind. Jim also handed out a

list of the pending AGO cases listing those which are scheduled for trial. Jim also wanted to let us know about the appeal in the Shelly Case which was filed last Tuesday. There are 4 issues of concern. The one of biggest concern is the PTE determination issue. The judge used the actual emissions as the potential. Another issue was if we have an ongoing violation when a stack test shows an operation does not meet compliance. When does the length of the violation start and stop? The language used in the compliance section of the permit may determine this. Jim also was wondering if the Feds would weigh in on this issue. Finally, Jim asked if we had any enforcement goals, we should send them to him.

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

Mike handed out a graph which indicates the installation permit workload trends. Our goal for 2009 was 225 permits statewide. We finished the year at 203. Keeping this below 200 is the goal for 2010. Title V renewal permits are a concern; we have had a poor performance in 2008 and 2009. There may be a meeting scheduled with the supervisors soon to establish some specific goals. Since we have a five year cycle for these permits, we should issue about a fifth of the facilities permits each year. That is just not happening, and this issue is high on Bob Hodanbosi's list of activities to be addressed. FESOP renewals are just as important and should not be forgotten.

Mike indicated that the MACT coordinator position interviews were complete, and the

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position is to be offered. The CO permitting position (Rod Windle's job) interviews have also been completed. Robyn Kenney's job was posted and the packet received. The interviews are
to be scheduled.

Although the final document was issued for the SB 265 guidance, it was also sent out for comments which are due by the end of the month. Mike also stated that if a company chooses **not** to have BAT, notify CO as we are required to notify the Feds. This is especially true in a no review permit. A question was raised about the guidance. Is the table at the end a work in progress? Yes, as this may change based on comments, or categories may be added by letting Mike Hopkins know. Another question was applying BAT for roadways and parking areas in Non-Appendix A areas. Mike was asked if this could be added to the document. Mike says he expects significant adverse comments from industry and environmental groups. He also feels that specific BAT may be an impossible task. Also, industry has different interpretations as to what SB 265 says.

Adam Ward indicated that he got a lot of comments on the PTE guidance; he is taking the time to incorporate the PSD issues as well. He is still accepting comments.

3 **STARS2 and permit issuance update –** Mike Ahern

Mike handed out a draft technical incompleteness letter that will appear as a template on Friday 1/15 with the STARS2 deployment. This letter will be sent after communication breaks down between the permit writer and the facility. This is well after the preliminary completeness letter which we are now sending to Title V applicants. Basically, the quality checks in an air services submission grants an application shield, as the application will not be accepted unless almost all of the preliminary complete are met. One of the items that will not
be checked for in the QA is a missing emissions unit in the application. There are four steps to take before sending the technical incompleteness letter.

Step 1 - The permit writer establishes formal contact with the company's environmental representative, documenting the action in STARS2 and a letter per procedures sent with a fifteen day time frame for response.

Step 2 - This is an informal step in which a meeting is offered to be set up if no response is received from the Step 1 letter. Document this action in STARS2.

Step 3 - This is a formal step in which a letter is prepared to the Responsible Official. A response is required in seven days. Document in STARS2.

Step 4 – Informal verbal contact is made by the LAA director, his designee or the DO Air Unit Supervisor with the responsible official. If no contact is made, proceed to the notification to Mike Ahern and Andrew Hall to coordinate the final formal determination of technical deficiency
for the Director's signature.

The letters are not NOV's and do not go into CETA nor are copies sent to USEPA. If Director's letter is not appealed, a NOV can be sent if proper information is not received from the company. Comments should be sent to Mike Ahern by 1/14/10. Please note that a technical incompleteness letter can be sent at any point in the Title V process; the **preliminary** completeness letter should be sent to the facility as in the past.

Mike pointed out that this is a year for non-TV emission reporting; there were 1000 PER reminder letters sent out in January and all TV Compliance Certification letters and FER reminders will be sent out by the end of the month. The non-TV reminders will be sent out by
the end of February. There will be a new deployment of STARS2 on Friday 1/15; a demo will

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be conducted at the 1/21 webex. Two significant changes are the error message that will be sent out if EIS info is missing for sources over 100 tons/yr., and the HAP inventory issue about the responsible official **not** certifying to info in the table. There is also a hard signature option; this allows the environmental manager to submit info with an attached hard copy signature document from the responsible official.

The 2010 list of reports due is at answer place 2142; there is a new way to get to the answer place and to coordinate the internal and external access. You will always start at the external answer place from the Ohio EPA web page. Go to the log in tab for internal answers. DO staff are to use their email address and password. LAA staff use email address and STARS2 password. Per Mike Ahern 1/15/10 e-mail: "When you log into the Answer Place enter just your email address without a password if you have not previously set a password. Contact me if this does not work for you." After login, search by keyword. Internal guidance list
is in answer place, as is the P&E info and other non-public information. Public guidance is under publications. This will allow access for both LAA and DO to get to both internal and external guidance in a more consistent fashion. Engineering guides under review are planned
to be added on. PIDM is working on the HTML migrated TV documents to become text editable PDF documents. Mike will verify this and renewals should be able to be developed by cutting and pasting (for all iterations of TV permits)

4 **New Rules and SIP update –** Paul Braun

Paul is presently updating Rule 3745-18 under the 5 year review plan. There are a number of specific references to facilities that need to be looked at by the DO/LAA's as these places may be shut down. If this is the case, Paul needs to know. He only wants to be told if
the entire facility is permanently shut down. He needs this information by the end of January. Regarding the NOx SIP call, the sunseting language is being reviewed. All issues may be addressed in CAIR and the NOx SIP call may be removed. This means that the NOx SIP call language may not be needed in permits in the future as CAIR will replace it. . In the meantime, continue to include Chapter 14 in permits. The Cleveland VOC RACT (chapter 21) comments were received in the draft period which ended on 1/08/10. Paul will try to get through this by
the end of May. This includes boat making, industrial adhesives and miscellaneous metal parts. The five year review for the TV rules is moving forward. No one was at the public hearing on 12/30. No comments have been received. There were no comments on the lithographic printing rule (21-22) at the 12/30 hearing. The anticipated effective date for this rule is February. The second draft of the Outdoor Woodburner rules is in the Director's hands. The BAT rule is on hold and in process.

SIP items – 21-25 – Reinforced plastic parts; effective 12/14/09, submitted to USEPA. If you recall, the controversy around accepting 21-07 was holding this up. The official request for Hamilton County to be reclassified attainment for the '97 ozone standards has been accepted
by the Feds as of 8/27/09. Paul indicated the AAQS redesignations are in Chapter 25, sent back to USEPA on 9/10/09. If you want the monthly SIP report, contact Paul Braun at 614.644.3734.

5 **Terms and Conditions -** Cheryl Suttman

1. Jay Liebrecht has drafted the Aggregate and Mineral Extraction General Permits for the

Aggregate work group and the Ohio Aggregates & Industrial Minerals Association (OAIMA). It is ready to be posted for Public Comment. Please contact Cheryl Suttman if you would want a copy before it goes final.

2. Cheryl Suttman has drafted ~40 permit templates for compression ignition internal combustion engines, from the NSPS Subpart IIII, for the Aggregate Group and OAIMA. Mike Hopkins is considering Cheryl's suggestion to remove the ton per year (TPY) limits, in order to drastically reduce the number of permit templates for this source. The mix of engine size,
along with any variation in the annual or rolling 12-month diesel fuel usage, creates too wide of a margin to establish a TPY limit for a General Permit. If sections of the Parts 89 and 1039 emission limit Tables, and/or Tables 1, 2, or 4 from Subpart IIII were copied into a permit, without establishing a TPY limit, the number of template permits required could be dramatically reduced. The permittee would be required to calculate the annual TPY emissions from their fuel usage records, using the appropriate emission limit, for the fee emission reports, etc. If you would like a copy of one of the 40 Subpart IIII templates (with fill-in-the-blank fuel usage and TPY limits) please contact Cheryl Suttman for a copy and/or the list of available permit templates.

3. Cheryl is almost finished with terms for NSPS Subparts A, D, and Da (>250 MMBtu/hr fossil fuel-fired steam generators). A list of all of the emission limits from Subparts D, Da, Db, and Dc (by solid, liquid, and gaseous fuel) have been in the Library for about a year. If you or your facility would like a copy of these terms, they are completed but under review (by Cheryl). Please contact Cheryl if you or your facility would like a copy.

4. Mike Hopkins has met with Cheryl following the P&E meeting (1/13) and it has been decided that most Federal terms will be included by reference in our permits. Therefore, NSPS Subparts Db and Dc will not be completed as suggested in the meeting. And instead, Cheryl will be attempting to build flow diagrams for "well used" federal terms. And it has been decided that Library terms should be Public Noticed in order to solicit a review from Industry and provide an opportunity for review by all permit writers.

5. The Miscellaneous Metal Parts Coating General Permits have been revised by a Work Group volunteered by Cheryl. Rules 17-11(C), the GACT Subpart HHHHHH, and requirements to maintain records of recovered solvents (used to credit emission reports) have been added. Sarah Harter first discovered the missing 17-11(C) about 6 months ago. This General Permit (GP) will be posted, along with the Aggregate and Mineral Extraction (GPs) for Public Comment as soon as the CI ICE General Permits are done. If you want a copy of these revisions (7 GPs) please contact Cheryl Suttman.

6. It is time again for Cheryl to review all of the recent OAC rule revisions (incorporated by Paul Braun) and update the Library OAC terms. If you find a term for a rule that has been revised and it needs a revision, please contact Cheryl ASAP.

7. The "sunset" terms (Federal side-terms pending SIP approval) for 21-08(B), now RESERVED, that were in the ZZZ.9 file have been removed.

6 **Engineering Guide update-**

#6 - PTI for Coal to oil conversion - Cleveland – May need to be re-written, Misty looking it over

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#18 - SO2 compliance determination for boilers – Toledo – Draft almost ready for review.
#20 - VE limits, determination for stack sources - Akron - No progress
#21 – BAT Requirements for New Fugitive Dust; non-Appendix A Areas – Cleveland –. Finalized but not on web yet.
#22 – Manual covers for open top degreasers – Cleveland – Finalized and on web
#23 - Significant figures for TSP emission limitations - SEDO – Comments recieved.
#24 - Application of Fugitive Dust Requirements to Affected Facilities – Toledo - No Progress
#25 - Determination of source numbers and Permit fees for fugitive dust sources - Cleveland – Version 2 sent to Jim Orlemann for review.
#26 - Inclusion of weight of water in the weight of "refuse" charged for incinerators.- NEDO – Draft handed out, minor changes, comments due by February 15.
#29 - Applicability of the PTI Rules to Increases in Capacity of a Derated Boiler -CDO – No Progress

#30 – Discontinuation of fugitive dust control measures – non- Appendix A areas – Cleveland – No comments. – Issued final 12/09/09
#31 - Grouping of similar process units, figure II – Cleveland – Issued final 12/09/09
#32 – Variances from visible emission requirements. – Cleveland – Issued final 12/09/09
#34 - Conditions for Issuance of PTI/PTO for an Inactive Source – RAPCA – Shutdown definition needed.
#35 – Registration Status for Floating roof storage tanks. – Cleveland – Issued final 12/11/09
#36 – Fuel burning equipment, physically and operationally united – Cleveland - Issued final 12/29/09
#37 – Whether or not product separation/recovery equipment constitute control equipment – Cleveland – Draft distributed 1/12/10, comments due by 2/12/10
#44 - Portable Plants - NEDO – Sarah and Michael of SEDO and Erica's final work given to Jim Orlemann for final review.
#53 - Open Burning Standards - Central Office – Rule was appealed with hearing in Feb. 2007
#70 - Toxics – Hopkins reviewing; #69 may need changes due to changes in #70. – No progress.
#72 – Grouping of Emissions Units for fee purposes – Revoked; replaced with guidance in Air Services
#74 - Classification of PM - Central Office –Federal Register for PM 2.5 is effective Need to address test protocol for condensables and the Hopkins NSR guidance.
#XX- New guide for crushers and non-metallic material - NSPS OOO - Mike Hopkins to review and address recent changes to subpart OOO.

General Permits – Crematories general permit - Sarah VanderWielen of Central Office is to run the AERMOD model in respect to the mercury emissions issue. There has been no progress on the tub grinders general permit.

Landfill guidance – Appears to be some conflict with Solid Waste and the NSPS regarding approvals of HOV. One solution suggested was looking at a tiered approach. 150 degrees Centigrade should not be a critical temperature and it was suggested that these requests be easily approved. A second tier might be placed at solid wastes definition of fire, as this tier involves other parameters.

Director's letter – A general letter might be posted in the answer place; otherwise, check with your CO contact to get the most current examples.

Audit disclosure – The procedure should be posted in the answer place.

Duplicity in the EAR form – Akron will look at this and provide suggested changes to Jim Orlemann.

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Due to the promotion of Ed Fasko at NEDO to the Unit Manager's position for Air Pollution Control replacing Dennis Bush, we will need a volunteer to take the minutes for the P&E meetings.

----------Next meeting is Tuesday March 9.

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March 9, 2010

Permitting & Enforcement Committee Meeting -

Lazarus Government Center
Ohio EPA
7th Floor DAPC conference room

Attendees: Co-Chairs - Jim Orlemann (CO), Jim Braun (Cleveland) Minutes - Jenny Avellana (CO) - Andrew Hall, Mike Ahern, Mike Hopkins (CO), Rick Carleski (OCAPP/CO), John McGreevey, Kelly Toth (CDO), Jenny Marsee, Chris Clinefelter (RAPCA), Sarah Harter (SEDO), Brad Faggionato (Toledo), Anne Chamberlin (Portsmouth), Tim Fischer (NEDO), Mark Budge (NWDO), Frank Markunas (Akron), Carl Safreed, (Canton), Paul Tedtman, (HAMCODOES), Craig Osborne, Terry Sanner, Madhava Rao Dasari (SWDO)

Enforcement issues - Jim Orlemann
Jim went over highlights of the Annual Enforcement Summary. The goal for the overall compliance rate for High Priority Facilities was set at 93%, we ended the year at 91.9%. This went up 5% since 2008. The summary didn't include goals for this year because the goals have not yet been finalized, but they will be similar to last years goals. Jim handed out graphs for enforcement performance for calendar year 2010. There have been 13 cases resolved, 10 final F&Os issued, 37 old cases on the EC docket as of February 28. We also resolved two major public health nuisance cases in one week in February. The first was INEOS/Lanxess (joint case with USEPA). The public health issue was butadiene and acrylonitrile emissions. The second public health nuisance case resolved was SH Bell in East Liverpool. The public health issue there is manganese. There are two more public health nuisance cases involving manganese that we will be pursuing this year, one in Marion and one in Marietta.

Frank Markunas discussed revising the EAR form to remove duplicate information for streamlining enforcement action requests. He went over the redundancy in the old, or pre- September 2003, EAR form and the new, or post-September 2003, EAR summary table. He also pointed out that some of the information requested on the form cannot be filled out completely since cases unfold as you investigate, or certain information is not applicable depending on the violation. Frank recommended that field offices fill out a strong EAR form with attachments I and 2, and leave the other forms optional. Jim Orlemann will discuss with his staff with the goal of eliminating redundancy and streamlining the process for getting enforcement cases to Central Office. Mike Ahern mentioned that one of the projects that the IT folks are working on is to incorporate CETA into STARS2, and this might be a good time to think about whether we want an electronic EAR form to connect to information in STARS2.

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

Mike provided updates on the job vacancies in central office permitting; the MACT position has been filled and Brittany Smith will start on Monday, March 15. Rod Windle's permit review position has been filled and Ben Cirker will start on Monday, March 29. They have selected a candidate for Robyn Kenney's position and that should be offered soon, and will be about four weeks or more before someone starts.
Andrew Hall provided an update on the Boiler MACT. The court ordered deadline to come up with a

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proposed rule to replace the vacated Boiler MACT is April 15, and a final replacement MACT needs to be in place by December 15. There were also some revisions promulgated to 112] (case by case MACT), that deal with what happens when a MACT is vacated.

Mike mentioned that there are now historic copies of NSR rules (i.e., Chapter 31) available on the website. This should help when trying to decide what rule applied at what time, should be beneficial for enforcement cases.

On January 22, 2010, 75 FR 3668 was issued, which includes VOC rules and includes proposal for OAC rule 3745-21-09(U)(2)(f) changes. This rule gives a process for facilities that want an alternative VOC limit for misc. metal parts coating.
On February 25, 2010, 75FR 8496 was issued, and in it USEPA finally approved as part of the SIP the October 2004 NSR reform rules. This could affect the new BAT guidance and which effective rule date should be cited for OAC 3745-31-05(A)(3). Mike will look into this.

Mike gave an update on the judge's order for the <10 tpy exemption. The new guidance says outlines how to cite BAT in permits. We must cite pre-SB 265 BAT and post-SB 265 BAT. Once the post-SB 265 chapter 31 rules are approved as part of the SIP, the pre-SB 265 language will no longer apply. Mike is not clear yet on renewal permits or modifications with the <10 tpy exemption and whether we need to use this double language or stick with the exemption since we are not reevaluating BAT. He should have some guidance by next week on what to do with renewals and modifications.

Last meeting Mike mentioned there was a possibility of meeting with the DO/laas about the Title V backlog. Andrew and Mike are to meet on the 15 th to outline what they want to cover at the meeting with the DO/laas. They will be talking about setting goals for this year and long term goals for each year thereafter.

Kelly Toth gave an update on the PTE guidance. Adam Ward was revising based on many comments, and was to send to Mike H. today. Mike said he had received the guidance and it is now on his to do list.

Jenny Avellana gave a recap on DSIWM's Pharmaceutical Collection Event guidance and our role in providing assistance to solid waste management districts looking to organize a collection event. The guidance is available on the Answer Place (topic 2145 or do a search for pharmaceutical). The guidance points to the DO/laa contact list on the internet, for the event organizer to contact for information about facilities that would be good disposal options for the event. The list includes:

- Hazardous Waste Incinerators and Solid Waste Incinerators
- Sewage Sludge Incinerators equipped with an afterburner operating at a temperature of at least 1800°F
- Basic Oxygen Furnaces
- Electric Arc Furnaces
- Blast Furnaces
- Cement Kilns, Lightweight Aggregate Kilns, Lime Kilns (no asphalt concrete plants)

Each DO/laa should assign someone to keep a list of facilities that have one of the units on our list in the guidance. It would be a good idea for the DO/laa to contact each facility to make sure it is okay to give their information to an event coordinator. The DO/laa can do an SCC code search in STARS2 to find such facilities. I will update the answer place topic to include the 5CC codes for these facilities. I've had some facilities contact me with units that do not fall within

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the specifications on that list, and have done additional research to find that these units would also work as disposal options (completely destroy the pharmaceutical waste). If you have any facilities contact you with a similar request, you can have them call me at (614) 644-3625.

3 **STARS2 and permit issuance update -** Mike Ahern

Mike wanted to let everyone know about the answer place communication that went out highlighting the changes to PTI and PTIO standard terms and conditions.

Mike also wanted to let everyone know to be in contact with Mike VanMatre when people leave the office to take their user IDs and/or default assignments out of STARS2.

At the last P&E meeting and the last air permitting live meeting, Mike went over the Title V Technical Incompleteness Procedures draft guidance. He got many comments and asks for any more comments by March 26 so he can have this finalized by the end of March. Mike handed out the guidance and the technical completeness and incompleteness letters, and went over changes. He discussed how these letters are not logged letters, and wanted input on whether these should be logged letters (if not logged, the letters have to be uploaded manually and does not automatically show up on correspondence history list). Mike also wanted feedback on an agency-wide procedure for sending/not sending preliminary incompleteness letters. If no completeness determination is made within 60 days, the application is deemed preliminarily complete. Some offices send out these completeness letters, some just wait for the 60 days to expire. Jim Orlemann mentioned that we should not have a procedure of just letting the 60 days expire, because the company would automatically get the application shield, and we will want to consider for each company whether we want them to get the application shield (i.e., does the facility have compliance issues?). There was some question as to how to define preliminary completeness/incompleteness, and Mike said for the next meeting he will do a writeup to give context to discuss a formal guidance on preliminary completeness.

Mike handed out the Title V Renewal Application Review guidance and went over the highlights of his changes resulting from comments. He used the review feature on Word, so the changes could be seen in the hard copy. Mike wants any additional comments by March 26.

Mike handed out the Public Records Request guidance (it says policy on the document now but probably should say guidance). This guidance talks about what policies and guidance are already out there now on records retention and public records requests and how all of these factors affect how we respond to public records requests. This is not a public records management policy, the agency already has a records retention policy. Mike wanted feedback from the P&E committee on the questions at the end of the guidance and whether some of them should be incorporated into the guidance. Mike mentioned that this guidance should not overtake any guidance that field offices already have in place.

Mike went over the P&E information on Answer Place. You have to log in to Answer Place and use keyword P&E. He created a list of Engineering Guides currently under review. The meeting minutes will also be available and are text searchable within the document.

Mike's has posted his handouts on Answer Place for comment (topic 1969).

4 **New Rules and SIP update -** Paul Braun

Paul is presently updating Rule 3745-18 under the 5 year review plan. He expects this will be issued draft by summer.

In addition to the historic chapter 31 rules, the historic chapter 35 rule is also available on the internet. This is the most recent revision before the rule was rescinded.

The Title V rules were adopted and went final on 2/14/2010.

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We have proposed to JCARR to rescind the chapter 108 CAMR rules. USEPA will write MACT or other rules, and cap and trade is not going to be part of the rules. This will probably be rescinded before the beginning of May.
The chapter 31 SIP approval for the October 2004 version will be effective on 3/29.
The Cincinnati ozone redesignation was proposed in the February 26 Federal Register for the 1997 standard.

5 **Terms and Conditions -** Cheryl Suttman
Cheryl was on vacation but she provided the following summary for the Terms and Conditions update:
Library news: I have loaded the Subpart 1111 terms (CI ICE) into the library and they are linked to the summary Table (a first), rather than a "Tree spread" of long term titles/scenarios.

When I get back I am going to link all of the terms, that have tables, inside their table (and probably create some more); and I can get rid of some "run-on" titles that make some scenarios hard to find. I will be back in 2 weeks.

6 **Engineering Guide update-**
#6 - PTI for Coal to oil conversion - Cleveland - May need to be re-written, Misty looking it over
#18 - S02 compliance determination for boilers - Toledo - Draft almost ready for review.
#20 - VE limits, determination for stack sources - Akron - No progress
#21 - BAT Requirements for New Fugitive Dust; non-Appendix A Areas - Cleveland -. Finalized but not on web yet.
#22 - Manual covers for open top degreasers - Cleveland - Finalized and on web
#23 - Significant figures for TSP emission limitations - SEDO - Comments recieved.
#24 - Application of Fugitive Dust Requirements to Affected Facilities - Toledo - No Progress
#25 - Determination of source numbers and Permit fees for fugitive dust sources - Cleveland - Version 2 sent to Jim Orlemann for review.
#26 - Inclusion of weight of water in the weight of "refuse" charged for incinerators.- NEDO - Draft handed out, minor changes, comments due by February 15.
#29 - Applicability of the PTI Rules to Increases in Capacity of a Derated Boiler -CDO - No Progress
#30 - Discontinuation of fugitive dust control measures - non- Appendix A areas - Cleveland - No comments. - Issued final 12/09/09
#31 - Grouping of similar process units, figure II - Cleveland - Issued final 12/09/09
#32 - Variances from visible emission requirements. - Cleveland - Issued final 12/09/09
#34 - Conditions for Issuance of PTI/PTO for an Inactive Source - RAPCA - Shutdown definition needed.

#35 - Registration Status for Floating roof storage tanks. - Cleveland - Issued final 12/11/09
#36 - Fuel burning equipment, physically and operationally united - Cleveland - Issued final 12/29/09
#37 - Whether or not product separation/recovery equipment constitute control equipment - Cleveland - Jim Orlemann says trying to get this issued by sometime next week (mid March)
#44 - Portable Plants - NEDO - Sarah and Michael of SEDO and Erica's final work given to Jim Orlemann for final review.
#53 - Open Burning Standards - Central Office - Rule was appealed with hearing in Feb. 2007
#70 - Toxics - Hopkins reviewing; #69 may need changes due to changes in #70. - No progress.

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#72 - Grouping of Emissions Units for fee purposes - Revoked; replaced with guidance in Air Services
#74 - Classification of PM - Central Office —Federal Register for PM 2.5 is effective Need to address test protocol for condensables and the Hopkins NSR guidance.
#XX- New guide for crushers and non-metallic material - NSPS 000 - Mike Hopkins to review and address recent changes to subpart 000.

General Permits - Crematories general permit - Sarah VanderWielen of Central Office ran the AERMOD model in respect to the mercury emissions issue. CDO will wait until the <10 tpy BAT exemption guidance is finalized before working on the tub grinders general permit.

Next meeting is Tuesday May 11.

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May 11, 2010

Permitting & Enforcement Committee Meeting -

Lazarus Government Center
Ohio EPA
7th Floor DAPC conference room

Attendees: Co-Chairs – Jim Orlemann (CO), Jim Braun (Cleveland)
Minutes – Jenny Avellana (CO)
- Andrew Hall, Mike Ahern, Cheryl Suttman, Paul Braun, Brittany Smith (CO), Rick Carleski (OCAPP/CO), Todd Scarborough, Adam Ward (CDO), Sarah Harter (SEDO), Jeff Canan, Chris Clinefelter (RAPCA), Anne Chamberlin (Portsmouth), Tim Fischer (NEDO), Peter Park (Toledo), Laura Miracle (Akron), Paul Tedtman (HamCo), Mark Budge (NWDO), Terri Dzienis, Carl Safreed (Canton)

1. **Enforcement issues -** Jim Orlemann

Jim discussed the revision of the EAR form that Frank Markunas went over in the last meeting. At this point in time the enforcement unit determined that Tables 4a, 4b and 4c at the end of the form can be optional, and they might ask for that information later if needed as the case is developed. He feels that the summary table at the beginning of the form is not redundant, and is inclined to keep this table, as it compliments what is provided in items 1 through 4. The enforcement unit will be making some adjustments to the form. It will be in Word instead of Wordperfect. The changes will be made and the form sent out for comment in the next 2-3 weeks.

General enforcement activities – Jim handed out enforcement statistics and graphs for this year through the end of April. As of the end of April, 28 EC cases have been resolved, 23 of which have been Findings and Orders (F&Os). The goal for 2010 is 40 F&Os, so we are already over half way to that goal. The percentage of EARs submitted by field offices within the Statute of Limitations time frame was 75% for the first quarter of the calendar year. This is normally greater than 95%. The compliance percentage for High Priority Facilities (HPFs) was 92.8%. The goal is 93% for 2010. At the beginning of May we were at 93%.

Jim discussed the oral arguments for the Shelly appeal. The big issues were how PTE was calculated (using operating hours or 8760) and the ongoing period of noncompliance (stack test shows noncompliance- we believe they are not considered to be in compliance with permit until they demonstrate they are in compliance). For the period of noncompliance issue, this can affect many enforcement cases.

The last item that Jim discussed was Bryan Zima's retirement at the end of the month. There will be no replacement until after the end of the year. Drew Bergman will be filling in for Bryan until after the end of the year. We should continue to work with staff attorneys.

2. **New Source Review** – Andrew Hall

Andrew mentioned that there is currently guidance being developed for BAT for multiple operating scenarios (e.g., separate BAT determinations for a coating operation with VOC-containing coatings and water-based coatings). Also mentioned that Mike Hopkins is waiting on guidance from AGs on how to address renewals with the <10 tpy exemption. We shouldn't be initiating administrative modifications to go back and establish BAT where the original PTI/PTIO had a <10tpy exemption. Companies can request such a modification, but as general practice we do not want to do this.

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The Boiler MACT was proposed on April 30 and is approximately 400 pages long. It includes emission limits for larger boilers and burner tuning for smaller boilers. Boilers will likely be required to install add-on controls because the rule has eliminated the health-based alternatives (i.e., established through modeling).

Also, changes to rule 112(j) have been proposed, which outline what states need to do in this case of a MACT rule vacatur. There was a webinar on May 12 to discuss the 112(j) rule change. The projected rule will not become final until after the deadline for the Boiler MACT to become final. Therefore boiler sources will comply with Boiler MACT, not the MACT 112(j) rule.

NSR backlog – The director's goal for 2010 is to get down to 200 NSR permits to install and chapter 31 modifications on the backlog. We started the year in the low 200s, but now at 250. It will be challenging to meet our goal by the end of the year. The director is aware of problems with BAT. Late permits that are greater than 180 days old are backing up. Mike will be sending email soon to get these older permits moving.

Title V backlog - Andrew and Mike will be discussing Title V renewal processing with U.S. EPA when they are here for the annual grant meeting. Andrew and Mike plan to meet with DO/laas in July to get ideas about which permits we can commit to working on to get backlog down. The person at each DO/Laa responsible for signing off on permits needs to be at this meeting.

SCC Codes on Permits - Carl Safreed discussed his e-mail about adding SCC codes to permits. The email started when Andrew Hall spoke to Dan Aleman about searching for similar permits and EUs to compare terms and conditions, and the best way to do this might be to compare SCC codes. Andrew suggested in an e-mail that SCC codes be placed on the actual permit at the emissions unit level. Erica responded that this was a possibility, but that we would have to pay for the change to STARS2. Would it be worth paying for this feature; is this a better way to search than a keyword search? Mike Ahern mentioned that SCC codes were developed for emission estimation purposes, not developed for permitting purposes. For certain categories, SCCs change often, and some do not exactly fit. You can currently search for SCC codes under the Management Reports tab in STARS2. Mike said we can expand this report and leverage information in STARS2 to get the information we need without putting the code into permits, and that he would rather do it this way.

Area Source MACTs/GACTs – Chris Clinefelter discussed his question about placing area source MACTs in permits. Andrew Hall checked with Mike Hopkins and we do not have plans to ask for delegation of authority for these rules. This will probably be mentioned at the annual grant meeting with U.S. EPA, where we hope to get a clear direction on whether we can enforce these rules. The main question is, if it is in the permit, does this trump the delegation agreement? Our MACT coordinator, Brittany Smith will be looking into the delegation agreement. Jim Orlemann stated that he believes the rules are enforceable by us if we put them into our permits. Should we be putting this into permits if we do not have delegation of authority to enforce? Adam Ward suggested we have a concrete written statement/document that says how we are going to address area source MACTs in permits so there is consistency throughout the state. Before the next meeting he is going to formulate a list of clear questions about citing area source MACTs in permits.

Adam Ward gave an update on the PTE guidance. He has incorporated all comments and sent to Mike Hopkins to review. He stated that there are 3 to 4 fundamental questions that need to be answered by Mike before he redistributes the guidance for comment.

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3 **STARS2 and permit issuance update –** Mike Ahern

The final version of the Title V Technical Incompleteness Procedures Memo has been posted to Answer Place under Answer Place ID 2172.

The Title V Renewal Application guidance is not yet final. Some folks want a checklist and Mike is looking into providing one in the guidance. At the last P&E meeting there was some question as to how to define preliminary completeness/incompleteness, and whether we should be sending letters for preliminarily complete/incomplete applications. Mike has talked to Bryan Zima about the option not to send out letters, but he still needs to talk to Bob.

Mike did get comments on the file review workgroup guidance, and he expects to get that out final soon. Rich Bouder (Director's Office) is planning to do training at field offices for this guidance.

Mike wanted to remind everyone that we are using the external version of Answer Place almost exclusively now. People need to login in order to be able to view internal guidance that is not available to the public. If you have trouble logging in to Answer Place, contact Mike.

Emissions reporting went very smoothly, especially for the first year where non-Title V reporting was done in air services. Billable emissions were down 60,000 billable tons. DO/Laas should take a look and make sure emission reductions are accurate. Most of the reductions were at utilities. There were also very few questions on the April 30 Title V annual compliance certifications.

We are beginning to work on the transition for Air Services and STARS2 from being a project to maintenance mode. We are developing a SOP manual for that support, which encompasses technical support as well as what drives that support. It will outline how we will report issues in the future and how these issues will be resolved.

4 **New Rules and SIP update –** Paul Braun

Cincinnati was redesignated attainment for the 1997 ozone standard, making the entire state in full attainment effective May 11, 2010. August is the tentative date that U.S. EPA will announce the new ozone standard between 0.06 and 0.07 ppm. If 0.07 ppm is chosen as the standard, more counties in Ohio will be nonattainment than attainment. If 0.06 ppm is chosen as the standard, no counties in Ohio will be attainment.

The SIP package went final with minor amendments to OAC rule 3745-15-01 and 3745-15-05, that were effective January 2009.

Paul expects the Lithographic printing RACT and Title V rule changes to be approved in 6 months to a year. The Title V rule changes are not actually SIP rules but the program still has to be approved.

U.S. EPA is still working on the VOC RACT rule, specifically the sheet molding compound (SMC) rules in 3745-21-07 and -21-25.

Paul is still working on the SO2 rules (Chapter 18). He went through all rules and will pass a list around of facilities that are in permanent shutdown status or are completely gone. He will leave the facilities in the rule until they are permanently shut down. Some facilities are so old they are not in STARS2, so Paul cannot find an official shut down date. Paul is asking everyone to look at these facilities and give him an official shut down date. Paul plans on including this list as part of the submittal in the draft rule for public comment.

5 **Terms and Conditions -** Cheryl Suttman

New terms added to the T&C Library since the meeting of 1/12/10:

- The two terms from Mike Hopkins's 2/19/10 Interoffice Memo, for permit processing following U.S> District Court decision on BAT for permits <10 TPY, have been posted in the BAT-related terms, under the "organized by Library structure".
- Leaks from process units that produce organic chemicals, for OAC 3734-21-09(DD), with the applicable definitions from OAC 3745-21-01; and in two template files, one in order by rule and the other by permitting sections.
- Clean Air Interstate Rule "if applicable/must comply" term from Jennifer Hunter and Lee Burkleca.
- Method for the detection of leaks of VOC from petroleum refinery equipment and organic chemical manufacturing equipment.
- Method for determination of equipment in "VOC service" and/or "light liquid service"
- NSPS General Provisions, Subpart A
- Terms for NSPS Subparts Da and D for electric utility steam generating units greater than 250 MMBtu/hr, including a file summary of the rule
- Landfill inspection checklist-Rule Summary
- Terms for NSPS Subpart IIII for stationary compression ignition internal combustion engines,
    1. A summary file of the rule;
    2. 47 permit templates;
    3. 8 General Permits for the Aggregate (or anyone else who can use the facility diesel fuel oil restriction, which is the only difference from the 47 template permits); and
    4. A table that can be copied and used to calculate the pound per hour or ton per year emissions using the limits the engine certification and/or permitted limits and diesel fuel usage.

How the Subpart IIII template terms work, for Stationary Compression Ignition Internal Combustion Engines:

Each permit template is linked to the first column number in the Permit Template Table.

1. Pre-2007 model year stationary diesel (engines need only comply with the limits in Table 1 to Subpart IIII, which is equivalent to the Tier 1 limits in 40 CFR 89.112 Table 1.
2. Model year 2007 engines must comply with the limits applicable to the rated power in Table 1 in 40 CFR 89.112 (highest Tier, 2 or 3).
3. Model year 2008 and later stationary diesel engines must comply with either Table 1 in 40 CFR 89.112 (Tier 2 or 3 as applicable) or the appropriate Table in 40 CFR 1039.102, the Interim Tier 4 exhaust emission standards, based on the maximum engine power and according to the model year as required in Table 1 at 40 CFR 1039.1(b)(1).
4. Compression ignition engines greater than 10 liters per cylinder must comply with the emission limits found in 40 CFR 94.8 for Marine Compression Ignition Engines:
    a) pre-2007 models with Part 94 Tier 1 standards for NOx, limit in 40 CFR 94.8(a)(1); and
    b) 2007 model year and later with Part 94 Tier 2 standards in 40 CFR 94.8(a)(2)

No terms have been drafted for Voluntary Emission Standard limits in Table A-2 of 94.8, but can be drafted upon request, call or e-mail Cheryl Suttman.

A sample of the rules showing the permit numbers from the NSPS template table was handed out. Emergency engines template numbers were not included, other than those from Table 4, but can be added to the same rules according to the template table applicable limit from the rule, i.e. "Limit".

If there is a need to draft terms for a facility who would like to be permitted at any other limits (e.g., Tier 2 in 89.112, where only Tier 1 is required), please call or e-mail Cheryl Suttman.

The Landfill (LF) higher operating value (HOV) and alternative timeline guidance documents are going final this week. We will soon be reviewing these requests. Not confirmed, however, it is anticipated that the DSIWM and DAPC will be conducting an inspection at each landfill with an HOV or alternative timeline request submitted in the last 2.5 years. The six months of required data could be collected and/or requested during the inspection, for any wells that are still out of compliance. As soon as the guidance is posted into "What's New", we might assume that HOV and alternative timelines received, will need to be addressed according to the guidance documents.

6 **Engineering Guide update-**

#44 - Portable Plants - Issued final April 14, 2010.

#74 - Classification of PM - Central Office –Andrew Hall mentioned we will have a final test method on PM 2.5 condensables later this summer, so it is a good time to start looking at this guide again.

General Permits –

Aggregate General Permit – Mike wanted to take one last look at the package before it goes draft. Todd Scarborough asked if we could have guidance on when a new PTIO is needed when the company replaces a component, as this is one of the most common problems at these aggregate plants. Andrew said he will mention this to Mike.

Crematories general permit - Sarah VanderWielen of Central Office is going to prepare a summary about the Mercury modeling. We might have to add BAT according to new BAT guidance.

Jim Braun discussed starting a workgroup to put together a Title V training manual to be used throughout the state. He is looking for volunteers. He will send out Cleveland/NEDO's manual and SEDO's manual and identify people that want to get involved and set up a meeting.

----------Next meeting is Tuesday July 13.

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July 13, 2010
Permitting & Enforcement Committee Meeting -

Lazarus Government Center
Ohio EPA
7th Floor DAPC conference room

Attendees: Co-Chairs – Jim Orlemann (CO), Jim Braun (Cleveland)
Minutes – Jenny Avellana (CO)
- Mike Hopkins, Brittany Smith, Cheryl Suttman, Mike Ahern, Andrew Hall (CO), Rick Carleski (OCAPP/CO), Brad Faggionato (Toledo DES), Misty Koletich, Ed Fasko (NEDO), John McGreevy, Kelly Toth, Adam Ward (CDO), Terri Dzienis, Carl Safreed (Canton), Paul Tedtman (HAMCO), Jenny Marsee (RAPCA), Laura Miracle, Duane LaClair (Akron), Mark Budge, Andrea Moore (NWDO), Anne Chamberlin (Portsmouth), Sarah Harter, Taylor Carpenter (SEDO)

3. **Enforcement issues -** Jim Orlemann

Jim handed out graphs to update where we are in terms of making enforcement goals. The total number of EC cases resolved for the year as of the end of June was 34. The goal for the year is 80. Of the total cases resolved, 27 were resolved with Findings and Orders (F&Os). The goal is to resolve 40 cases with F&Os for the year. The number of "old cases" (cases with an EAR date prior to 7/1/2009) on the EC docket is currently 26; the goal is to get this down to zero by the end of the year. The percentage of EARs submitted by field offices within the Statute of Limitations time frame was 75% for the first quarter of the calendar year, and went up to 96.4% for the second quarter. The compliance percentage for High Priority Facilities (HPFs) was 92.5% for the second quarter. The goal is 93% for 2010. HPFs are any Title V or synthetic minor facilities. In terms of penalties for the year, just in administrative orders, penalties assessed was around $850,000. This number does not include penalties assessed at the AGO.

Revised EAR Form – In regards to the comments on redundancy, central office agreed that we could get rid of redundant items in the summary table that were the same as the information in Items 1 to 4. These items were deleted. A statement was added in Item 3 reminding people to complete the summary table. There was some redundancy in Item 4, or things not needed that might not be applicable to the case. CO decided they wouldn't ask for this information here, but might come back and ask for this information later as the case develops. Items 4a, b and c were made optional if CO or AG needs this information later. There was a note added on the form that it is attorney-client privileged information. Also, the form was retyped into Word instead of Wordperfect. If anyone else has more comments e-mail them to Jim and he will finalize and start officially using this version of the EAR form. There was a comment that on the General Information, can we delete the lines and make boxes for typing, since nobody is filling this out in pen, usually done on computer. Jim said he will talk to Priscilla about revising.

4. **New Source Review** – Mike Hopkins

The revised memo on the "less than 10 tpy" BAT policy was sent via e-mail on 7/6/2010. The main difference from the February memo is that it now describes how you can process renewal permits that have the "less than 10 tpy" exemption language. Use the same approach, figure out BAT and add it to the terms and conditions. We might have to update

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PTIs as well with an administrative modification. This memo has released the hold on processing renewals.

Mike mentioned issuing emergency rules for changes to Chapter 31. The first change was adding a definition for "emergency" in 3745-31-03 to include situations when there is a possible brownout or blackout and the Emergency Load Response Program can be implemented, where customers will switch on their emergency generators to take stress off the grid. Adding this situation to the definition of emergency allows those volunteering in the ELRP to switch on their emergency generators covered by the emergency generator permit by rule (PBR). Rick Carleski clarified that the second change to -31-03 was because some language needed to be fixed in the printing industry permit by rule (PBR) that didn't match up with the language in the lithographic printing RACT. There was a disconnect in which rule should these companies comply with. The rule package rewrote the PBR to include the RACT rule language.

Mike also talked about the NO_X and SO_2 standard: the feds have issued a recommended compliance level. He wanted to remind everyone that when looking at new sources for NO_X and SO_2 that might need modeling, contact Sarah VanderWielen. Some of the issues that companies are running into for NO_X are that the initial rounds of modeling have shown very low emission levels cause the facility to be out of compliance with the new NO_X standard, and we anticipate the same problem with the SO_2 standard. Sarah will update Engineering Guide 69 when she gets all the answers and U.S. EPA finalizes some things.

Mike said that Bob sent an email to DO/laas to encourage folks to work on the installation permit workload. Mike wants to offer that CO can do first line supervisor reviews, or if you can think of anything we can help with, we are here to help. One task we are assigning to one of our interns (Hannah Kravitz) is to do some work on older permits to identify issues with older permits and why they haven't moved forward. She will go through permits greater than one year old and identify reasons why they are not moving forward and compile this information to look at all reasons and see if we need different policy or if there are any other ways we can get some of these permits off the to do list. Hannah will be calling DO/laas for help compiling this information. We are currently up to about 250 installation and chapter 31 modification permits on our workload, and the goal is to get this down to 200 by the end of the year.

Area Source MACT/GACT Guidance – Brittany Smith has compiled all comments on the guidance and it has grown from 4 pages to about 11 or 12. She is creating a table which lists which MACT subparts we do have delegation for and which we do not. We will be going with a generic term that says Area Source MACTs can apply and the permittee is responsible for finding which Area Source MACT applies. However, in Title V permits, we will have to figure out if the Area Source MACT applies and list it as an applicable requirement. Some questions to be answered: If you, as an inspector, happen to see a facility not in compliance with an applicable Area Source MACT, what is your obligation? You are still required to report to U.S. EPA. The typical way to do this is in the letter to the facility on the results of the inspection, copy U.S. EPA to notify them that company might be in violation of an Area Source MACT. Do not enter into CETA. Also, what about insignificant emission units (IEUs) subject to Area Source MACT/GACT? Mike thinks we should add a section to Brittany's guidance covering this. The guidance probably will not be redistributed for comment, but this depends on significance of changes associated with the IEU MACT/GACT issue.

PTE Guidance update – Mike Hopkins still needs to review.

Title V Permitting – Andrew Hall – Now that we can process renewals, our permitting intern, Hannah, has put together a spreadsheet that lists all facilities with issued permits with CAM plans. This spreadsheet is organized by control equipment type. Mike Ahern created an Answer Place topic for "Compliance Assurance Monitoring (CAM) Plans in Title V Renewal

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Applications" that is available at Answer Place Topic ID 2269. The CAM spreadsheet has been added to this topic.

Portable Generators, Sarah Harter – Does a facility need to submit a relocation notice for units moving into and out of storage, if there is no intent to operate the unit? Mike Hopkins answered that if they had no intent to operate the unit, then they can store it wherever they want without doing a relocation notice. They cannot operate the unit. It does not count toward facility PTE if it is only being stored at the facility. What if the unit has operated at the site for a year and then not the next year? Does it count toward the PTE for the year they operated the unit but not for the year they only stored the unit? They have to have good documentation that the generator did not operate for it not to count toward the PTE. It might be helpful to request on the relocation form the hours that are on the hour meter for the unit.

TANKS Program flaws, Adam Ward – Dick Lindstrom in CDO has found inherent flaws in the TANKS program. He sent an email to U.S. EPA in which he described how each flaw underestimates emissions from tanks, which made a difference when determining if certain tanks were de minimis or not. U.S. EPA agreed that the flaws in the program underestimated emissions. Dick went ahead and did his calculations correcting for these flaws and came up with more accurate emission estimations. If you have to run the TANKS program, call him to get his assessment of what needs corrected. Mike Hopkins suggested putting together a memo so we can distribute this information to DO/laas.

3 **STARS2 and permit issuance update –** Mike Ahern

Update from Elisa Thomas – it was a very efficient year for report reviews and invoicing. We invoiced greater than $1 million for non Title V fees, $12.8 million for Title V fees, and $285,000 for synthetic minor fees. There are still some outstanding reports to be reviewed and invoiced. Some people that are no longer at the agency are assigned to those reports, this needs to be fixed.

The Title V Renewal Application IOC – in the last meeting Mike asked for additional final comments. The main topics were that people wanted a renewal checklist attached. Sarah Harter and Kim Reinbold reviewed and revised the original checklist. Mike added it to the IOC. Mike is planning on sending an email through Answer Place to everyone to distribute the IOC.

Title V Completeness Guidance – in the last meeting there were questions about preliminary completeness. Mike talked to Bob and Bryan Zima and they believe something needs to go to the company. Mike is looking at ways we could send out some type of email correspondence from Air Services after 60 days if nothing else has been sent. [If a Title V renewal application comes in, if we don't make a determination on it within 60 days it is considered preliminarily complete].

Workload Stars2 Data Logic Summary – The logic in this memo is how we do our data tracking. There are still some separate data tracking systems that the local air agencies have in place. If a local agency wants to make adjustments to the local tracking system, use the information in this memo or talk to Erica Engel-Ishida or Mike VanMatre. This is the same formula that the district offices use. If your office tracks things differently, you might want to adopt this formula so that data is similar or equivalent to data tracked throughout the state. Hopefully we will get to a point where everyone is using Stars2 for data tracking.

New Issued Permits Internet Page – The new page has more information for the public to search through issued permits. It is now a searchable webpage, with many different searchable permit attributes, such as permit description. Permits are available from the late 1990s through now. The webpage pulls live data from Stars2. It is still best for staff to do searches through Stars2. Note- some documents are the converted State PTO version from Stars, so each DO/laa might get requests for hard copies of these permits.

4 **New Rules and SIP update –** Paul Braun

Greenhouse Gas (GHG) Rules – Chapter 31 and Chapter 77 have been updated to include terms for Ohio EPA to enforce the GHG Tailoring Rule. The terms "subject to regulation" was added to Chapter 77 and Chapter 31 to explain the approach for regulating GHGs. Regulation of GHGs through PSD and Title V permits will be phased in through a stepwise approach. Step 1 begins on January 2, 2011. Only sources undertaking major source permitting actions anyway for other pollutants will need to address GHGs, if increasing GHGs by 75,000 tpy CO_2e or more. Only those sources currently with Title V permits will address GHGs, and only when applying for, renewing or revising their permits. Step 2 begins July 1, 2011. Step 1 sources continue to be subject to PSD for GHGs, as well as new sources that have PTE of GHGs at or above 100,000 tpy CO_2e and modified sources that have PTE of GHGs at or above 75,000 tpy CO_2e, regardless of if the newly constructed source or modification is major for other pollutants. For Title V, a GHG emission source (which is not already subject to Title V) will be subject to Title V if it emits 100,000 tpy or more of GHGs on a CO_2e basis. The current schedule for these new rules is to have the rules on the November 13, 2010 JCARR hearing, and we hope to adopt them by mid December.

Chapter 18, Chapter 73, OAC rule 3745-21-25 (SMC RACT), and rule 3745-14-05 (NO_X allowance) all have comment periods ending on July 31. So far there is not a lot of interest in these rules.

One SIP package was approved by U.S. EPA since the last P&E meeting, and this was the various amendments to Chapter 21, from 2000, 2001 and 2003. This was publicshed in 75 FR 34939. They accepted various parts of Chapter 21, most importantly they acknowledged the existence of several (U)(2)(f) permits. The biggest two issues with rule 3745-21-07 were they do not like how rule doesn't apply to new sources after effective date of the rule, and the SMC operations language. OAC rule 3745-21-25 is a relaxation of requirements compared to 3745-21-07, and we can use the Phase 3 VOC RACT rules to offset the relaxation related to SMC operations. Paul is trying to set up a call with Region 5 so they can talk about how to address these problems.

Phase 3 RACT rules – Paul is finishing these rules up and getting ready to put into sign off; they will probably be effective in about a month.

5 **Terms and Conditions -** Cheryl Suttman

Cheryl will attempt to reorganize the Library terms, those that have any significant variety and/or volume of terms, to follow Engineering Guide #76. Engineering Guide #76 addresses incorporating MACT, NESHAP, and NSPS requirements in Ohio air permits using incorporation by reference (IBR), using a General Citation Approach for PTIs and a detailed citation approach for Title Vs and PTIOs.

The first set that is in the process of this transformation is the terms for compression ignition (CI) internal combustion engines (ICE).

From the Library, under "Organized by Rule Reference", the Part 60 Subparts IIII and JJJJ work together with the recently revised MACT, Part 63 Subpart ZZZZ, creating new limitations and requirements for existing ICE.

The CI ICE is near completion (IBR still in process for Subpart IIII) and was used as a sample of the new organization in the Library.

Basically all of the existing CI ICE (existing defined in MACT) now have new requirements in the MACT (Subpart ZZZZ); and all but the larger (>500 brake horse power) new source CI ICE demonstrate compliance with Subpart ZZZZ through compliance with the limits in Subpart IIII (original MACT). CI ICE >500 brake horsepower (bHP) have requirements in both the NSPS and MACT.

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From the Library under "Organized by Rule Reference", Part 60, Subpart IIII and Part 63, Subpart ZZZZ, the following files are available for use and review:

Part 60, Subpart IIII – Stationary Compression Ignition Internal Combustion Engines

1. Summary of Rule
   There are two tabs in this Excel file. The 1st tab is a table identifying the applicable paragraphs in the rule by sections of the permit, the location of the standard and the effective date. The 2nd tab is simply a list of each paragraph in the rule, in numerical order, with a short summary of the content in each. Color has been added to aid in the quick location of the applicable rule to the size engine and model year being permitted.

2. Part 63, Subpart ZZZZ compliance/applicability Table as it relates to 60 Subpart IIII.
   This Table is a summary of the MACT compliance method. It is organized first by "major" or "area" source and then by "new" or "existing" (per the MACT) and the engine size. The method of compliance is summarized in this table, i.e. per compliance w/ NSPS Subpart IIII, compliance with the MACT itself Subpart ZZZZ, or exempt from the MACT requirements.

3. Permit Templates
   The Permit Templates table is an Excel file that shows the applicable rules referencing the limits, the location of emission limits themselves, and is listed by size and model year CI ICE. The full permit of terms can be opened in the first column, numbered 1 through 71. When the IBR files are completed they will be added in a 2nd column and will be numbered 1A to 71A. The IBR is completed for the MACT and will be completed for the NSPS soon.

4. Emission Calculations
   This Excel table is for Subpart IIII and will allow you to calculate the pound/hour, ton/year, pound per gallon of diesel, gallons of diesel burned per hour, and/or the number of hours it will take to burn the rolling-12 month or annual fuel used by the facility. The size engine, fuel usage, and/or hours of operation can be changed to get the desired emissions or time. If you change the size engine make sure it does not exceed the range from the applicable rule for the limits and make sure the model year is subject to "that line's" emission limit. You can use the "Permit Templates" table to determine which row of this table is applicable. This table has all the limits from Table 1 to the Subpart, the highest Tier limits from 89.112, and the "interim" limits from 1039.102, i.e., the referenced limits from Subpart IIII. This table does not include the Fire Pump limits from Table 4 to the subpart (too much variety), but they could be entered at the bottom of the table and the calculation can be copied from the cell(s) above it.

Part 63, Subpart ZZZZ

5. Subpart ZZZZ Summary of Compliance Table
   This table is the same table identified above as "Part 63, Subpart ZZZZ compliance/applicability Table as it relates to 60 Subpart IIII". It identifies the compliance method by major or area source, then by existing or new, and by size as applicable in this MACT.
6. Facility Section terms
   This is a set of terms that can be used in the Facility Section of a permit, identified again by major or area source, then by existing or new, and by size as applicable in this MACT. This

file will be revised for multiple units, an "(s)" needs to be added to the "emission unit" to make it plural, where applicable.

7. There is a short description of the compliance date for new and existing units (compliance for existing sources is not till 5/3/13) and identifies the date of "construction" for an existing and new source.
8. Subpart ZZZZ Template Permits
   This is the same table as that linked in the NSPS above. The MACT and NSPS work together and the MACT permit templates (50 thru 71) are listed above the NSPS templates (1 thru 47). The terms for any control device (catalyst only option w/o Administrator approval) &/or any CEM/CMS (template #70) for monitoring CO or temperature/other parameters has not yet been drafted. The NSPS IBR will need to be drafted first.

   Please send any comments to cheryl.suttman@epa.state.oh.us

   Note: The MACT segregates ICE by "brake horse power" in the body of the rule and by "horse power" in the Tables to the same rule. The NSPS uses "horse power" in both the body of the rule and its Tables. The difference is the fiction loss etc. in its application. This "problem" was submitted to the U.S. MACT contact, but it does not appear it will be addressed or changed. It was the only question she did not really answer and appears to be intentionally written this way (?).

   Note 2: New Library terms (and maybe the entire Library ?) will soon be sent out to Paul Braun's list of "Interested Parties" for a 30-day public comment period. This will provide an excellent review of the terms in the T&C Library, and by the facility experts that they apply to. This might be a good way to catch amendments to U.S. or OAC rules and any mistakes or misinterpretations (hope not) they might contain. This was not mentioned in the P7E meeting, but should have been.

HOV and Alternative Timeline Guidance for Landfills - Bob Hodanbosi has submitted significant comments on the HOV and Alternative Timeline guidance documents for landfills. So HOV requests are still on hold at this time.

7 **Engineering Guide update-**

Ben Cirker is putting together a new engineering guide to explain the use of emission unit ID designations. He should have a draft ready by the next P&E meeting for distribution and comments.

EG 74 – Feds are still on target for promulgation of a test method in July. Andrew is going to talk to Mike, talk NSR guidance and pull it into a comprehensive guidance that includes limits, testing, etc.

EG 25 – This has been finalized and going through Tom and Bob for issuance hopefully by the end of the week.

EG 26 – No comments were received.

EG 24 – RAPCA working on, hope to have something to share next meeting.

8 **General Permits** –

Aggregate General Permit – During the last meeting, Todd Scarborough asked if we could have guidance on when a new PTIO is needed when the company replaces a component, as this is one of the most common problems at these aggregate plants. Adam Ward e-mailed

Cheryl and Mike with some questions on this issue. Draft terms will be going out for comment internally for people that inspect these facilities.

9 **New Items** – In the last meeting, Jim Braun discussed starting a workgroup to put together a Title V training manual to be used throughout the state. He e-mailed Cleveland's manual and SEDO's manual on 7/25/10 and asked for volunteers to help put together a comprehensive state-wide manual. Mike Ahern has created Answer Place 2278 as a repository for the training material for this project.

P&E Minutes are available in Answer Place Topic ID 2140.

----------Next meeting is Tuesday September 14.

September 14, 2010

Lazarus Government Center
Ohio EPA
7th Floor DAPC conference room

Attendees: Co-Chairs – Jim Orlemann (CO), Jim Braun (Cleveland)
Minutes – Jenny Avellana (CO)
- Mike Hopkins, Ben Cirker, Cheryl Suttman, Mike Ahern, Andrew Hall (CO), Rick Carleski (OCAPP/CO), Kelly Toth, John McGreevy, Todd Scarborough (CDO), Duane LaClair (Akron), Mark Budge (NWDO), Tim Fischer (NEDO), Terri Dzienis, Carl Safreed (Canton), Jeff Canan, Chris Clinefelter (RAPCA), Alberta Mellon, Mike Ploetz (HAMCO), Anne Chamberlin (Portsmouth), Sarah Harter (SEDO), Dan Pittman, Brad Faggionato (TDES)

5. **Enforcement issues -** Jim Orlemann

Jim handed out graphs to update where we are in terms of making enforcement goals. The first graph shows total cases resolved versus the goal of 80 for the year. The total number of cases resolved so far this year is 57. July and August were very active months for enforcement. There were 23 resolutions over the past two months, which is very good. Of the 57 resolved cases, the second graph shows that 45 of the cases have been resolved with Findings and Orders (F&Os). The goal was to resolve 40 cases with F&Os for the year. We'll probably be well into the 50s or over 60 by the end of the year. Table 1 of Jim's handout includes civil penalties assessed. Omnisource was a pretty large civil penalty, it was actually one set of orders used to resolve three cases from NWDO. The violations were fugitive dust violations and not implementing RACM sufficiently, causing nuisances. We have surpassed $1 million for administrative penalties assessed this year. This is the 8th or 9th year in a row we've surpassed $1 million.The third graph shows the number of old cases on the EC Docket. We have four months to resolve 18 old cases. Almost all of them are out of negotiation. We are working on enforcement documents for the director's approval for a few of them. A couple of these old cases involve large civil penalties, so they may be difficult to resolve by the end of the year. At the end of last year, we had 10 old cases remaining on the EC Docket. We want to do better than that this year. Finally, Jim's handout includes a report from CETA that shows where the field offices stand as far as meeting inspection commitments by the end of the federal fiscal year (September 30, 2010). Jim said the field offices are actively completing inspections and getting things added into CETA. A question was raised about how long after the end of the quarter do we have to get information into CETA. Jim responded that we send them to U.S. EPA by the end of the month (September 30). We give them the numbers we have at the end of the month with the knowledge that field offices are still entering information into CETA.

Jim also handed out a table of pending AGO cases. He wanted to mention that Rob James has left and they have not replaced him yet.

Revised EAR Form – The form was finalized and distributed on 8/3/2010. There was a question about where to place the summary table – should it be in the middle of the form or the front? Jim thinks it fits better right after the signature page, but you can put it on the front if you like it better there.

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Fire Department Open Burning Question – HAMCO submitted a question concerning the open burning rules that is attached to the P&E Meeting final agenda. In summary, HAMCO got a complaint from a firefighter that the captain wasn't following the NFPA 1403 guidelines referenced in the open burning rules. HAMCO wanted to know if we would be expected to determine compliance with all the requirements in the NFPA guideline. Marc Glasgow is working with Dan Sowry on guidance for training burns, so he came to answer the question. Marc's recommendation is to go through the guidelines and if there are certain portions in which we have expertise and that prevent a threat to air quality, then we can reference these specific guidelines in the open burning approval letter. We have the authority to approve open burning with conditions.

6. **New Source Review** – Mike Hopkins

We were able to get some of the aggregate general permits out for 30 day comment period. These include the Aggregate Processing Plant General Permit (without a baghouse and wet scrubber), Portable Aggregate Processing Plant General Permit (without a baghouse and wet scrubber) and Mineral Processing General Permit and can be found on the agency's General Permit webpage at http://www.epa.ohio.gov/dapc/genpermit/genpermits.aspx.

"Late" Permit Reason Analysis – Mike handed out some tables and graphs showing the results of the "Late" Permit Reason Analysis. This project was to look at installation permits and get a sense of why old permits were on long term hold (old means greater than 365 days old). Our permitting intern contacted permit writers and asked them to provide a reason why these permits were on hold. The first table shows the common reasons why permits are on hold. There are 40 permits in the top 4 categories on this table. We want to identify ways of solving these common issues. Mike and Andrew will talk about what we want to do to solve these issues. For low priority permits, we might have central office permitting staff work on these. The "Air Installation Permit World Load Trends" chart shows our current workload and our goal. Currently we have about 240 permits and we need to be under 200 by the end of the year. The "Air Pollution Control Installation Permit Workload" chart shows in-process permits by field office.

The final chart, "Installation Permit Completeness Reviews" shows the percent of applications meeting the 14-day completeness review requirement by field office. Lately these numbers are dropping, and it might be due to how field offices are using the completeness review in Stars2. Not everyone is performing this workflow task the same way. Some people enter bogus data to get through the validation checks so the application can be submitted and the 14-day task can be completed, while others wait for the correct necessary information so the clock keeps ticking beyond the 14 day mark. There were several different variations.

One specific example was given for **hardcopy** applications:

Instead of just returning an incomplete hardcopy application back to the facility, some DO/LAAs have been speeding-up the overall process by working with the facility to obtain enough information in order to enter and validate a complete application in STARS2. The "application-received" date *as entered into STARS2* would then be set as the date when enough information was available to validate the application. This same new date would also be ink-stamped on the original application. This makes sense, because only then can the application be "submitted" in STARS2, which then creates the workflow and assigns the permit number. At that point, the permit writer can immediately mark the preliminary review task as "complete," so meeting the 14-day requirement is no problem.

For applications submitted **online**:

The assigned permit-writer will receive the "preliminary review" task in his or her To Do List. Compliance with the 14-day requirement simply requires the self-discipline of regularly

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checking the To Do List, and then understanding that the preliminary review task must be given high priority because the clock is running. Currently there is no way in STARS2 to stop the clock for this task; i.e., it cannot be referred while you await additional information. Central Office recognizes this wide variation and plans to develop a procedure for what steps each office should be following to make it consistent.

PTE Guidance update – Mike Hopkins reviewed and commented and Adam Ward was working on reviewing Mike's comments. The document should be redistributed for further comment.

Mike also mentioned asbestos training at the end of the month. Tom Buchan is putting the training together.

The GACT guidance was issued final. We had a few comments from industry and we may end up tweaking to clarify some things in the guidance. Contact Brittany Smith with any comments on the guidance. Jim Orlemann sent Brittany and Paul some comments on the guidance, mainly the issue where the guidance says we cannot enforce GACT even if it is in the permit. We have an enforcement case right now for a facility not complying with a GACT in the permit.

SEDO Portables Question – SEDO has over 60% of their FEPTIOS as portable sources; there are so many that scheduling inspections of these facilities is a problem. Engineering Guide 44 states that the field office that has jurisdiction over the area where the facility is should be doing the inspections. Sarah Harter handed out a table that shows each of these facilities and the field office that should be doing these inspections. Sarah also went over a summary of procedures for these inspections that her office has recommended. She would like comments on their recommended procedure. The question was raised as to whether we want to do things differently than EG 44 recommends or is there some flexibility when interpreting the guide? Such as adding a travel distance component to EG 44. Mike Hopkins and Jim Orlemann will talk to Bob, but Mike says we can go with a "case by case" approach at this point to determine which facilities should be inspected by different field offices.

SEDO Modeling Question – SEDO would like to know if the central office modeler can fill out a standardized form when the permit modeling review is complete, and then upload this form into Stars2. SEDO will show their form to Sarah VanderWielen to see if she is willing to fill it out and upload when she completes her modeling review.

Canton BAT Question – The current PTI/PTIO Application Form and Instructions are not up to date with the most recent BAT guidance. Mike Hopkins will assign to somebody to update these forms and have Erica post the newly updated forms.

3 **STARS2 and permit issuance update –** Mike Ahern

Mike first mentioned that Loretta Foster (from the Permit Issuance Unit) will be out for a while, and Erica is doing Loretta's tasks as well as her own, so it might take her a while to respond if you need assistance.

Mike has gone through all Title V-related webpages and put the information into one document and reorganized by topic. The purpose is to update old language (i.e., if they reference Starship). He will probably post this document or pass out for P&E to review before reposting the information on our website.

Erica has been working on the "Help" function in Air Services and Stars2. "Help" was developed by the contractor, so this needs updating from a DAPC standpoint. One of the tasks she is working on is to build field-specific help topics for the facility profile. She is going through each field and inputting directions and examples. Mike will pass this information out for comment.

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Title V Training Workgroup - Answer Place has all information related to the Title V Training Workgroup at Topic ID 2278. Recorded sessions will be available. If you want to be notified of progress on this topic (or any AP topic), click on "notify me by email" and you will get email updates about the topic.

Safaa El-Oraby will be contacting every Title V facility to get a sense of the effects of the Title V emissions reporting and facility profile as part of their data submittals. She will go through the facility profile with the facility contact to tighten up facility profiles and make sure the company has a good idea of how Air Services works. Safaa will be contacting the person from the field office that is assigned to each facility in Stars2 to see if you want to be involved in communications with the company.

File Review Work Group – Rich Bouder has returned from leave and we don't have an update on the agency's position on this guidance. Jim Braun pointed out that he doesn't think the document has been finalized. Mike will make a note to finalize the document.

4 **New Rules and SIP update –**

Greenhouse Gas (GHG) Tailoring Rule – Mike Ahern talked about the Initial Interested Party comments – we have many comments asking us not to move forward with incorporating the federal rules into our rules. This has gotten the attention of the Governor's office. We extended the comment period to give us time to look at what our options are. We are still not sure if we will go forward with making changes to our rules. We are looking at options for enforcing the federal rules without making changes to our rules.

Mike Hopkins talked about figuring BACT for GHGs by January 2. BACT seems that it is going to be efficiency related. US EPA has been developing white papers for industry. US EPA headquarters is training the regions on developing BACT for GHGs. We will have Region 5 staff come to our December training to describe what they have learned from headquarters. We do currently have some projects in the works that are trying to beat the January 2 deadline. Some are going to have to meet BACT for GHGs. Any of this could change based on court actions.

5 **Terms and Conditions -** Cheryl Suttman

The NESHAP for stationary reciprocating internal combustion engines (RICE) has been amended 3 times since March 2010. The amendment of 3/3/10 added extensive requirements for existing stationary RICE, both compression and spark ignition engines. The amendments of 8/20/10 incorporated many changes (e.g. no stack testing) to the requirements for emergency and black-start (used to start combustion turbines) engines and corrected many inconsistencies and/or discrepancies between the text and the Tables. However, there are still a few discrepancies left (e.g. in amendments in 63.6625(b)(4) for CPMS it requires a 3-hour block average, but Table 6 requires a rolling 4-hr. temperature average). This is a summation of the requirements for compression ignition RICE in Part 63 Subpart ZZZZ and the NSPS, Subpart IIII for compression ignition ICE:

An existing RICE > 500 bHP at a Major source for HAPs was constructed/reconstructed (installed) before 12/19/02; a new RICE was installed on and after this date.
An existing RICE ≤ 500 bHP at a Major or Area source for HAPs was installed before 6/12/06; a new RICE was installed on and after this date.The effective date for the existing RICE that became subject to these new requirements with the 3/3/10 amendments is 5/3/13. The initial stack test must be completed by 11/3/13 (180 days).

The requirements of the NESHAP can be summarized as follows.

Please note: This document is intended for internal DAPC use only and may not reflect Agency policy or position regarding any materials accessed via this document.

Maintenance requirements: oil change and inspections
Existing Emergency and Black Start RICE at a Major and Area source
Existing at a Major source <100 HP
Existing at an Area source ≤ 300 HP

Limit concentration of CO
Existing at a Major source ≥100 HP & ≤ 300 HP: 230 ppmvd CO at 15% O_2 w/ initial performance test

Reduce CO by 70% OR Limit concentration of CO
Existing at a Major source > 300 HP & ≤ 500 HP: 49 ppmvd CO at 15% O_2 w/ initial performance test
Existing at an Area source > 300 HP & ≤ 500 HP: 49 ppmvd CO at 15% O_2 w/ initial performance test

Reduce CO by 70% OR Limit concentration of CO & CPMS† for catalyst inlet temp. (rolling 4-hr avg.) and monthly monitoring of pressure drop across catalyst OR CEMS for CO and O2 or CO_2
Existing at a Major source > 500 HP: 23 ppmvd CO at 15% O_2 w/ performance test every 8760 hrs or 3 yrs*
Existing at an Area source > 500 HP: 23 ppmvd CO at 15% O_2 performance test every 8760 hrs or 3 yrs *

Existing Limited Use at an Area source > 500 HP performance test every 8760 hrs or 5 yrs * (existing major source exempt) otherwise limited use follows same requirements as categories above for existing area sources.

Reduce CO by 70% OR Limit concentration of HCHO & CPMS† for catalyst inlet temp. (rolling 4-hr avg.) and monthly monitoring of pressure drop across catalyst OR CEMS for CO and O2 or CO_2
New or Reconstructed at a Major source > 500 HP: 580 ppbvd HCHO at 15% O_2 w/ semiannual testing**

Exempt from ZZZZ
Existing Emergency RICE at a Major source > 500 HP
Existing Limited Use RICE at a Major source > 500 HP
Existing residential, commercial, or institutional Emergency RICE at an Area source

Exempt from ZZZZ except for initial notification
New or Reconstructed Emergency & Limited Use at a Major source > 500 bHP

Compliance is demonstrated through compliance w/ NSPS
New or Reconstructed at Area source
New or Reconstructed at Major source ≤ 500 bHP
New or Reconstructed Emergency, Black Start, and Limited Use at Major source ≤ 500 bHP

* whichever comes first
** following 2 consecutive compliant tests may reduce frequency of subsequent performance tests to annually
† must maintain the temperature of RICE exhaust so that the catalyst inlet temperature is ≥ 450 F and ≤ 1350 F; and the pressure drop across the catalyst must not change by more than

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2" of H2O at 100% load +/- 10% from the pressure drop measured across the catalyst during the initial performance test.

Part 60 Subpart IIII for Compression Ignition (CI) Internal Combustion Engines (ICE) - Applicability Date: Manufactured after 4/1/06 (or 7/1/06 fire pump) and ordered after 7/11/05
< 30 Liters/cylinder: 2007 and later model year engines: compliance is demonstrated by purchasing the engine certified by the manufacturer and maintaining the ICE according to the manufacturer's operating instructions

Pre-2007 model year: compliance is demonstrated by purchasing the engine certified by the manufacturer and maintaining the CI ICE according to the manufacturer's operating instructions OR
may demonstrate compliance according to 60.4211(b): keep records of performance test data for a similar engine or records of control device or manufacturing data demonstrating compliance OR conduct an initial performance test.

≥ 30 Liters/cylinder:

Must conduct annual performance tests according to the requirements of 60.4213; if an emergency engine, must conduct an initial performance test

Note: A new RICE >500 bHP would be subject to both the NESHAP and NSPS if manufactured and ordered on/after the NSPS applicable source dates.

The Incorporation by Reference (IBR) files for each category/size CI RICE has been added to the Library through a link to the Subpart IIII Table (2nd column). However a complete update for the 8/20/10 amendments has not been completed.

1. Removal of the testing requirements from the emergency and black-start RICE has been completed.
2. The applicable Table level numbers have changed in the amendment and have NOT been corrected. The correct Table level numbers, however, have been corrected in the "link" Subpart IIII permit template Table and the terms can be corrected by searching for "table" and changing the level #s to match.
3. The parameter monitoring (CPMS) and CO CEMs requirements have not been drafted yet, but the Table 5 and 6 compliance requirements have been copied and pasted into permit template #70, which will provide a start until Library terms have been drafted from them. These continuous monitoring requirements would go in the testing section and added under the stack testing requirements for CO or formaldehyde (HCHO limit for new CI >500 bHP).

The Miscellaneous Metal Coating GP is in need of repairs; it is missing the Chapter 17 overspray rule (17-11(C)) and the GACT (Subpart HHHHHH) and needs better records for recovered solvents used for emission credits.

The GP for Compression Ignition RICE < 1,100 HP, drafted for the Aggregate industry but available to all, will be completed soon, along with the update to the Library templates, both needing revisions for the 8/20/10 amendments.

The Aggregate GPs (3, portable and non-portable Aggregate processing and Mineral extraction) were public noticed between 9/3 and 9/6 in different newspapers. The comment period ends on 10/6.

10 **Engineering Guide update-**

Ben Cirker drafted a memo (might not be a new engineering guide) to explain the use of emission unit ID designations. He wants everyone to take a look at the memo and provide comments before the next meeting, by the end of October.

EG 25 – Final issued July 9, 2010.

EG 34 - RAPCA and Erica still working on.

EG 37 – Final issued August 11, 2010.

EG 74 – Andrew got an email from US EPA saying that they still have not finalized Method 201A/202. It will probably be at least 2 months before the package is signed.

SEDO is working on an engineering guide for non road engines.

11 **General Permits** –

Crematory General Permit – Sarah did modeling of the data submitted and provided the information to Jim. Even at the average stack height (24 ft), modeling still not passing for Hg, depending on amount in cremation (> 5.5 grams Hg/cremation, where range is 1-12 grams Hg/cremation). Stack height and air flow rate are the biggest factors in modeling. We need to figure out what we need to require for the stack height and other parameters to pass Hg modeling. Also manufacturers might be concerned about the primary and secondary burner temperature. We will need to define all of these factors that we want to put in the GP. We will have to make conservative and defendable assumptions.

Tub Grinders GP – CDO says they will have to write many different scenarios for BAT, to be consistent with most recent guidance, and they are still waiting to see if they should move forward with this approach or put this GP on hold.

12 **Training** – Training for reviewing stack test reports is scheduled for November 12. This is subject to change based on the fact that November 11 is a state holiday, and many people might be less likely to attend the training on November 12.

13 **New Items –** Central office will be posting an ES3 Stack Test Expert position soon.

Mike Ahern did a pull of facilities in Stars2 without latitude/longitude coordinates and will be entering this data so we can map facilities. Field offices might be getting a call for help identifying the locations of some of these facilities.

P&E Minutes are available in Answer Place Topic ID 2140.

----------Next meeting is Tuesday, November 9.

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November 9, 2010

Permitting & Enforcement Committee Meeting – November 9, 2010

Lazarus Government Center
Ohio EPA
7th Floor DAPC conference room

Attendees: Co-Chairs – Jim Orlemann (CO), Jim Braun (Cleveland)
Minutes – Jenny Avellana (CO)
- Mike Hopkins, Mike Ahern (CO), John McGreevy, Todd Scarborough, Olen Ackman (CDO), Duane LaClair, Laura Miracle (Akron), Mark Budge (NWDO), Misty Koletich (NEDO), Terri Dzienis, Carl Safreed (Canton), Paul Tedtman (HAMCO), Sarah Harter (SEDO), Jeff Canan, Chris Clinefelter (RAPCA), Anne Chamberlin (Portsmouth), Babak Firoozi, Dan Pittman (TDES)

1. **Enforcement issues -** Jim Orlemann

Jim handed out graphs to update where we are in terms of making enforcement goals. We are getting near the end of the year, and September and October were a little slow in resolving cases. This means we'll be pressed to meet goals this month and next month.

The first graph shows total cases resolved versus the goal of 80 for the year. We have a total of 65 cases resolved so far, and we have over 15 old cases to resolve so we should be able to meet this goal.

The next table shows the actual enforcement cases that were resolved during September and October, the type of settlement (F&Os, Unilateral F&Os), civil penalty, and field office and central office staff assigned to the case.

The next page (2nd graph) shows that of the 65 resolved cases, 53 of the cases have been resolved with Findings and Orders (F&Os). The goal was to resolve 40 cases with F&Os for the year.

The next page shows the new cases coming in. We have 98 pending cases. 57-58 are at the AGO. We have about 152 total enforcement cases we are working on right now. Last year we ended the year with a total of 85 cases on the EC docket. With the work that we did in September and October, we are left with 17 old cases to resolve by the end of the year (as seen on the 5th page of Jim's handout). Almost all of these are out and being worked on/being negotiated. Nine cases are in the Director's office waiting for his signature, three other cases are going to him shortly.

The next page (page 6 of Jim's handout) shows the pending Air Enforcement Committee cases. These are the remaining "old" cases (EAR date earlier than 7/1/2009). Four or five of these cases are going to be referred or dismissed. There is one area source MACT/GACT case, Ellwood Engineered Castings Co.

The next page (page 7) shows a graph of compliance percentage for HPFs. We want this to be at 93% or above. We were at 89.1% at the end of the third quarter. At the end of October we were at 88.6%. There is also a significant amount of updating that needs to be done in CETA, so this percentage is probably a little higher.

The next page (page 9) shows the percentage of EARs submitted within the Statute of Limitations (SOL) time frame (18 months). We got about 30 EARs from the field offices and all were submitted within the SOL timeframe, with the majority of them submitted within a year.

Finally, Jim's handout includes a report from CETA that shows the final status of inspection commitments to U.S. EPA for Title V facilities and synthetic minor facilities for the

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federal fiscal year (FFY). We were at 97.6% for the FFY. We are supposed to do 100%, but Jim doesn't expect to get any complaints from U.S. EPA.

We are still waiting for the Shelly court of Appeals decision. We are expecting this any day now. We have a few ERAC hearings that are getting close and a few trials. ERAC decisions could be getting held up because 1 member of ERAC has retired and they have a new person that has started.

Since DeWine was elected as AG, it is possible that there will be changes with the top management at the AGO.

During the next couple of months, we don't have a goal for penalties assessed but we are well over $1 million now for civil penalties, and we could be at $1.4-1.5 million by the end of the calendar year. For the last ten years, every year we have assessed over $1 million in civil penalties.

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

We are trying to get through permits that need issued to avoid the GHG tailoring rule. They needed to be issued draft by mid-November in order to meet the deadline. The permits that need to be issued by January 2 are: Timken (2 permits which are essentially one project), Air Products in Cincinnati, DP&L, Nucor Steel, Campbell's Soup, Defiance Casting, V&M Steel (could be just an admin mod), and Severstal (actually has a January 15 deadline, they are avoiding NSR so this permit doesn't have to be issued by January 2). We have identified some permits as not being able to meet the deadline, and they will have to address BACT for GHGs. U.S. EPA came out with guidance (after the P&E meeting) on how to address BACT for GHGs. We have had discussions at the Director's level and Governor's level about the tailoring rule and whether we want to move forward with it (our state version has been issued draft and comment period has closed). Industry has been involved in these discussions. Some parties think we should move forward with the rule and some not. Right now, we don't have enough time to move forward with the rule to meet the January 2 deadline. There will definitely be a time when we don't have a rule in place and we'll have to go off of policy or guidance for that. Our legal interpretation says we have authority to regulate GHGs under our existing rule anyhow, if we interpret our rule to use the federal tailoring rule significance levels. We will have to wait and see what the new administration wants to do with adopting/not adopting the GHG tailoring rule. Mike VanMatre did a pull of all PSD applications in the system. Three or four were marked as PSD. Some may or may not be PSD, and there might be some applications where it wasn't marked PSD but needs to be. We are planning to spend time on GHG BACT and permitting at the December staff meeting. Representatives from U.S. EPA will give us an update on this.

Right now we have 230 installation permits and we need to get this number down to 200 by the end of the year. We were at 250, so it is going down.

Interviews are still being conducted for a couple of positions. We don't know when the new administration will implement a hiring freeze, but it will likely happen.

ERAC Air Toxics Appeal update – last week Paul Koval was on the stand for at least two days for the Sierra Club appeal of our Air Toxics rule. This appeal consumed a week's

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worth of time for a number of people. Next summer is probably the earliest they will make a decision.

From the last P&E meeting, there was a discussion about the percentage of applications meeting the 14-day completeness review requirement by field office. The numbers were dropping because of inconsistency in how field offices are using the completeness review in Stars2. Mike has assigned Mike Mansour and Lynne Martz to put together some guidance for consistency on how these reviews are done.

PTE Guidance update – Mike Hopkins and Adam Ward talked a few weeks ago and Adam made changes to the guidance based on this discussion. Mike will look at the updated guidance in a couple of weeks and send that out for additional comments.

Question from RAPCA – there are three permits at RAPCA that require testing for asphalt shingles. Other asphalt plants around the state do not have this testing requirement in their permits. Can we get some guidance on if we need to require testing or not? We might have enough data that we don't need to require shingle testing. Mike Hopkins said he will talk to Lynne Martz about this to come up with some guidance.

3 **STARS2 and permit issuance update –** Mike Ahern

Mike had a request to take the pdf version of the RACM document and make it text searchable. It is now on our website in the "files to download" area in a text searchable format. Anyone can search this document now for RACM. Mike is also posting the Basic NSR Training Manual in the Answer Place as a text searchable document.

Erica continues to work on the "Help" function in Air Services and Stars2. If you have any suggestions to improve the "Help" feature, send suggestions to Erica or Linda Lazich. Erica is currently working on the facility egress help, and this will eventually go into the Air Services and Stars2 help page, but it is now available as an Answer Place topic. Type "egress" in search to find.

Mike again mentioned how Safaa El-Oraby will be contacting every Title V facility to get a sense of the effects of the Title V emissions reporting and facility profile as part of their data submittals. She will go through the facility profile with the facility contact to tighten up facility profiles and make sure the company has a good idea of how Air Services works. Safaa will be contacting the person from the field office that is assigned to each facility in Stars2 to see if you want to be involved in communications with the company.

File Review Work Group – Mike wanted to finalize the document but additional comments have been submitted. These comments are related to how to involve Legal. Mike talked to Legal and Rich Bouder, and they want a more structured approach to tracking the file review requests and documenting Legal's involvement. Mike is looking at potential ways to set up a centralized system for tracking and documenting public records requests.

Title V Training Workgroup – The workgroup continues to meet and work on the Title V Training Manual. The document has been updated. Answer Place has all information related to the Title V Training Workgroup at Topic ID 2278.

A question was asked about the Stars2 keyword search and the permit search on the web. When you do a keyword search, the results are organized by "last modified date." What does this mean? Mike said that Akia Smith has been going into the Stars directory and replacing the old migration documents with pdf documents, and this is turning up as the "last modified date". Would it be possible to adding an "issuance date" feature so you can search by issuance date instead of "last modified" date? Mike said he would look into this and send an email update to add to the P&E minutes. The following is the email that Mike sent to me to add into the P&E minutes:

"The following item is in Mantis to be worked on. We had discussed the search functionality at the P&E:

The current keyword search functionality limits search results to 100 records in the interactive mode. Additionally, compound searches cannot be performed and search results cannot be filtered (e.g., search only permits with facility ids starting with "1318" and including the search term "21-09(U)"). Capability exists to perform these more complex searches using sql and has proven more useful than the initial reason for trying to search in this fashion. We would like to provide this type of compound search capability to STARS2 users (and to reduce the requests for individual compound searches). If possible, it would be good to be able to leverage the ability to search on various aspects of facility profile attributes, permit record attributes and multiple search phrases in an "and/or" fashion to obtain a list of permits. Currently the search functionality results to PDF/excel or Word. Maybe we can look to incorporate the keyword search functionality into the existing Apex report that is public facing (since it has the other search criteria already built - or replicate that functionality in some fashion in STARS2. One field that is not part of the current Apex search criteria is the SCC - this field in particular has been key in several keyword searches so far and needs to be included somehow."

4 **New Rules and SIP update –**

OAC rules 3745-14-01 and -14-06 were adopted on October 8 and effective on October 18. These are the NOx SIP call sunset rules. We adopted new language that says if your facility is subject to CAIR rules, you no longer have to be subject to the NOx SIP call. This makes the NOx SIP call no longer applicable anywhere. The CAIR rules will eventually be replaced by the transport rules.

OAC rule 3745-21-25 – VOC RACT for composites industry – changes to this rule were adopted and effective November 1. These are primarily recordkeeping and reporting changes to make the rule more approvable for U.S. EPA.

We submitted a 110(L) letter to U.S. EPA for OAC rule 3745-21-07 that states we can make changes to this rule without causing backsliding. U.S. EPA will look at this demonstration to determine if the rule can be approved as part of the SIP.

OAC rule 3745-25-02 – ambient air quality – this rule is going to be effective on 12/27.

We have recently submitted the second round lead designations draft, for a new monitoring date through June of this year and new monitoring locations. U.S. EPA still needs to comment on round one. This information is posted on our website.

The Phase 3 VOC RACT rules are on hold. Last month we sent an information request to companies that have the 3 gal/day exemption, and some companies are still working on submitting this data. This is an issue because the new CTG for misc. metal parts coating that we are trying to address in the VOC RACT does not have a gal/day exemption. There is only a facility wide exemption. Many people use these exemption levels and this could be a major impact if we don't include exemptions in the new rule (if we followed the CTG). We may need to develop a technical support document to put exemptions in the rule. It might be necessary to pull 21-09(U) out of the Phase 3 package in order to address this issue and keep the rest of Phase 3 moving along in the process.

5 **Terms and Conditions -** Mike Hopkins (Cheryl was not in attendance)

Aggregate General Permit – we had a meeting this week with the people that were working on these GPs. It could be as early as a couple of weeks to send these out final.

The ICE GPs were sent out for comment. The comment period ends at the end of the month. Send any comments to Cheryl.

Higher Operating Value (HOV) issues for landfills – Cheryl is working with DSIWM on guidance for addressing HOV requests under the NSPS for landfills. The guidance will be for field offices to review these requests and make recommendations for Mike Hopkins' approval. If it is a more complicated review, a group will review and make a recommendation. This guidance needs maybe one more round of review, and it is not too far off of what Bob H. and DSIWM want. For years we have been getting these HOV requests and not doing anything with them.

6 **Engineering Guide update-**

SEDO is working on an engineering guide for non road engines.

There are plans to do training on EG 44, which will probably be in Columbus. Erica Engel-Ishida is coordinating this.

Emission unit ID designations guide – some comments have been submitted. Looks like it will be a memo and not an EG. Why not an EG?

7 **General Permits** –

Crematory General Permit – no update from last meeting: we need to figure out what we need to require for the stack height and other parameters to pass Hg modeling. Also manufacturers might be concerned about the primary and secondary burner temperature. We will need to define all of these factors that we want to put in the GP. We will have to make conservative and defendable assumptions.

Tub Grinders GP – no update since last meeting: CDO says they will have to write many different scenarios for BAT, to be consistent with most recent guidance, and they are still waiting to see if they should move forward with this approach or put this GP on hold.

A new GP for Anaerobic Digesters is in the works.

Is there a need for a shingle grinders GP or PBR?

8 **Training** – Training for reviewing stack test reports has been rescheduled for early April.

9 **New Items –** According to the July 2 guidance for BAT, there is language that should be added to permits for sources that are less than 10 tpy. Is this language necessary? It confuses companies. Mike will look into.

P&E Minutes are available in Answer Place Topic ID 2140.

----------Next meeting is Tuesday, January 11.

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January 11, 2011

Permitting & Enforcement Committee Meeting – January 11, 2011

Lazarus Government Center
Ohio EPA
7th Floor DAPC conference room

Attendees: Co-Chairs – Jim Braun (Cleveland), TBA
Minutes – Jenny Avellana (CO)
- Mike Hopkins, Andrew Hall, Mike Ahern, Ben Cirker, Cheryl Suttman, Tom Kalman, John Paulian (CO), Rick Carleski (CO- OCAPP), Kelly Toth, Todd Scarborough (CDO), Duane LaClair, Laura Miracle (Akron), Misty Koletich (NEDO), Terri Dzienis, Carl Safreed (Canton), Sarah Harter (SEDO), Jeff Canan, Chris Clinefelter (RAPCA), Anne Chamberlin (Portsmouth)

3. **Enforcement issues –** John Paulian/Tom Kalman

Jim usually passes out charts detailing enforcement updates but these have only been updated as far as October 2010. We did wrap up the year with a couple of resolved cases; Carmeuse Lime and Howden North America. We were unable to finish the MGQ and Nucor Steel cases out of NWDO. Tom believes we did meet goal of 80 total cases resolved for the year.

We were unable to meet the goal for resolving all old cases (18 months or older). Ten or so cases were not finished but are in various stages of completion.

The compliance percentage for HPFs is at 95%. The goal is 93%. Combining HPFs and non HPFs we are at 89% compliance percentage.

The compliance evaluations are coming along pretty well already this year. One third of Title V facilities have already been inspected.

We won all major issues in the Shelly appeal. The big issues were how PTE was calculated (using operating hours at 8760 hrs/yr) and the ongoing period of noncompliance (stack test shows noncompliance- we believe they are not considered to be in compliance with permit until they demonstrate they are in compliance). For the period of noncompliance issue, this could have affected many enforcement cases. See the attached Court of Appeals Decision for further details.

Update on Jim O's position – Bob is waiting until new administration comes in and will figure out budget situation. Tom Kalman is unofficially acting as Jim's replacement.

4. **New Source Review** – Mike Hopkins

Mike handed out a chart and went over our Air Installation Permit Work Load Trends. We were asked to achieve a goal of no more than 200 permits in the system being worked on by January 1, 2011. We met this goal. We haven't seen a number this low since probably the mid 1980s. In 1997 we had 640 permits statewide. Thanks to the field offices for all the hard work to get this number so low. This seems to be the number we need to be at in order to get permits issued within 180 days.

Most offices are at the point where they are working on a permit application within 30 days of receiving the application. We recently put some statistics together and the average time offices are getting permits issued is within 120 days. When you look in the system, about half of the 200 permits on the backlog are over 180 days old. That is one of the areas we expect to be working on in the next year. We need to identify ways to get these processed.

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Bob and Mike will be presenting this permit processing information to the new director. There is always room for improvement. We will be looking at putting together more general permits and updating PBRs, and other ways to improve permit processing efficiency.

The new director hasn't given us permission to sign permits for him, so in theory he will have to sign permits individually. This approach is consistent with how most new directors begin, and then they decide to use the stamp after they've seen a few permits. We also have a new Director of Legal Affairs, Brian Cook, and a new Deputy Director of Communications, Chris Abbruzzese. Drew Bergman was Deputy Director of Legal Affairs, he is now in Bryan Zima's old position in Legal as the contact for DAPC.

Emergency rules for GHGs were signed on January 6 and are effective for 90 days. We drafted permanent rules last fall and we are trying to get them finalized. Some industry wanted us to go forward with these rules and some did not. Industry groups met with the old governor's office and eventually they wrote their own version of the Tailoring Rule and convinced Governor Strickland to go forward and sign these as emergency rules. These emergency rules are effective and affect PSD and Title V permits. As of right now we are regulating GHGs at the Tailoring Rule thresholds.

Mike Ahern will be sending an email to Stars2 users about the developments associated with GHG rules and application elements. We proposed the regular rule package on January 3. The major differences between the emergency rule package and the regular rule package are: The regular rules integrate the Tailoring Rule thresholds into OAC Chapters 31 and 77. The emergency rules are in a separate rule, OAC rule 3745-31-34 and OAC rule 3745-77-11, in case action happens on the federal level, the same changes will apply in Ohio. The emergency rules do not say anything about Title V facilities that will be subject to Title V for GHGs as of July 1, 2011. The second part of the emergency rule gives an option for Title V facilities to FEPTIO out. It was noted that the GHG reporting is a federal requirement only and not part of Title V. It was also noted that it is possible to obtain a FEPTIO for GHG emissions and FEPTIOs would be needed by July 2012 to avoid Title V.

There is an Answer Place Topic on GHG issues. There is a link within this Answer Place Topic that goes to US EPA's GHG guidance for permitting. Right now that is our main source for guidance when evaluating applications. There was a question about quantifying GHGs from specific sources. Mike Ahern mentioned that Air Services users can create an application and the system will calculate CO_2e emissions using the Global Warming Potential (GWP) values already in the system. The company will put information in at the emission unit level and they will have to manually sum that to get overall CO_2e emissions from the facility. We can calculate CO_2e emissions from a facility in the same manner if we go into test apps. Mike Ahern sent an email to Air Services Users on 1/6 to inform them that functionality was added to Air Services on 1/7 to assist major sources of GHGs.

A question was asked about what do we do about emissions that will come from a source that does not come from a specific emissions unit that we regulate (e.g., HVAC, small heaters, cars)? Are these trivial activities for GHGs? Mike Ahern mentioned that this was brought up in the regional call and we are waiting on guidance on that. It was suggested that we might need to ask for a separate spread sheet that includes these smaller sources when evaluating the total facility-wide potential to emit for GHGs.

As far as GHG permitting, Mike Hopkins mentioned that a few field offices worked very hard to get permits issued to avoid GHG rules and we met the deadline on those (issued final by January 2).

PTE Guidance – Mike still needs to review the latest changes that were made, it is not ready for redistribution at this time.

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Andrew Hall discussed the issue of whether we should no longer cite the superseded PTI number and issuance date within the permit terms and conditions under the applicable NSR rule (e.g., OAC rule 3745-31-05(A)(3)) in renewal PTIOs since this appears in Stars2. There is an email discussion between Andrew and Jim Braun attached to the meeting agenda. Jim feels it is important to include the PTI number and date in the permit terms and conditions to make it easier to determine why certain BAT limits are being established. The issue was opened up for discussion among the field offices and it was determined that each field office will decide if they want to leave the PTI number and date in the terms and conditions on a case-by-case basis, at least until any complaints of inconsistency on this issue are brought up by the regulated community.

There were more discussions on the issue of consistency within permits. Some folks think that certain permit terms are losing consistency from office to office. This could be a topic for further discussion at future P&E meetings, if anyone has an issue with a particular inconsistency that we do not have guidance on, bring it up and we will discuss it in the meeting.

SEDO has received complaints from industry on the way we implement Engineering Guide 76, the Incorporation by Reference Guide. If all field offices are not following this guide, are the field offices that are following the EG wasting their time. The answer is that everyone should be following what the EG recommends. We will look into this at Central Office to find out how consistently EG 76 is being followed. If it is not being followed by certain offices, we'll compile a list of reasons why it is not being followed, and what if anything about the EG needs to be updated or changed.

Question about Autobody Refinishing – Carl Safreed had a question about Permit by Rule qualifications for Auto Body Refinishing Facilities and whether this conflicts with the requirements of the Area Source MACT for Paint Stripping and Miscellaneous Surface Coating Operations, 40 CFR Part 63 Subpart HHHHHH (see email attached to P&E meeting agenda). Carl discovered that a certain facility applied for the Permit by Rule and possibly did not qualify for the PBR based on the qualifying criteria in the PBR that allow a maximum of two paint spray booths. This facility had two paint spray booths and three "prep stations." If the "prep stations" are considered "spray booths", then the facility does not qualify for the PBR and we have to ask them to submit a PTIO application. Carl has found that these prep stations are not fully enclosed, and thus might not fit the definition of a spray booth. The 6H MACT requires that a prep station have a "full roof." This is the second part to Carl's question. What qualifies as a "full roof"? Rick Carleski stated that OCAPP has asked U.S. EPA for interpretation of many of the 6H MACT requirements, including the 3-walled curtain design for the prep stations that Carl describes in his original email (does the 3-walled curtain design fit U.S. EPA's definition of "full roof"?). Rick says that the issue between the PBR and whether "prep stations" do not count toward qualifying for a PBR may go away if we find that 6H requires all prep stations to be fully enclosed, and thus meeting our definition of a spray booth. He is still awaiting guidance from U.S. EPA on this. Mike Hopkins sent a follow-up email addressing this question, and he said that if the prep stations qualify as de minimis units, then the facility can still get a PBR. If they are not de minimis, then they do not meet the qualifying criteria for a PBR and must apply for a PTIO.

Rick Carleski wanted to inform everyone that OCAPP has sent out a "Self Certification Checklist" for Autobody Refinishing Shops. This is a tool to determine compliance by this industry on an industry-wide level, and talks about the 6H MACT and state requirements under DAPC, DHWM and DSW. Many shops are filling out these checklists and turning them in. If you receive any of these returned checklists send them to Rick immediately, do not review as these are for OCAPP review only.

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3 **STARS2 and permit issuance update –** Mike Ahern

Title V Training Workgroup – The workgroup continues to meet and work on the Title V Training Manual. The document has been updated. Answer Place has all information related to the Title V Training Workgroup at Topic ID 2278.

Companies can now start working on 2010 emission reports. Erica sent an email on 1/11 to Air Services Users with additional information. Mike is creating a new Answer Place topic highlighting the differences for the 2010 reporting year. We will probably have a separate AP topic for each reporting year going forward.

Permit Tracker question – Terri Dzienis emailed Erica Engel-Ishida about incorporating some enhancements to the Stars2 Permit Status report to mirror some information she includes in Canton's current tracking system, so Canton can move from using a separate Excel spreadsheet permit tracker to using Stars2 for permit tracking. Mike Ahern wanted this to be a topic at the P&E meeting so we could discuss what each office needs in order to allow everyone to efficiently track permits using Stars2 (see email attached to P&E agenda). Mike proposed that each office tell us what you are tracking outside of Stars2 in your own system and bring it back to the next meeting to put the same functionality into the Stars2 report to make this a "one stop shop" for permit tracking. Each office should send Mike Ahern an email (by mid February) with a description of your current external tracking system and explain the reasoning behind the functionalities in the tracking system and how it helps your office. We will then decide which enhancements to incorporate into the Stars2 reports.

There was also a question about who do we contact when we want to suggest enhancements to Stars2, and how do we know our request is being considered or processed? We have an Answer Place topic that covers how to submit such requests. To make an enhancement request, login to Answer Place and type "bugs" or "enhancements" to get to this topic (AP Topic ID 1211). Use the "Ask a Question" feature in Answer Place to suggest enhancements. You can attach a file here and that file will get attached in Mantis when we create the Mantis item. Also, still let Linda Luksik know when you have an item for enhancements because she is still managing those, we haven't completely transferred to using the AP topic for enhancements. If you want to suggest enhancements to Help Topics contact Erica Engel-Ishida. Mike Ahern is working on SOPs for these requests, generating responses to them and finding the status of such requests.

When you need to add a new user to Stars2 (AP Topic ID 2262), for local air agencies – send the form to Louwana Tortora in ITS. She creates information and the account and Shawn Nabor gets the information to create a Groupwise account, and Mike Ahern gets an email to add the person to the Stars2 list. There is a link in this AP topic to a list of people that have accounts in Answer Place and Stars2. This list shows the emails lists that each person is signed up for. Mike wants everyone to take a look at this list and tell him who needs to be deleted and who needs to be added.

Mike mentioned that he will be meeting with the folks that run the Answer Place tool to improve the functionality of Answer Place, and include the AP topic numbers back into each AP topic.

Mike again mentioned how Safaa El-Oraby will be contacting every Title V facility to get a sense of the effects of the Title V emissions reporting and facility profile as part of their data submittals. She will go through the facility profile with the facility contact to tighten up facility profiles and make sure the company has a good idea of how Air Services works. The first group she has started with is tire manufacturers.

Mike has been working with Laurie Stevens on Public Records requests and they plan to do a webex session sometime before the next P&E meeting.

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4 **New Rules and SIP Update –**

Paul Braun sent the following in an email for the New Rules and SIP Update:

SIP Items since last P&E Meeting:

Cincinnati Ozone - Direct Final (75 FR 72954): Places NOx credits back in our SIP for use by Middletown Coke. Will be effective as of 1/28/11.

OAC Rule 3745-21-22 - Proposal (75 FR 82363): This is the first step in USEPA approving the VOC RACT rule for Lithographic Printing as part of the SIP. Comments were due by January 10, 2010. Next step would be to announce the rule as final, usually takes a few months.....

Update on OAC rule 3745-21-25 and 3745-21-07:

On January 26, 2011, USEPA published their proposal to accept OAC rule 3745-21-25 into Ohio's SIP at 76 FR 4835 (see attached). They are asking for comments through February 28, 2011. Assuming there are no adverse comments, they will likely finalize and publish their acceptance by the end of April which will mean we can look for this rule to be effective at the federal level in mid to late May, 2011.

The proposal of rule 3745-21-25 is clearing the way for the proposal of rule 3745-21-07, which seems to be lagging behind by about 2 months.

Rule Items since last P&E Meeting:

GHG Tailoring Rules (3745-77-11, 3745-31-34): Rules were adopted by Emergency Order on December 30, 2010 and will be good through March 29, 2011. Permanent rules were proposed to the JCARR on January 5, 2011 and there will be a public hearing on these rules here at central office on Friday, February 11, 2011 at 1:30 PM. Look for the permanent rules to be finalized before March 29.

VOC RACT Phase 3 Rules (Ch 3745-21): These rules include the 4 new CTG RACT rules for Miscellaneous metal and plastic parts coatings (3745-21-26), Fiberglass boat manufacturing (3745-21-27), Miscellaneous industrial adhesives (3745-21-28), and Automobile and light-duty truck assembly coatings (3745-21-29). These rules will be effective in the Cleveland area only for now. There will be a public hearing on these rules here at central office on Friday, February 11, 2011 at 10:30 AM. Assuming no comments/delays, these rules should be effective sometime in mid March 2011.

Sulfur Dioxide Rules (Ch 3745-18): These rules are being amended as part of the 5-yr review. The major changes include the removal of permanently shut-down facilities in the rules. All rules except 3745-18-54 (Lucas County) and 3745-18-82 (Stark County) should be final and effective by mid-February 2011. Rules 18-54 and 18-82 will be removed from the JCARR process for changes and should be final by early March, 2011.

Please see/contact Paul Braun with rule/SIP questions.

5 **Terms and Conditions -** Cheryl Suttman - also sent an email with the following information:

T&C Library news to start 2011 as follows:

We can no longer base emissions from internal combustion engines (ICE) on AP-42 anymore. The effective date begins with model year 2006 (NSPS Subpart IIII starts w/ pre-2007 model year) for diesel engines and 2007 or 2008 (manufacturing date) for spark ignition engines in NSPS Subpart JJJJ.

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The MACT, subpart ZZZZ, has also pulled in existing engines at both major and area sources, with a compliance date of 5/3/13 for compression ignition/diesel engines and 10/19/13 for spark ignition engines that were not previously covered.

In the MACT, stack testing for the appropriate limit (w/ options: formaldehyde or CO concentrations or % control of one or the other, as defined in Tables to the subpart) must be completed by these dates for engines down to 100 HP at major sources and down to 300 HP at area sources. Compliance with the NSPSs is based on the manufacturer's certification and by maintaining the ICE according to the manufacturers' instructions, with stack testing only required for non-certified engines or if "improper" operations.

Cheryl passed out the source of the new emission limits for ICE, i.e., the source of the manufacturers' required certifications.

Permit templates, both in the full-term and IBR format, will be posted in the T&C Library, linked to a Table under the ZZZZ MACT and NSPSs IIII and JJJJ. The compression ignition terms have been completed; the spark ignition terms are in-process and will take some time to complete. The appropriate permit template, linked from the left hand 2 columns, can be selected according to size, manufactured date, and location (at area or major source).
The rule source of the emission limits is also identified in the template tables.

The sulfur limits for gasoline and diesel engines will be based on the fuel restrictions found in 80.510(b) for diesel and 80.195 for gasoline, both included in the handout.

The source of the defined engine types (definitions) were also included in the package: Class I and II engines and handheld (not covered) and nonhandheld (those covered in these terms) engines.

6 **Engineering Guide update-**

Engineering Guide 71 was issued final on 12/30/2010 (and revised on 1/5/2011). The final revisions were made to address lead emissions in Annual Fee Emission Reports.

Engineering Guide 78 was issued final on 12/15/2010. This guide describes procedures used for owner/operators of municipal waste landfills to obtain alternative timeline or higher operating collection well temperature, oxygen, nitrogen or pressure requirements.

7 **General Permits** –

Crematory General Permit – no update from last meeting: we need to figure out what we need to require for the stack height and other parameters to pass Hg modeling. Also manufacturers might be concerned about the primary and secondary burner temperature. We will need to define all of these factors that we want to put in the GP. We will have to make conservative and defendable assumptions.

The Compression Ignition RICE and Aggregate Processing GPs are on hold right now, we are waiting on comments from industry. Cheryl is going to check with Jay and Mike to ask about whether these GPs will be redistributed for comment after industry comments.

8 **Training** – Training for reviewing stack test reports has been rescheduled for April 5. This date will possibly change to find a date that Eric Hardin from US EPA can be there to present.

9 **New Items –** No new items.

P&E Minutes are available in Answer Place Topic ID 2140.

----------Next meeting is Tuesday, March 8.

Permitting & Enforcement Committee Meeting

May 10, 2011

Lazarus Government Center
Ohio EPA
7th Floor DAPC conference room

Attendees: Co-Chairs – Jim Braun (Cleveland), TBA
Minutes – Jenny Avellana (CO)
- Mike Hopkins, Andrew Hall, Mike Ahern, Ben Cirker, Cheryl Suttman, Tom Kalman, John Paulian, Brittany Smith, Lynne Martz (CO), Drew Bergman (CO- Legal), Kelly Toth, John McGreevy, Adam Ward (CDO), Duane LaClair (Akron), Misty Koletich (NEDO), Terri Dzienis (Canton), Sarah Harter, Michael Carper (SEDO), Jeff Canan, Chris Clinefelter (RAPCA), Anne Chamberlin (Portsmouth), Babak Firoozi (Toledo), Paul Tedtman (HAMCO)

5. **Enforcement issues –** John Paulian/Tom Kalman

John has reviewed the definition of federally reportable violations in the draft Enforcement Compliance Policy. He interprets that all synthetic minor violations, all title V violations, and even non-title V or non-synthetic minor violations if in enforcement need to be reported. The violations need to be marked "formal" to go to US EPA. If you mark them informal, they will not go to US EPA. "Informal" should be used for local warning letters or a violation that has already been taken care of. Go ahead and mark everything else formal, since we always report everything to US EPA anyway. Make sure you follow up on each reported formal violation to keep the noncompliant facility percentage down.

By next meeting we should be implementing Stars2 for enforcement (merger of CETA into Stars2). This will be done similar to the way permits are tracked, and we should still be able to do the queries and reports we have the capability to do in CETA. There are no plans yet for training.

Tom has sent out the 2010 EC Meeting minutes but did not include the Summary of Compliance Table (this is a 30 page list) or the Case Disposition Table. He will be sending minutes for every meeting, so he wants to know if the DO/laas would like him to include the Summary of Compliance Table and the Case Disposition Table. Also let him know if you did not receive the minutes.

Tom does not have enforcement summary charts yet, but says that enforcement has been going a little slowly with Jim O. being gone and not yet replaced and enforcement staff busy commenting on the director's initiative.

One part of the director's initiative is the "Compilation of NOV" program. The director wants to scan and save e-copies of all NOVs. Adam Ward mentioned that a group was being put together to determine the best process for doing this, and they will have a formal recommendation for how to compile and submit this information.

Tom mentioned the director's draft on agency's compliance policy and that the division chiefs, enforcement managers and Legal will comment on it. Expedited Settlement Agreements (ESAs) will likely increase enforcement activity and they do not meet US EPA penalty standards. A matter that previously could have been resolved without a penalty might now get caught up in this ESA process. We don't know how we are going to report this to US EPA yet. We will probably have to come up with another category. Our current enforcement program will still exist, we can't settle every case with ESAs. More details forthcoming…

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New Source Review – Mike Hopkins

The installation permit workload is now less than 150 permits statewide. Most field offices are at a minimal workload for installation permits and are able to process installation permits as soon as they come in (however, field offices have a very heavy workload with respect to renewal permits).

Mike sent a memo to DO/laas that gave more detailed goals for the operating permit renewal program ("PTIO Backlog Project"). Goals were outlined for each of the six month periods leading up until July 1, 2014, which is the deadline director has given to catch up on operating permit renewals. Currently we have 345 pending Title V permit renewals and 4500 non-Title V permit renewals. CO staff are training for the "PTIO Backlog Project." Andrew Hall handed out a document with the names of the CO volunteers and the types of renewal permits they will be working on. CO ES3s will train these volunteers on 6 categories: concrete batch plants, petroleum bulk plants, bodyshops, drycleaners, grain dryers, and GDFs. Each CO volunteer has an assigned list of a certain category from each DO/Laa. The categories were taken from Stars2 using the NAICS code assigned to the facility. If the incorrect NAICS code is assigned, permit staff won't be able to find these facilities to work on them. Each DO/laa needs to assign someone (probably an intern) to go through the list of pending PTIOs for their office and identify any additional facilities that meet the NAICS codes for the permit categories in Andrew's handout, and send these additional facilities to Andrew. John McGreevy volunteered to come up with SOP and training for interns to identify incorrect NAICS codes and enter correct codes.

We are hoping to have the first renewal backlog PTIOs issued later this month. There are 9 volunteers working on this project and training on Stars2 has begun. We have come up with a first tier of categories (6 categories mentioned ealier), and we are looking at what will comprise the next tier. We are looking at general permit (GP) possibilities and PBRs. The P&E committee needs to be thinking about what GPs can be developed and who can work on them. The director's goal is to develop one group of GPs per month up until director's deadline. The theory is we will do GPs first and if we get a bunch we will see about doing a PBR if we can get it into the rule cycle.

Mike asked if there were any questions on the memo. It was asked why we didn't break out FEPTIOs separately from non-Title V operating permits. There are no separate set of goals for FEPTIOs, and these can be tougher to work on than other non-Title V operating permits. Since FEPTIOs can be better handled at the field office, CO volunteer staff will not be working on these.

The next step is to train more CO staff to work on this project. Some DO/Laas are planning on having interns help with this project. Maybe we can have interns come up to CO and take the training with one of the CO groups. Training interns will be discussed later.

Boiler MACT update – Brittany Smith

Brittany said she has created AP Topic 2313 to address MACT questions and many of these questions and answers pertain to the boiler MACT. She has recently updated the topic with MACT implementation tools, and added some changes to the boiler MACT summary. She also added the proposed Utility MACT summary.

Question about renewal permit T&Cs – Should we modify terms when working on a renewal PTIO or keep terms exactly the same from the PTI? Andrew Hall stated that this dates back to the GE decision, where an existing unit without a PTI had operational restrictions that needed to be moved to the monitoring section. Jim Braun asked about a renewal permit that had a PTI issued and now they are working on the renewal permit. His understanding is you need to take the PTI terms and roll them into the renewal permit, without regard for the most recent library terms. Mike Hopkins said that we want to try to bring the renewal permit up

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to today's standards as much as possible, but it is still okay to use old PTI terms provided they meet some basic criteria. If an operational restriction was included in the PTI, carry it forward in the renewal permit.

SOB form possible improvements – Andrew discussed revising the SOB form to include a section to identify whether CAM was evaluated and what decision was made about including/not including CAM in the Title V permit. Lynne Martz and RAPCA drafted language in a recent SOB to show that CAM was evaluated and found not to apply. They are looking for advice on where to include this language in the SOB. Andrew provided a handout that summarizes the possibilities and questions for revising the SOB. Answer Place Topic ID 2236 has instructions for filling out the SOB. Andrew and Lynne wanted to know if these instructions could be included with the form in Stars2. Also, can the Title V Training Workgroup address these suggestions? Send any suggestions to Lynne by June 10, 2011.

BAT Flow Diagram – SEDO handed out a flow diagram that they use to address BAT in permits. It is a summary of BAT guidance documents. Should we turn this into an EG or put in T&C library? Send comments and suggestions to Sarah Harter by next meeting. Mike Ahern said he will add this to the AP Topic with the other BAT guidance (topic ID 2063).

PBR for portable crusher screener – Toledo submitted a question where they received a PBR notification for a portable crusher/screener for a new facility but the facility did not submit information for the diesel engine portable generator. They wanted to know if we are supposed to issue a permit for the diesel engine in these units. Mike Hopkins stated that the PBR does not include the diesel engine, these units will need a permit if they are not exempt as a non-road engine (cannot remain at a location for more than 12 months). Mike mentioned that a facility can move it on the same site in less than 12 months, and if the reasoning is good, US EPA still considers it a non-road engine.

Title V reissue draft question – Jim Braun asked that if we have a Title V permit that has been issued draft, if the facility becomes subject to a new rule (in this case it was the Boiler GACT), should we reissue the permit draft? Andrew Hall said that the standard procedure is to keep moving forward with the next stage of Title V issuance. The thinking is that the rule has been subject to public review, so if put into a permit that has also already been subject to public review, no additional public review is required. If it is something we missed, for example missing CAM, we would want to go back and issue the permit draft. This falls under "reopening for cause" (see Title V modification guidance – which I was not able to find on Answer Place, but found at http://epa.ohio.gov/portals/27/title_v/3-9-05guidancefinal.pdf).

3 **STARS2 and permit issuance update –** Mike Ahern

Erica Engel-Ishida is creating an internal AP topic that will have all Air Permitting Live information and recorded sessions.

There was a question about whenever a PER has not been submitted, the DO/laa contact gets a task assigned to them. What needs to be done to complete this task? The DO/laa contact is supposed to follow up with any correspondence that has gone out. This was also addressed in the Air Permitting Live call.

Permit Tracker question – In the last meeting, Mike proposed that each office tell him what you are tracking outside of Stars2 in your own system and email the information to him so we can talk about putting the same functionality into the Stars2 report to make this a "one stop shop" for permit tracking. Mike handed out a document with all the suggestions that were emailed to him, and he showed us the Permit Status Report in Stars2. There was some discussion about adding a column for the comment period end date, and we decided that this needs to be added. Mike is going to make some adjustments to show at next meeting.

Proposed public records request tool – Mike and Laurie Stevenson have been working on a tool to track public requests. They are proposing to use Mantis, which is the software we currently use to track issues people report with Stars2. A records request would be directly entered into Mantis and it would be tracked and assigned within this software. Everyone would be able to see each request and the status of each request. Mike and Laurie will be presenting this to the Director's Office. If they want to go forward with using this software, training or webex sessions will be needed. The plan is to do a trial run with only DAPC (including DO/LAAs) at first and work out the bugs and then roll out to the other Divisions within Ohio EPA. There was a question about what to do with confidential attachments, and Mike said he would look into this.

Title V Training Workgroup – The workgroup has not been able to meet for several months due to other priorities. Mike has received written markups and incorporated these into the training manual. Mike also sent out an email asking how the Title V preliminary completeness step should be handled. The responses showed that most offices view the application to be preliminarily complete upon successful validation of the application through Air Services. If additional information is needed, that can be handled through the technical completeness step. Currently the manual reflects these steps separately, and Mike will retain the preliminary completeness step in the manual in case it is needed since it's possible that the facility could neglect to include new emissions units or submit an incorrect form for example. Answer Place has all information related to the Title V Training Workgroup at Topic ID 2278.

4 **New Rules and SIP Update –**

<u>SIP Items since last P&E Meeting</u>:
On May 4 we official submitted to redesignate to attainment for Huntington-Ashland area for PM 2.5. Cincinnati and Dayton/Springfield PM 2.5 attainment demonstrations will be submitted in the next week or two. We have a deadline of June 2011, and US EPA requires 18 months to review. The whole state should be in attainment for the PM 2.5 standard.

Update on OAC rule 3745-21-25 and 3745-21-07:
US EPA proposed federal acceptance of rule -21-07, the next step is to finalize the rule. US EPA has asked for more information for rule -21-25, which is intertwined with -21-07.

The lithographic and letterpress printing RACT (OAC rule 3745-21-22) was effective on May 6 for the Cleveland area.

Ohio EPA has adopted new VOC RACT rules for Boat Coatings (3745-21-27), Misc. Industrial Adhesives (3745-21-28) and Truck Parts Coating (3745-21-29). The rules were effective in the Cleveland area on May 12. Although Cleveland is in attainment, we still needed to complete the adoption of these rules because they were started when Cleveland was still moderate non-attainment and they are part of our maintenance plan for the NAAQS in the Cleveland area. This rule package also contained Some facility specific changes in rule 3745-110-03 to address NOx emission limits established through facility submitted NOX RACT studies. We will be submitting the new VOC RACT package with the facility specific NOx limits to US EPA in the next month.

Paul sends out the monthly SIP tracker email about every two months.

<u>Rule Items since last P&E Meeting</u>:

VOC RACT Phase 3 Rules (Ch 3745-21): These rules include the 4 new CTG RACT rules for Miscellaneous metal and plastic parts coatings (3745-21-26), Fiberglass boat manufacturing (3745-21-27), Miscellaneous industrial adhesives (3745-21-28), and Automobile

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and light-duty truck assembly coatings (3745-21-29). These rules will be effective in the Cleveland area only for now. Rules -21-27, 28 and 29 have been adopted. Rule -21-26 isn't done yet. We have to give a demonstration to US EPA having to do with the 3 gal/day exemption.

Chapter 110- NOx RACT chapter – currently only effective in Cleveland but may have to go statewide after this summer's ozone standard comes out. We have finalized facility-specific language pertaining to Arcelor Mittal. We have quite a few facility-specific requests coming in.

Please see/contact Paul Braun with rule/SIP questions.

5 **Terms and Conditions -** Cheryl Suttman

Three or four General Permit categories contain GPs that are in need of repair. They are as follows:

GP2.2 for drycleaners using a carbon adsorber: per Brad Miller and Laura Miracle, it appears that some required monitoring from Part 63, Subpart M has been removed and now the Reporting and Testing sections of this GP reference sections in Monitoring & Recordkeeping that are no longer there. Paul Braun will be working on these GPs and the PTO renewals for drycleaners.

The Miscellaneous Metal Coating GPs, GP3.1 to GP3.7, need OAC 3745-17-11(B) to be changed to 17-11(C) for new coating operations (installed after 2/08), along with all the applicable requirements; and a reference to the applicable GACT, Subpart HHHHHH, needs to be added to the summary of the applicable rules.

The RICE MACT has gone through another amendment (of 3/9/11). GP9.10, GP9.11, and GP9.12 need to be modified for the changes. Most significantly the applicable method of compliance referenced in Table 5 to the subpart needs to be changed. Jim Braun notified Central Office of the amendment in the Federal Register (and he has done the same many times).

A first draft is available in the Library for the Boiler MACT, Subpart DDDDD. Cheryl will split this file out into the applicable categories identified in 63.7499, as soon as she gets time. Each line of the IBR terms has one to a few words highlighted so it should be easy to select the applicable terms for a specific source.

The first file listed in the Library for NSPS Subpart JJJJ, for stationary spark ignition engines, is a copy of the first 4 pages of the rule. The applicable permit template # is identified next to each "sentence" which identifies a specific engine type along with the location of the emission limits. The spark ignition templates are identified by letters and the MACT terms for spark ignition templates are identified by number.

The compression ignition templates were first written in full-bodied format and the IBR format was drafted later. Until Cheryl gets time to copy the Summary Table and Testing Section from the full-bodied format into the IBR formatted files, this will have to be done by the permit writer. The spark ignition templates were drafted in IBR format and only ~10 full bodied templates were drafted (and could be modified for a specific unit, if this format was requested).

Cheryl will upload any final issue permits for MACT or NSPS subparts that are not in the Library. If the permit writer does not have time to read the rules, they could contact the writer of the sample permit to ask them questions about the rules. The writer will be identified on the first page of the "sample permit". Issued source category permits are normally found through

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STARS, however, it might be easier to find the permits in the Library, if linked under the NSPSs and MACTs in Subpart alphabetical order. Please send any good permits to Cheryl to load into the Library.

10 **Engineering Guide update-**

We ran out of time, EGs will have to be discussed at the next meeting.

11 **General Permits** –

Crematory General Permit – no update from last meeting: we need to figure out what we need to require for the stack height and other parameters to pass Hg modeling. Also manufacturers might be concerned about the primary and secondary burner temperature. We will need to define all of these factors that we want to put in the GP. We will have to make conservative and defendable assumptions.

It was determined that a shingles grinder GP is not needed as there are only a few of these grinders in the state.

12 **Training** – Training for Engineering Guide 44 – Erica is working on setting up training in Columbus.

13 **New Items –** No new items.

P&E Minutes are available in Answer Place Topic ID 2140.

----------Next meeting is Tuesday, July 12.

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July 12, 2011

Lazarus Government Center
Ohio EPA
7th Floor DAPC conference room

Attendees: Co-Chairs – Jim Braun (Cleveland), TBA
Minutes – Jenny Avellana (CO)
- Mike Hopkins, Andrew Hall, Erica Engel-Ishida, Cheryl Suttman, Tom Kalman, John Paulian, Ben Cirker, Lynne Martz, Alan Lloyd (CO), Drew Bergman (CO- Legal), Todd Scarborough, John McGreevy, Adam Ward (CDO), Duane LaClair, Sean Vadas (Akron), Misty Koletich (NEDO), Terri Dzienis (Canton), Sarah Harter (SEDO), Jeff Canan, Chris Clinefelter (RAPCA), Anne Chamberlin (Portsmouth), Peter Park (Toledo), Paul Tedtman (HAMCO), Jan Tredway, Jennifer Joliff (NWDO)

6. **Enforcement issues –** John Paulian/Tom Kalman

The Compliance Assurance through Enforcement Program Guidance is now in effect. This guidance includes information about the Expedited Settlement Agreement (ESA) tool. The guidance is still in draft form but is effective as of July 1. ESAs are now in the enforcement toolbox. We have the ESA form available to use. ESAs are only supposed to be used in cases where entity can get into compliance within a couple of months. Basically they get a discount if they can quickly get into compliance. When using the ESA process, a brief informational sheet needs to be provided. No EAR is needed and this is not for complicated cases. There will be a cover letter with the ESA attached. The cover letter will show the reduction in penalty, or the "carrot" to take the ESA. The exact procedure is still being worked on. We asked for no bottom limit for ESAs, and an upper limit of $20,000. ESAs should not be used for HPVs, however, ESAs can be used for cases involving synthetic minor facilities, fugitive dust, asbestos, open burning, dry cleaners, GDFs, or any other cases involving pollutants for which the facility is not major. ESAs are a final action where the company waives the right to appeal, although it is possible for a third party to appeal. DO/LAAs should still send an NOV when processing an ESA. If the company rejects the ESA proposal, then move forward with processing an EAR instead.

The director expects administrative cases to be settled at about 75%-85% of the civil penalty amount. That will be pretty hard to do since every case varies. In the past we have settled some cases at approximately 50%. In some situations we have revised the original penalty amount if appropriate. If the company does not want to settle, then the case should be referred to the AGO.

NOx RACT facilities –These rules affect major sources of NOx emissions. These rules were issued without much public comment, so industry is not fully aware when these rules apply to them. Therefore it is unfair to penalize companies for submitting late certifications as required by the NOx RACT rules. We should start the penalty clock with the NOV date; that should be the date we consider them to be notified that these rules apply. There are about 15 enforcement cases affecting NOx RACT facilities right now. It should be noted that the NOx RACT rules could eventually go statewide because of the new ozone standard.

Compliance – John Paulian – Timeliness of entry of data into CETA/Stars2 should be 30 days after sending an NOV as well as upon completion of an FCE. FCEs in last quarter

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need to have done by October 1st and have data entered within 30 days. 2012 proposed lists are due by August 31. Usually we wait until October 1. John will send out an email regarding this.

Update on CETA/Stars2 integration – Linda wants this integrated by August or September.

New Source Review – Mike Hopkins

Update on PTIO Backlog Project – a webinar was held on July 18 to talk about past 3 months and the goals for the next 6 month period. Andrew Hall says CO staff volunteers are going through the same growing pains of contacting companies and smaller companies are not getting back with the volunteers very quickly. We are working through how to improve the process. If DO/Laas have any suggestions for communicating with companies, let him know. It is about time to select the next group of volunteers. Bob will send Mike and Andrew an email soon about selecting the next group.

General Permit development project – Mike handed out a list of possible General Permit/Permit by Rule Categories. The goal is to come up with 40 categories, and to do 1 GP per month. There are 21 categories on the list so far. For the "Likely PBR" column, we will develop these categories as GPs first, and then when rules are developed get the PBR into the rule process. Mike wants the P&E committee to provide comments on this list. Are there other categories we should be considering? Once we solidify the list, we will ask for DO/laa volunteers to put together GPs for each source on the list. A possible source of categories could be from the work done on the BAT case-by-case rules. We don't want to pick a category of source that appears to be changing much with time, this would not be a good candidate for a PBR. We should also use current guidance for BAT for new installations for GPs.

SOB form possible improvements – In the last meeting, Lynne Martz and RAPCA drafted language in a recent SOB to show that CAM was evaluated and found not to apply. They wanted advice on where to include this language in the SOB. Lynne handed out a list of possible SOB revisions and wanted some consensus from the P&E committee so she can finalize the SOB form and instructions. Lynne will incorporate the suggestions and Erica will help with the formatting of the form.

PTE Guidance – Legal is still reviewing, and it will be redistributed internally for comment after Legal's review.

BAT Flow Diagram- There were no comments received, so it will go on Answer Place as it is.

Title V applicability for portable sources and portable sources subject to PBR – during the portable source training, there were many questions about when Title V comes into play for portable sources. Sarah and Erica will give the questions to Mike Hopkins to review, and the answers will go into Engineering Guide 44.

Asphalt plant burner tuning question – Shelly submitted a burner tuning procedure that was approved by DAPC. Sarah Harter wanted to know what SEDO is to look for when reviewing burner tuning reports for Shelly to confirm that they are following proper procedure. The standard terms and conditions state "If all of the measured stack exhaust gas values are equal to or less than 115 percent of the pollutant baseline values, then it is not necessary to tune the burner." Shelly's burner tuning procedure does not have this 115% requirement, so how are we to know if we should require burner tuning? Mike Hopkins said we would not expect inspectors to verify the 115% range for the Shelly permits. They should check to see if they did everything in the approved burner tuning procedure and that would be acceptable. If they report they are getting high numbers, then they should have to retest. Todd Scarborough mentioned that you could look at tuning reports and compare to production and see if the numbers get higher. This is typically due to wear and should require a stack test to make sure they are still complying with permit limits.

Mike also mentioned that one of the interns is collecting burner tuning information to look for trends and to decide if we need to make adjustments to what we are requiring from companies. We also have an intern looking at SO2 emissions from use of slag at asphalt plants, and the trends associated with what type of slag is used. If anyone knows of any asphalt facilities that have done stack tests after using slag, get those results to Andrew Hall. Asphalt plants should test within 120 days of beginning to use slag. If possible, would like to have the intern witness the stack tests. We want to eventually develop emission factors. We also want to compare the results to the SO_2 standard. Most permits for asphalt plants require a 50 ft stack.

Stack testing question – Misty Koletich (I had to step out during this discussion so Misty summarized this issue in an email): I explained to the group that NEDO just received an ITT from a stack testing company and they are claiming that they cannot perform a Method 201 and Method 202 test as required by the permit T&C at an asphalt plant because the probe will get too saturated. I asked the group if anyone had experience dealing with this issue. John McGreevy replied that we could look at the facility's prior stack test reports to determine if they have a saturated stack (i.e. it contains entrained moisture droplets). John also suggested that the stack testing company could do preliminary testing using Method 4 and compare those results to the saturation table. If the results are equivalent or higher than what is in the saturation table, then it is a saturated stack. Asphalt plants as an industry don't typically have wet stacks so Method 201 and 202 should be appropriate.

Addressing boiler MACT and CAM in Title V permits – Andrew discussed the placeholder language to put into permits since the boiler MACT is stayed. We should require CAM now since MACT is stayed, but when MACT is effective CAM will not be needed, because if you have monitoring sufficient for CAM then it is sufficient for the MACT. Jim Braun's recommendation was to put both CAM and MACT terms into Title V permits for boilers and include another term that states when the MACT is effective CAM is not applicable. Jim then sent an email on July 13 with the following information: Also, in regards to the Title V renewal permit that Cleveland processed for boilers that are subject to both CAM and MACT Subpart DDDDD, here is the following permit where we addressed both items: Cleveland Thermal (issued Draft on June 28, 2011) see boiler group B101, B102, and B104 towards the end of the permit and see the table in b)(1) for the statement addressing CAM and MACT:
http://wwwapp.epa.ohio.gov/dapc/permits_issued/482912.pdf
And Craig Osborne followed that with an email with this information: While going through Stars2 I also found a Minor Modification Title V for Joint Systems Manufacturing Center, 0302020027, which has a 67.4 mmBTU/hr coal fired Boiler #4, B003. This permit, P0106774, also addresses CAM and the Boiler MACT.

3 **STARS2 and permit issuance update –** Erica Engel-Ishida

In June 2010 the Permit Issuance Unit issued 129 permit documents, and in June 2011 issued 289 permit documents with half the staff. We have also kicked off invoicing for the new fiscal year for Title V and synthetic minor facilities. We will issue the tub grinders GP and modifications to three previously issued diesel engine GPs (modified as a result of amendments to the MACT). We also received official delegation from the director that we can issue time extensions without the director's signature. Erica is also working on adding a column and EU company description to Section B & C of permit terms and conditions when grouping EUs. Aggregate Processing and Mine Extraction GPs were issued on May 16.

Permit Status Report in Stars2 – the public notice data is now in the status report, as suggested by the P&E committee in the last meeting.

ERAC is moving to a new location, therefore, CO has updated the template documents in STARS2 to show the new address.

4 **New Rules and SIP Update –**

SIP Items since last P&E Meeting:

Paul had no updates for the meeting but sent out the following information in an email on July 13: Please note that US EPA has published their final acceptance of OAC rule 3475-21-25, "Control of VOC emissions from reinforced plastic composites production operations." This rule regulates VOC emissions from any facility that has reinforced plastic composites production operations. The rule is a replacement for parts of OAC rule 3475-21-07 which was changed back in 2008. The acceptance of this rule by US EPA was the first step in accepting the amended rule 3745-21-07 into our SIP. Although the timeframe for that is not yet clear. OAC rule 3475-21-25 will be federally effective as of August 12, 2011.

Paul sends out the monthly SIP tracker email about every two months.

5 **Terms and Conditions -** Cheryl Suttman

The Compression Ignition GP was drafted for and by the Aggregate Industry. It contains the portable source term that would not be applicable for most stationary diesel engines. It is easy to find the engine you are trying to permit in the T&C Library. We received 3 pages of comments from Rick Carleski regarding this problem (applicability of GP to small business engines). Following the P&E meeting the title of the compression ignition GP has been changed to eliminate this confusion, it now reads: Portable Diesel Engines (Compression Ignition Internal Combustion Engines)

In the Library, the engines are set up under 2 tables, compression ignition (diesel) and spark ignition engines, and for Part 63 Subpart ZZZZ and the 2 NSPSs Subparts IIII (diesel) and JJJJ (spark). The spark ignition table is the more complicated of the two, since it includes every fuel but diesel. In the spark ignition table the NSPS templates start following the wide green line on page 9. Two new files have been added for NSPS engines that cannot be documented as certified to the standards for the model year it was manufactured, these files are named: UN1 (rich burn) and UN2 (lean burn) and they are the 1st two files following the green line. These terms can be copied into and replace the terms regarding the certification in the NSPS templates that follow them in the table. The source of the emission limits or control requirements are in the last column. Most of these limits come from Parts applicable to the manufacturer, Parts: 89, 90, 1039, 1048, or 1054.

Also, thanks to comments submitted by Rick Carleski, a 3rd column of engine templates are being drafted for non-synthetic minor permits, to be linked to both tables. The 3rd column will take a little while to complete, but most of the fuel types have a template completed and are linked in the 3rd column (is a number appears in the 3rd column, the link is there). The non-synthetic terms for the fuel usage can be copied from these files and replace the synthetic minor terms in the files linked in the 1st or 2nd columns, according to the fuel used.

The boiler MACT terms are on hold, but they were drafted in IBR format before the MACT was "stayed". Each row has a few color-highlighted words to help "display" the content in each IBR line. It would be easy to follow it through to find the parameters that are required to be monitored, if there are no serious modifications to the methods of compliance in the next amendment. A CAM might be established based on the requirements of 63 DDDDD by

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searching through this long "run-on" file and in the monitoring and recordkeeping section.

Cheryl is in the process of drafting terms for the steam boiler NSPSs, Subparts D, Da, Db, and Dc. Subparts D and Da are almost done. The IBR terms in Subpart Da still need to be reduced significantly. Since both sets of these terms were originally drafted in long-term format, the old long-hand terms still follow the IBR tables. The IBR will be copied into a new file after it is closer to final completion. After the boiler MACT goes final, Cheryl plans to combine the steam boiler NSPS with the MACT. The files will be divided by any significant amendment/effective date to the Subparts (Da 2/28/05), by control technologies, and probably for other significant reasons discovered in the process. Subparts Db and Dc are not started.

14 **Engineering Guide update-**

Engineering Guide 69, Modeling – this guide is out of date, and the standards and pollutants that you need to model keep changing. Also we are supposed to be doing PM 2.5 modeling, but US EPA has issued no guidance on how to do so. Many of the issues delaying finalizing revisions to this EG have to do with this. Sarah VanderWielen has developed procedures for Ohio EPA to follow and we are hoping US EPA will approve these procedures. Sarah has developed a new Table 3 that she uses and she can send this around for anyone else to use. Mike Hopkins says to go ahead and use Table 3 as official guidance. Also, Screen 3 is being replaced by "Airscreen." At the end of the summer Sarah wants to travel around to teach every DO/laa how to use this. Continue to use Screen 3 until she trains you on Airscreen. If you have any suggestions on changes to EG 69 or questions on Screen 3, please let Sarah know and she will try to incorporate those into the EG. She will send out to consultants that she works with consistently for their input. She wants this EG done by October, so send her suggestions by mid August.

Engineering Guide 70 – Sarah is also working on this EG. It was suggested to merge EG 70 with EG 69 and Mike Hopkins said that this might be possible.

Engineering Guide TBD (80?) – Ben Cirker is finished with his EG on EU ID numbers, and Tom Kalman is reviewing.

Engineering Guide 34 – RAPCA reviewed this and came up with scenarios when it was okay to reopen a facility and how to go about doing this. Erica is working on incorporating these suggestions into the EG.

Engineering Guide 74 – PM 2.5 – We need volunteers to put a group together to revise this EG. This EG will address test protocol for PM 2.5 test methods (Method 202). We need to rethink the purpose of this EG with all the federal rule changes. Mike's NSR memo also needs updated. Misty mentioned that NEDO has 2 vacant ES2 positions and they are seeking a stack testing expert to fill one of those positions. That person should be able to help work on this EG.

Engineering Guide 79 – This EG is now final and discusses SOP for permit applications seeking ERCs for the purpose of offsets or netting. When a permit application is received and the permit will require acquisition of ERCs for offsets or netting, the permit writer should coordinate with Jenny Avellana and Sarah VanderWielen.

Draft guidance on Method 25 and 25A – There was an issue with this guidance conflicting with existing guidance. It was suggested to pull together all existing guidance for stack testing and create an Answer Place topic for this. Erica mentioned she has gotten many suggestions to put an AP topic together for portable sources and to connect all related guidance within the AP topic, she said she can do the same for stack testing guidance, and she can provide a link to the stack testing website within the AP topic. If you have suggestions to include in the stack testing AP topic, send those to John Paulian or Todd Brown.

15 **General Permits** –

Crematory General Permit – no update from last meeting: we need to figure out what we need to require for the stack height and other parameters to pass Hg modeling. Also manufacturers might be concerned about the primary and secondary burner temperature. We will need to define all of these factors that we want to put in the GP. We will have to make conservative and defendable assumptions.

It was determined that a shingles grinder GP is not needed as there are only a few of these grinders in the state.

16 **Training** –

Training for Engineering Guide 44 was provided via webex on June 21. Thanks much to Erica Engel-Ishida, Sarah Harter, and Michael Carper for providing the training!

CAM and GHG training has been schedule for all day on Monday August 22nd in Columbus at the Riffe Center. Peter Westlin, U.S. EPA OAQPS, Region 5 Permitting staff, and Andrew Hall will presenting the training. DO/LAAs should send specific CAM and/or GHG permit-related questions to Andrew by August 15th.

17 **New Items –** No new items.

P&E Minutes are available in Answer Place Topic ID 2140.

----------Next meeting is Tuesday, September 13.

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September 13, 2011

Lazarus Government Center
Ohio EPA
7th Floor DAPC conference room

Attendees: Co-Chairs – Jim Braun (Cleveland), TBA
Minutes – Jenny Avellana (CO)
- Andrew Hall, Erica Engel-Ishida, Cheryl Suttman, John Paulian, Alan Lloyd (CO), Drew Bergman (CO- Legal), Rick Carleski (OCAPP), Olen Ackman, Todd Scarborough, Kelly Toth (CDO), Duane LaClair, Sean Vadas (Akron), Misty Koletich, Megan Talcott (NEDO), Terri Dzienis, Abbie Gurdy (Canton), Sarah Harter (SEDO), Jeff Canan (RAPCA), Anne Chamberlin (Portsmouth), Peter Park (Toledo), Paul Tedtman (HAMCO), Andrea Moore (NWDO)

7. **Enforcement issues –** John Paulian

Tom Kalman was working on sending out the Compliance Assurance through Enforcement Plan package. The Expedited Settlement Agreement (ESA) document will be part of this package, as well as the Enforcement Action Alert (EAA). The EAA is a new document mandated by the policy of the director which serves the purpose of a compliance plan. Tom will see what questions he gets regarding the package and decide if there will be a need for training. A question was asked about how this enforcement plan will affect DO/LAAs that do most enforcement actions at their office. Drew Bergman stated that it is not meant to interfere with locals taking care of their own enforcement actions. However, the ESA is a tool that is likely outside local ordinances, so DO/LAAs will probably have to start sending that document to Central Office. Another question asked was if we expect to see more enforcement cases that result in a penalty with the ESA process. Drew said this is a possibility. Another question was about how do we issue Return to Compliance (RTC) letters for open burning and asbestos NOVs? John doesn't see how we are going to do a RTC letter for these NOVs. This is not addressed in the package. John said feel free to weigh in with comments on policy and package once it comes out.

A question was asked about the searchable database, and whether we need to include warning letters as well as NOVs. Some say warning letters do not need to be included, but they do still need to be entered into CETA.

FCEs in last quarter need to have done by October 1st and have data entered within 30 days.

John wanted to know if we need a formal policy for responses to scheduled maintenance requests that result in shutdown of control equipment. These need to be turned into CO at least two weeks before the maintenance is scheduled to occur. These can be submitted through the eBusiness Center or if they are sent directly to the DO/LAA, send to John so he can get it ready. He would like the DO/LAA to review and let him know if anything is missing or if there are any issues. John needs a copy of the letter and attachments for Bob's review. The DO/LAA can send this information via email or IOC with a summary of whether the request is acceptable. John will prepare an IOC and letter for the director to sign. A copy will be sent to the company, Legal and the DO/LAA. We have a standard format for the director's letter and John takes care of that. John needs the DO/LAA to let him know of any issues or if the request is acceptable. An example of one issue would be if it looks like a high

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amount of excess emissions will occur we can ask for modeling or more information. If there are steps they can take to reduce emissions, have they taken these steps? Why or why not? John said that the DO/LAAs can approve extensions to the request if needed. It was suggested to put guidance on Answer Place for responding to these requests. Erica Engel-Ishida mentioned that with the next deployment of Stars2, these types of tasks (scheduled maintenance) can be separated from compliance reports.

2. **New Source Review** – Andrew Hall

We issued quite a few permits in the month of August: 39 Title V actions, 11 final Title V permits and 53 installation permits. Our workload for installation permits is down to 165 permits. 157 final PTIOs were issued in August.

As far as the title V workload, we are well on track to meet the end of year goals. A question was asked about whether we could get US EPA to waive the 45-day comment period if we want to have less Title Vs pending final issuance at the end of the year. Andrew said that we have to submit a request to have them waive the comment period. Can we get an agreement from US EPA that if they have finished reviewing the permit well before the end of the comment period, to let us know so that we can go ahead and issue the permit and not have to wait the full 45 days? Andrew said he will bring it up in their next meeting with US EPA.

The PTIO workload for late PTIOs (permits that have been in the system longer than 180 days) was 2019 PTIOs at the end of August. This is down from 2950 in January of this year.

Update on PTIO Backlog Project – the first round of volunteers are working on current categories. Mike Hopkins has a list of potential next categories and the second round of volunteers has been notified.

General permits being worked on this month are additional categories for dry cleaners, bulk loading racks, and Marcellus and Utica shale drilling GP.

Temporary Activities – Rick Carleski – We decided to hold off on making decisions on the temporary source guidance until after we receive comments on the drilling GP. This will be kept on the P&E agenda to talk about during the next meeting.

3. **STARS2 and permit issuance update –** Erica Engel-Ishida

Mike Ahern was on a call discussing e-document management. Bob and Mike were to have a call with DO/LAAs to discuss this project.

Comments on standard terms and conditions were due Friday, September 16. Once we get comments assembled and addressed then we will get templates ready.

IT resources consolidation is coming soon. Shawn Nabor is going to be absorbed into ITS. Fifty percent of Mike Ahern's time is being absorbed into ITS. There was a question from Canton about whether they will be getting access to the intranet or at least be included in relevant announcements since mass emails are no longer being sent. Erica is looking into this.

Title V Training Manual – development is continuing and Mike is working on consolidating the comments/documents he has received.

Safaa has continued to work on contacting facilities to update and help with facility profiles. Mike wants to encourage participation by DO/LAA contacts. She is finding that SCC codes entered by each company are inconsistent and wrong. Please look at facility profiles to make sure SCC codes are correct. We can create facility-specific SCC codes in Stars2 for facilities where an SCC code has not been created for that industry type.

Public Notices – we are changing the way the agency does public notices. We are providing shorter notice to the newspaper that direct people to our website for further

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information. The notice will direct people to our Issue Permit search page and they can enter the permit number to get more information.

Generation of NOVs – PIER has historically generated NOVs for certain late or no submittals. Erica wanted to know if DO/LAAs should start generating these NOVs or should PIER continue to do this and possibly add more, such as compliance certifications. In the Permitting Live call, it was decided that PIER will send NOVs for the following items that have not been received:

- Title V FER/EIS/ES
- SMTV FER/EIS/ES
- NTV FER/ES
- Title V application (submitted late & not submitted)
- Title V Compliance Certifications
- FEPTIO (Synthetic Minor) PER
    - Letter will mention other possible quarterly and semi-annual reports

PIER will send out a list to the DO/LAAs to show which facilities will receive NOVs, giving the DO/LAA opportunity to review the list before we send any NOV's. Elisa will be generating them. Note that PIER can only send out one NOV and cannot follow-up with enforcement.

Erica encouraged all CO/DO/LAA staff to log all outgoing correspondence in STARS2 that we send to the companies.

4. New Rules and SIP Update – Paul Braun

SIP Items since last P&E Meeting:

OAC rule 3745-21-07 2008 version has been accepted as final at the federal level. The effective date was September 19, 2011. Once rule -21-25 was accepted into the SIP (August 12), it cleared the way for -21-07 to be accepted into the SIP.

The NOX RACT rules (Chapter 3745-110) were put up for proposal as part of the SIP. The comment period ended September 9. We are going to ask Region 5 to suspend considering them for a while since they are not lowering the ozone standard. Paul will be analyzing the effect this could have on chapter 3745-110.

OAC rule 3745-21-22 has been approved into the SIP. It is in the April 2011 federal register.

Paul received comments on lack of notification when SIP items go through. He created a SIP interested parties list to whom we will send SIP-related notifications. You can sign up to be notified about SIP items in Answer Place.

Paul sends out the monthly SIP tracker email about every two months.

Rule Update

The particulate matter 5 year review update (OAC rule 3745-17-11) may come out soon.

5. Terms and Conditions - Cheryl Suttman

The NG Production GP is in its 3rd draft. The next draft should be the last, officially issued for public comment. The initial drilling engines are only on site for between ~ 5 to 15 days and they are exempt as non-road engines. The GP is for the production "facility" that is left after the well is installed, which includes several natural gas engines, a diesel back up, tanks, a glycol dehydration unit, some <10 MMBtu/hr exempt burners, usually a flare and all the pipe lines moving the natural gas and separated water.

The Miscellaneous Metal Coating GP has been assigned to Cheryl Suttman for revision. Sarah Harter, Rick Carleski, and Amy O'Reily will be helping with the review.

The PER (reporting) term and initial testing section term have been revised, but it would take forever to change them everywhere in the Library. Cheryl is going to add a section at the top of the Library Tree to put terms that have been revised and cannot easily be replaced. She will need help from IT to do this (with the HTML language); so this will not happen immediately.

Terms requested next:

a generic CAM term for Part 64

Terms for 3745-21-25 for reinforced plastic composites

3745-21-22 for offset lithographic and letterpress printing

6. **Engineering Guide update-**

Engineering Guide 69, Modeling – This EG is still under review by the Permit Advisory Group (PAG). Sarah is doing SO2 modeling and changing meteorological conditions. This has to be decided before they can move forward with this EG and send it out for comment among P&E committee. Sarah is currently taking training on Airscreen, and has to finish the training before she trains others on Airscreen. Continue to use Screen3 until then. Myoung Kim will be the CO modeling contact while Sarah is on maternity leave starting at the end of October.

Engineering Guide 44 – This needs to be put back on the list for needing updates.

Engineering Guide TBD (80?) – Ben Cirker is finished with his EG on EU ID numbers, and Tom Kalman is reviewing.

Engineering Guide 18 – This EG is ready to go to Tom Kalman for review and final issuance.

Engineering Guide 34 – This EG addresses reinstatement of permanently shut down EUs. It is ready for a 30 day comment period.

7. **General Permits** –

There were some changes to the aggregate processing and drycleaners GPs. These should be final soon.

Working on finishing the modeling for the Digester GP, then this will go to Mike Hopkins for review, and then issue the Draft Model GP.

8. **Training** –

There is a Basic Inspector Training being formulated right now that is scheduled for November 15-17. Jim forwarded an email from Cindy DeWulf to the P&E committee detailing the training. The email includes a form to be filled out and sent to Marc Glasgow if you are interested in attending the training.

9. **New Items –** SEDO presented a situation regarding pharmaceutical and contraband disposal. A regional jail has been sending drug evidence and prison jump suits to be burned in a boiler that had previously been shut down. SEDO has observed 80% opacity from the boiler. Contact SEDO if you encounter a similar operation in your area.

P&E Minutes are available in Answer Place Topic ID 2140.

----------Next meeting is Tuesday, November 8.

November 8, 2011

Lazarus Government Center
Ohio EPA
7th Floor DAPC conference room

Attendees: Co-Chairs – Jim Braun (Cleveland), TBA
Minutes – Jenny Avellana (CO)
- John Paulian, Andrew Hall, Erica Engel-Ishida, Cheryl Suttman, Alan Lloyd (CO), Drew Bergman (CO- Legal), Todd Scarborough, John McGreevy (CDO), Duane LaClair, Sean Vadas (Akron), Misty Koletich, Megan Talcott (NEDO), Terri Dzienis (Canton), Marco Deshales (SEDO), Chris Clinefelter (RAPCA), Anne Chamberlin (Portsmouth), Peter Park (Toledo), Paul Tedtman (HAMCO)

8. **Enforcement issues –** John Paulian

The Director's office is updating the Compliance Through Enforcement Policy. We expect to see a draft by March, with official revisions out by April. No other issues on compliance side.

As far as the transition from CETA to Stars2, this should be done by the end of the first quarter.

Statistics on enforcement - Tom Kalman is working on putting together statistics for P&E meeting updates.

3. **New Source Review** – Mike Hopkins

Andrew gave a presentation titled Operating Permit Backlog Reduction Program Update that Mike Hopkins put together as an update for the director. The presentation gives the key points of the Backlog Reduction Program, including the numbers of Title Vs and non-Title Vs issued for all of 2010 plus 2011 to date. The numbers show that we have doubled production since 2010. Our commitment to have no backlog ends on July 1, 2014. This means we need to do about 48 Title Vs and 496 non-Title Vs every 6 months. The Title V backlog consists of Title V permits that are over 540 days old and the non-title V backlog includes permits over 180 days old. Mike will send this update out to the field offices every 6 months. For the non-Title V backlog, the first round of volunteers continues to work on the 7 categories of operating permits. The second round of volunteers was chosen in October 2011 and they will be working on 4 new categories – storage tanks, electroplaters, degreasers and incinerators/crematoriums.

The presentation also shows the list of current GPs and GPs currently under development. We need to increase the number of GPs.

Oil Analysis for Sulfur Content Documentation –Anthony Ruggiero of Mar-Zane sent an email (attached to the P&E agenda) inquiring about the difference in language in some of his permits; some ask for documentation for a sulfur content demonstration, while others ask for analysis of the sulfur content. There was a discussion on what is an acceptable demonstration that the sulfur content is low enough to show compliance. The T&C Library requires analysis, and Chapter 18 requires analysis per ASTM methods. The library should reflect what is in Chapter 18 rules. However, in 2014 these rules will be out of date. 15 ppm sulfur will be the only non-road fuel available. The discussion did not result in an agreement on an acceptable demonstration of compliance. John McGreevy was planning to talk to Mike before responding to the email.

PTE Guidance update- Adam Ward included this note on the P&E agenda:

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It has been through legal review, Mike has completed his final review and sent it back to me. I'll be making final corrections then was hoping to send it out for a 30-day internal comment period. Following this last round of internal comments, it can be posted for external comments (tentative plan). Adam was planning on sending it out to the P&E group within the next 2 weeks and was hoping for a 30-day turnaround.

John McGreevy had an additional topic he wanted to share. CDO has been getting complaints about bees' wings on grain dryers. They respond to these complaints citing an air pollution nuisance, since the bees wings are not respirable, and thus not particulate matter. How do other folks approach these emissions from grain dryers? He wants representatives from DO/Iaas dealing with this issue to send information to him and he will post on answer place depending on how much feedback he receives. It was suggested to talk to Tom Kalman to see if we already have a policy on bees' wings.

We issued quite a few permits in the month of August: 39 Title V actions, 11 final Title V permits and 53 installation permits. Our workload for installation permits is down to 165 permits. 157 final PTIOs were issued in August.

As far as the title V workload, we are well on track to meet the end of year goals. A question was asked about whether we could get US EPA to waive the 45-day comment period if we want to have less Title Vs pending final issuance at the end of the year. Andrew said that we have to submit a request to have them waive the comment period. Can we get an agreement from US EPA that if they have finished reviewing the permit well before the end of the comment period, to let us know so that we can go ahead and issue the permit and not have to wait the full 45 days? Andrew said he will bring it up in their next meeting with US EPA.

3. **STARS2 and permit issuance update –** Erica Engel-Ishida

Chapter 31 Mods Do Not Terminate (see email attached to agenda) – Erica stated that there is a problem in the way that we are now doing Chapter 31 mods if a company does not go forward with the installation approved by the mod. If the company does not begin a course of installation within 18 months, the permit terminates, leaving no effective permit for the company, since when the Chapter 31 mod is issued, it supersedes all previous permits. Erica asked for suggestions on how to deal with this problem. Andrew Hall suggested that this should be a rare case, as companies typically will move forward with beginning a course of installation. Therefore, in the rare case that they do not, continue to issue extensions and tell the company that if they do not move forward with the installation that we will have to re-issue the old permit. Erica will set up a meeting with Drew and Mike to discuss further.

4. **New Rules and SIP Update – Paul Braun**

<u>SIP Items since last P&E Meeting</u>:

Cincinnati redesignation was published direct final in the federal register on October 19, 2011. If U.S. EPA gets no adverse comments, the redesignation will go final on November 18. We were not expecting any comments.

Paul sends out the monthly SIP tracker email about every two months.

<u>Rule Update</u>

Several chapters-worth of rules were adopted final. Most were just fixed typos and formatting due to 5-year review. Chapter 103- Acid Rain Permits – effective on November 10. Chapter 100 – TRI- effective on November 4.

Two rule packages should be proposed by the end of the month – Chapter 19, Open Burning and Chapter 20, Asbestos.

NOX RACT update – U.S. EPA was willing to approve but we asked to delay to review for possible impacts from U.S. EPA's decision not to change the ozone standard. These could be federally approved by the first of the year at the earliest.

5. **Terms and Conditions -** Cheryl Suttman

Cheryl was not able to attend the meeting but she sent the following update:

Until the Misc. Metal Coating GP is repaired for the Chapter 17-11(C) change, I have added the changes I have proposed in a section of the Library, under "Category" and between Printing and Coating and Printing lines. Please send me any comments. I am waiting on comments from Sarah Harter and Rick Carleski before I will feel good about giving it to Mike Hopkins for review, as a new draft GP.

I have added a 4th level to the Library: Universal Term Changes, to cover changes that cannot be made quickly, e.g. the revision to the PER (reporting) term would take forever to fix in everything.

Part 63 GACT term: the "Ohio does not regulate GACT" term (term submitted by Christine McPhee)

Equipment Leaks, Part 60 Subpart KKK and VV

Boiler MACT, Parameter monitoring, reporting, testing, Part 63, Subpart DDDDD; I think DDDDD will be changing its limit tables; I doubt the parameter monitoring freq., etc. will change. The limits are drafted in this template to read: "Emissions from the boiler or process heater shall not exceed the final emissions limits established in the NESHAP". There is also a PBR version available that has been up for some time. When it goes final I will split them out into fuel, size, parameter monitored, emissions averaging, etc.

Under the Compliance Methods Testing section I had added a term for a source permitted at its potential 8760 (term submitted by Amy ORiely).

I have gotten comments from another NG facility who tells me that it might take much longer than 15 days to complete a NG well (Chesapeake suggested worst case would be ~15 to maybe 20 days).

Also it was mentioned that the PER term in the library has been updated. There is now a requirement that synthetic minor facilities have to submit permitting- related documents through Air Services. There is nothing in the rules that requires all facilities to submit all documents through Air Services but we would prefer that. Comments on draft actions – can this be submitted through Air Services? Erica will look into this and send a request through Mantis.

10. **Engineering Guide update-**

No updates at this time.

11. **General Permits** –

Draft Model GP issued for Digesters and Oil and Gas Well Site Production.

12. **Training** –

The Annual Air Program Workshop is scheduled for December 6th at the Riffe. There is a NETI training on the RICE MACT on December 7.

13. **New Items –** None

P&E Minutes are available in Answer Place Topic ID 2140.

----------Next meeting is Tuesday, January 10.

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January 10, 2012

Lazarus Government Center
Ohio EPA
7th Floor DAPC conference room

Attendees: Co-Chairs – Jim Braun (Cleveland), TBA
Minutes – Jenny Avellana (CO)
- John Paulian, Mike Hopkins, Erica Engel-Ishida, Mike Ahern, Alan Lloyd, Lynne Martz (CO), Rick Carleski (OCAPP/CO) Todd Scarborough, Olen Ackman, Kelly Toth (CDO), Duane LaClair, Sean Vadas (Akron), Jennifer Jolliff, Jan Tredway (NWDO), Misty Koletich (NEDO), Carl Safreed (Canton), Sarah Harter (SEDO), Jeff Canan (RAPCA), Anne Chamberlin (Portsmouth), Peter Park (Toledo), Paul Tedtman (SWOAQA)

1. **Enforcement issues –** John Paulian

The Director's office is updating the Compliance through Enforcement Policy. We expect to see a draft by March, with official revisions out by April. No other issues on compliance side.

As far as the transition from CETA to Stars2, this should be done by the end of the first quarter.

Statistics on enforcement - Tom Kalman is working on putting together statistics for P&E meeting updates.

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

The biggest permitting project at this time is the Oil and Gas Well-Site Production Operations General Permit. We hoped to have it done but last round of comments are holding this up. The Oil and Gas industry gave us many other things they want in the GP, such as two cleanup trains instead of one. We have to figure out how to include these additional EUs while keeping this as a non-synthetic minor permit. This GP has been a challenge because there is a wide variety of equipment they can have at a particular well site. Final issuance of this GP is still about three weeks out. What about the definition of "facility"? Mike says one well site is considered a facility, so there will be multiple facilities needing permits. We are keeping each well site as a separate facility for now, and if the courts decide differently in the future, then we will make that change at that time. Erica wanted to know how many of these permit applications we expect, because she wants to examine the feasibility of creating a function in Stars2 to be able to copy an application that has been submitted, since these applications will likely be similar. Mike envisions 200-500 well sites where the companies will be asking for a GP. Others will not be asking for a GP. Sarah Harter has been working with facilities to have them submit their applications via E-Business Center, even if not required. So far ODNR has issued about 175 permits for 2011. 2012 will likely see much more activity from these types of companies. It is not known if these permits are for individual well sites. As of now we are only addressing permitting for the production side of this process. Once we have finalized this GP we will go back and look at other aspects of the process to see if these activities need permits. Mike believes there will be multiple big projects coming up out of this industry in the near future for our division.

Temporary Activities - The above-mentioned Oil and Gas Well-Site Production Operations GP has a blanket statement in the public notice that says temporary activities do not need permits. Rick Carleski wanted to know which temporary activities were included as not needing permits. He did find out that these temporary activities were exempted mainly under the non-road engine exemption. He

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still wants to explore the question of exempting certain temporary activities from permitting. Mike Hopkins told him to put together a list with a justification of why these activities do not need a permit, and get these back to Mike who will have Jenny Avellana include in the latest round of updates to OAC Chapter 31. In the meantime tell the companies that they likely do not need a permit but they will need to keep their dust to a minimum.

Asphalt Plant Issue - the main issue lately is the problem of answer shopping from these facilities, where they will contact one DO/LAA to get an answer and contact another to get a different answer. Then they accuse us of being inconsistent. We need to work together to make sure we are consistent in our answers. Mike has had discussions with the Asphalt Association on possibly doing a GP, but current court actions keep us from having discussions on all issues. Some issues are that we are unclear about how to move forward on putting PM10 and/or PM2.5 in permits, whether we need to stack test the back half or the front half only, what kind of permit limits to include under SB 265. The idea is to have a point person in CO who would be responsible for generating consistent answers on just asphalt industry questions. Sarah Harter mentioned that the permit template we have now is a pretty good reference for consistency. Todd Scarborough mentioned that most of the industry's questions seem to be on permit limits and what to do after a failed stack test. The believe there are inconsistencies in how we handle these situations. Mike has a meeting set up with the industry for them to tell him exactly where they are seeing these inconsistencies. He has no timeframe yet for setting up a CO point person but hopefully in the next couple of weeks.

SEDO has an application for a new asphalt plant wanting to use slag. The facility asked for a limit of 25 tpy to avoid SO2 modeling. The problem is that when they propose to use 100% slag, they get emissions of 480 lb/hr. This is very high and exceeds NAAQS for the new SO2 standard. They are hoping they don't need a limit this high, and that using 100% slag is highly unlikely. Mike wanted field offices to be on the lookout for companies wanting a limit in their permits that corresponds to the use of 100% slag and ask them if they will practically be using 100% slag. Todd Scarborough mentioned that there are other issues in these asphalt permits where the company asks for an unlikely scenario in order to get higher allowables in their permit. Todd wanted Mike to relay to the asphalt industry that they need to accurately reflect in their application what is going on at the facility.

Notifications for Small Portable Sources - Lynne Martz has assembled a group to address an item on the director's efficiency task force list to look into reducing relocation notification times for small portable sources. Originally the rules were developed for larger sources like asphalt plants, but some smaller portable sources/equipment (such as tub grinders) might not need to have a 15 day or a 30 day notification period. The group is hoping to update Engineering Guide 44 and an Answer Place topic on the subject and look into the options for smaller portable sources. They hope to work within Ohio's current rules (31-05 (H) and 31-03 (A)(1)(p)), but if a rule change is necessary they will look into that option as well. Mike stated that the group will need to look at whether there is much public interest in the site and if there are air quality or nuisance issues. If facilities do not have these issues, a notification might not be required. Erica cautioned that sometimes they get inquiries about locations of portable sources so they still need to know the location of these sources. A goal of the workgroup is to develop some categories with varying notification periods (if any) for sources according to type, duration on site, and emissions. The group will have a kickoff meeting at a later date to discuss these issues. Lynne Martz will be asking for the workgroup members' availability soon via email.

Engineering Guide 77 - addressing BAT limits that may have come from the old 21-07 rule. Olen Ackman presented a scenario where a Title V renewal permit had short term limits under 21-07(G). He ended up opening up BAT and had the company come up with an allowable short term limit to replace these limits since the rule has been rescinded. This was done as an administrative modification. Also, Honda came to him with three different scenarios. For the first scenario, the

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allowables listed under BAT were higher than what 21-07 would require. Since the limits under 21-07 would have to be removed, this would result in an increase in allowable emissions, which requires a modification. The other two cases were that BAT limits were more restrictive than the 21-07 limits, so the 21-07 limits were removed per rule 21-07(A)(7), and the remaining limits were the more restrictive BAT limits. This did not require a modification. The P&E committee decided that it would be a good idea to update Engineering Guide 77 with new scenarios and examples or renewal permits dealing with 21-07 limits and BAT limits. Send examples of permits addressing BAT and 21-07 to Olen Ackman in the next couple of weeks. There was a discussion of whether we can re-evaluate BAT simply because the originally established BAT in the PTI was based on 21-07 and therefore now goes away. This is an administrative modification because there is no physical change or change in the method of operation. Mike believes that the rules support a replacement of BAT in this case, since BAT limits go away and they need to be replaced by something. To replace the old BAT based on 21-07 with a new BAT, you would have to evaluate what you would have established for BAT at the time. For example, if BAT at the time was a short term and an annual limit, you would replace the old BAT limit with a short term and an annual limit using guidelines that were in place at the time of installation/modification.

Mike mentioned that we did achieve our first 6-month goals for Title V and non-Title V renewal permits. We issued significantly more than last year. Mike is planning on doing another rwebinar to talk about goals for the next 6-month period. Field offices should send Mike a list of the Title V permits they want to be working on in the next 6-month period. Only include those that you plan on issuing final.

3. **STARS2 and permit issuance update –** Erica Engel-Ishida and Mike Ahern

Erica met with the director to convince him that we can issue a permit first and then he can look at the process and terms and conditions, instead of him looking at this and holding up issuance of the permit. He said he will get back to her on this issue.

Erica found that PTI/PTIO hard copy application didn't have the ability to submit greenhouse gas data. She is working on revising this and the instructions. If there are any questions or comments, Erica would like them before the end of the month so she can get the application and revised instructions corrected.

PIDM is generating blue papers and printing them out today. Prepare the receptionist at each DO/LAA with whom to direct those phone calls to. The blue papers give numbers for OCAPP, DO/LAA main lines and our phone number.

PIDM already sent out 2011 calendar year PER reminders for FEPTIO facilities (just a reminder). For non-Title V it is the actual form. They sent out 3000 of them. This is the most popular due date that everyone chooses. Erica would like to look into eliminating the other 3 due dates.

PIDM also sent out Title V compliance certification letters. No changes to that reminder letter. Mike Ahern is working to see if the companies don't have to send a hard copy to US EPA as well.

PIDM also sent out Title V and synthetic minor fee emission report reminder letters. Non-Title V mailing starts today. These are dated for this Friday and next Friday. Phone calls should be coming next week.

We need to make some last minute changes to Stars2 and Air Services to submit fee emission reports correctly. We will be deploying another version of Stars2, which will be discussed in the air permitting live call this week. At this point any non-Title V facilities can go into air services and submit blue cards electronically.

New name change for HAMCO - Southwest Ohio Air Quality Agency. This is the first name change we encountered in new system. Blue cards and all mailings have corrected new

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name on them.

Standard Terms and Conditions - Mike Ahern - We made changes back in August and sent them out for comment. We got comments back; some were on changes we were contemplating, some comments came in in and of themselves. Big issues - within Title V T&Cs - reference to malfunction - state and federally enforceable term and state-only enforceable term. These terms have been in since the beginning, because as we do updates to our rules and wait for SIP packages to be approved, there are limits that are not SIP-approved and if malfunctions are based on those limits then US EPA cannot enforce those malfunction events. Industry can't understand why that is in there, even though it is a good thing for them. They read it that we are citing the malfunction rule itself as state-only enforceable, when it is actually part of the SIP. They once again brought up the fact that we have the nuisance rule as a state and federally enforceable term, as it is part of our SIP and has been since the 1970s. It has taken a while to draft a response that we have to keep the term in as state and federally enforceable as part of the SIP, but we'd be happy to discuss the nuisance rule being in the SIP with US EPA and get the rule out of the SIP (although chances of that are very small). We are not making changes to that term based on their comments at this time, but formulating a response for them. Third issue is that First Energy commented that there are periods of time when they and other utilities are required to operate per federal rules which could put them in exceedence of their permit limits. They would like the standard T&Cs to call attention to that up front and exempt them from those emissions. A provision in the rules allows any company to assert a good defense for those periods of excess emissions. We asked them if there is a rule at the federal level that would exempt these emissions? They have provided information, and we will pursue this information and address that in future change to the standard t&cs, but not at this time. Probably looking at February or March before the standard T&Cs get revised.

E-document Management Update - Phase zero is in its last days. Thanks to everyone that worked on getting everything scanned and matching up barcodes. We ended up with a number of documents where the dates were not available, Axia (the consultant) had a tool that allows them to scan the document and find a date, so it is not necessary at this point to manually index these documents. From that initial group of documents, from that date forward, we have focused on the asbestos and open burning non-compliance documents. We want to have folks start using the Axia barcode sheet. Hopefully folks can scan these in as a transition into phase 1. The Axia barcode sheet is available on the answer place - log in, type in ECM - most recent version is posted. Only NOVs or Return-to-Compliance documents. Right now that is the scope of the documents for the ECM. The director only wants these documents.

For DOs, scanners or photocopier printers have been set up so you can scan the document with that barcode sheet on top and it will go into a folder that will process it into the ECM. You'll be getting instructions that have been developed by Axia, the consultant,

For LAAs, we have set up access to folders similar to what the districts would see through the F5 server that LAAs use for stars2 access. There will be more detail and instruction on that, but if you go to the Answer Place there are the beginnings of instructions.

For facility-related NOVs, the document that is scanned is married up with the facility profile information and we have a process that copies the document from Stars2 over to the ECM.

The agency will have a search webpage for someone to find these documents. There will be separate instructions and announcements on that. PIC is working on that. The tool for that search will be a really powerful tool for this purpose and other purposes in this agency. More powerful than current permit search we have available for the public.

Some offices want to integrate existing databases - work with Mike Ahern on that because the placement of the barcode and placement of the information on the page is very important for the software to be able to pick that up.

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Question - When you upload facility NOVs, if we issue a Return-to-Compliance, is it possible to have an option to select that? Yes, this is a quick and easy addition to make. Mike will do that.

The request for proposal for the permanent system has been out on the street. Group meeting today to review RFPs. Final solution is still a ways down the road.

IT consolidation - hardware got moved to state computing center. Shawn Naber is there now. That move went very well for how massive the move was. That set the stage for the next phase which is moving all the programming folks down to ITS. Mike VanMatre and Arunee Niamlarb are moving down there. IT is going to be a project-oriented office. Any work we want done will be submitted as a project. The work will then be prioritized based on all agency needs.

Locals - continue to contact Shawn Naber and Mike VanMatre and Arunee Niamlarb. For the long term, we haven't worked out how that will be structured going forward.

Question - Who is going to handle data requests? Mike VanMatre has been our data administrator for years. For individual data pulls, it is an outstanding issue. The current CIO doesn't see IT doing that type of work in the future. For now Mike is still the person to contact, but we have to copy the IT Manager now. For adding people to Stars2, continue to go through Louwana Tortora.

Mike is splitting his time 50% with IT as well. It's as needed, and has been about 90% of his time for the past couple of months. He will be coordinating our divisional needs with this new project management structure, and it should go back down to 50%.

4. **New Rules and SIP Update – Paul Braun**

No update

5. **Terms and Conditions -** Cheryl Suttman

Cheryl was not able to attend the meeting but she sent an update via email. She said that she has updated the engine terms from the August amendment; however, more changes are coming to the RICE MACT and NSPS rules. She is also working on the Natural Gas GP.

SEDO mentioned problems with erroneous characters when opening template documents, that occurred when the templates were moved from Wordperfect to Word. If you come across this, let Cheryl know, she is the one that needs to fix this. If you have a permit in process, and you know that is an issue, highlight in the notes that Toi or Loretta needs to fix this before sending out.

14. **Engineering Guide update-**

EG Guide 20 - looking for comments by January 31, 2012. Contact Duane LaClair with proposed changes.

EG 26 - no comments received. Does Misty know status of this guide? No, she will talk with Ed Fasko.

EG 34- in CO for further review

15. **General Permits** –

No update on Crematory GP. Sarah VanderWielen will be back at the end of January but only part time.

Anaerobic Digester GP - Jenny Avellana needs to incorporate comments into final permit and give to Mike. This should be done in the next couple of weeks.

Rick Carleski has group working on Miscellaneous Metal Parts GP. Current GP terms weren't practically useful, so the group is working on revising this. They want to incorporate the Area Source

HHHHHH rule into metal coating. There is actually more than one area source NESHAP that is going to apply. OCAPP has a bigger need for smaller sources that are not de minimis, but not as involved or large as the sources the current GP is targeted to. They need something with a lower allowable that will ensure toxics compliance.

16. **Training** –

2011 Air Program Workshop slides and Webex video are available on Answer Place topic 2403 - or log in and search for "Air program workshop."

17. **New Items –**

NWDO has a gentleman collecting scrap from scrap yards, melting it down and making ingots. NWDO was notified about him from a complaint. The scrap that he is getting is very dirty. Engine blocks, etc. NWDO met with him and discouraged him from continuing the processs. They indicated that he is going to have to do testing and comply with the Secondary Aluminum MACT. Apparently they are not successful in discouraging him. He has sold 60 of these furnaces and will have enough money to do testing soon. It is portable. Has anyone else run across this type of operation? The advice was given to send him a letter that he needs a permit and has to test. Refer to CO and leave it to the AGs for enforcement if he doesn't stop his operation. Let NWDO know if you come across one of these units.

P&E Minutes are available in Answer Place Topic ID 2140.

----------Next meeting is Tuesday, March 13, 2012.

March 13, 2012

Lazarus Government Center
Ohio EPA
7th Floor DAPC conference room

Attendees: Co-Chairs – Sean Vadas (Akron), TBA
Minutes – Jenny Avellana (CO)
- John Paulian, Mike Hopkins, Erica Engel-Ishida, Alan Lloyd, Lynne Martz, Cheryl Suttman (CO), Drew Bergman (CO-Legal), Rick Carleski (OCAPP/CO) Todd Scarborough, John McGreevy (CDO), Duane LaClair, (Akron), Jan Tredway (NWDO), Tim Fischer, Misty Koletich, Corey Kursian (NEDO), Carl Safreed (Canton), Chris Clinefelter (RAPCA), Anne Chamberlin (Portsmouth), Peter Park (Toledo), Paul Tedtman (SWOAQA), Mary McGeary, Valerie Shaffer (Cleveland)

9. **Enforcement issues –** John Paulian

Not too many updates. Waiting on revisions on Compliance through Enforcement Policy, hope to send out by April 15. Drew Bergman is working on tweaking compliance plans for enforcement. He will be scheduling a call with the locals like he did with the districts to talk about the plan.

4. **New Source Review** – Mike Hopkins

EAC Form for chromium electroplating seemed to disappear. Why didn't we proceed forward with that? Maybe 5-15 years ago a group was put together to work on chromium electroplating MACTs. Group was put together to draft the EAC but never got beyond that. We need to update the draft EAC form. Sean Vadas will take a stab at updating it and passing it around for P&E committee to review.

Question from Adam Ward - Should we update the Preliminary Completeness letter to include site preparation activities allowed under OAC rule 3745-31-33? 31-33 allows for certain activities but the letter currently says you can't initiate construction. Chris Clinefelter volunteered to update the letter. He will have something by next P&E meeting. Do we have a preference to spell out 31-33 or just reference and provide a link to the rule? It was suggested to keep the letter as short as possible.

A related issue was brought to the committee's attention, that in Stars2, when entering a new application, a date of commencement of operation is required. This needs to be fixed for situations where a facility has started installation but not operation.

CDO question - John McGreevy -

Bulk gasoline terminal testing conditions - max not always achievable. OAC rule 3745-21-10(E) requires that "the gasoline throughput during any test shall be not less than ninety per cent of the maximum throughput of the loading rack(s) and not less than eighty thousand gallons." Is there anything else they can do to comply with the rule? CDO talked to Todd Brown and Bob and Mike, who decided that if the facility is having trouble meeting 90%, to test at less than 90% and we'll accept this as 90% of their maximum throughput. This is similar to derating, but it's an unofficial derating of the maximum throughput. It is difficult to track an unofficial derating for testing and retesting. This is not in compliance with what is in the permit, so the facility needs to keep us apprised of their throughput rate. The plan is to modify Ohio's stack testing guidance to include this language for derating of facility when they don't meet their testing requirement. We will track the derating in a formal letter through Stars2

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and require monitoring, recordkeeping and reporting in that letter. If they exceed 10% of the lower rate we've accepted, then they need to notify us. Also, rule 3745-21-10(E) references NSPS subpart XX but our rule is more stringent. Subpart XX requires the 80,000 gallons of gasoline pumped requirement but our rule also requires the 90% of the maximum throughput. We have an IOC on our website right now but we need to revise to address this issue. There is an engineering guide that addresses testing for bulk gasoline terminals. The EG is confusing. It mentions the NSPS and our rule. The EG needs revised with how our rules are intertwined with the NSPS. John will take a look at it and try to revise for review by P&E committee at the next meeting.

NSR General Update – Mike Hopkins

We issued EG 80. This is the Potential to Emit guide that Adam Ward has been working on. We finalized it and sent it out to interested parties for comment at the same time so we can have a final document in-house that we can use. W3'll get comments from interested parties and see if we need to make changes to it.

We issued the final GP for digesters.

We issued the final Oil & Gas GP for well sites. We are starting to see applications for those coming in. One company was installing well sites but putting in smaller equipment so the PTE was less than de minimis and they have not been applying for GPs.

We are starting to work on better understanding the next step in the process – mid-stream operations, compressor stations. Operations similar to what we have under GP. These companies are taking raw gas, making sure gas is dry and ready to go in pipeline, flares, all done in central location where a bunch of different wells go to that one location. They may have compressors at that one operation. We expect these operations to have larger equipment. This could end up as another GP or template terms for T&C library. We expect to see a fair number of these. We also expect to see a more general type of compressor situation. Can we do a GP for these or do a template? All depends on emissions. We haven't yet done a GP as a synthetic minor and there is no reason we can't do one. We'd have to set it up so that draft terms can be issued quickly but then we would have to do a normal comment period and final issuance on the regular (non-general) permit track. GP would get you a quick draft issuance.

We submitted information to US EPA to support the <10 tpy BAT exemption for no backsliding. They are reviewing this information along with other changes in the rule. We hope in a month or so we'll get comments as to whether we are on the right track.

Same thing with another rule of ours where the PTI exemption for storage tanks matches with NSPS levels; US EPA also wanted support on why this wasn't backsliding. Mike Mansour worked on this and we submitted information supporting this rule change to US EPA.

ERAC - air toxics appeal by environmental groups

The environmental groups appealed the development of the air toxics rule and the compounds that ended up in the rule. When we developed that rule and decided on compounds, we had detailed support for all the decisions we made. ERAC said we did our homework and the rules are fine. No reason to overturn any of it.

ERAC - Shelly Plant 77 appeal - Shelly appealed a PTI and had a number of issues that affect many different types of facilities or permits we issue. ERAC found 12 out of 14 issues for director. The 30 days is now up and Shelly did not appeal the ruling. We chose not to appeal on the 2 issues we lost on.

Some issues that ERAC said were fine:

That we list different fuels in a permit that you are allowed to use

Having limits on different fuels

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No problem on 1 minute, 3 minutes opacity issues

Having a sulfur content restriction for fuels.

No problems with burner tuning

2 issues they ruled for Shelly:

T&C that restricted the amount of slag that could be used - said we didn't have enough support to put that restriction in. This made sense because we didn't have stack testing to show what impact the use of slag would have on emissions at the time. But now we have stack testing from Shelly that shows significantly higher sulfur emissions. The lesson is we need good information to support restrictions we put in permits.

For asphalt plants we had put separate limits on plant stack emissions from baghouse and then limits on storage silos and other parts of plant. This was mainly for convenience in calculations. ERAC said for one EU you shouldn't have it split up into parts. Maybe we'll have to put a common limit in one location, but show compliance by two different calculations.

There are many other Shelly appeals for many of the same issues at ERAC. AG will have to work with ERAC on how to deal with those appeals. We might be able to get rid of a bunch of pending appeals.

NWDO has done an asphalt permit based on changes from the appeal. The calculations are not user friendly. Didn't put a slag limit but MH believes we have enough support for now putting in a slag limit restriction.

These decisions should help us to determine how to move forward with asphalt draft GP terms.

Todd wanted to give an announcement for smoke school March 20-22 in Cincinnati, March 27-29 in Columbus, and April 3-5 in Akron.

Permit renewal project question - Todd Scarborough - MH said the ones we are normally reviewing are Title Vs, major NSR, synthetic minor or controversial. We may occasionally pick others based on workload. Todd says that unless you have a copy of the PTI for the PTIO renewal, it is difficult to review. If CO staff does not have a copy of PTI, they might ask for this from DO/LAAs.

3. **STARS2 and permit issuance update –** Erica Engel-Ishida

The PTI/PTIO application we sent out for comment received a lot of comments. We received comments for instructions on EAC forms. Erica going through each EAC form to make sure info is up to date. Let her know if there are any other EAC forms that need to be opened up for updating. She will be updating addresses and typos and things like that.

Mike Ahern gave updates to pass along - E-document project. The only office's documents not published are Cleveland, SEDO and some of SWDO. If you have permit-related NOVs or emissions-related NOVs get them uploaded into Stars2. We had talked about having a type of NOV for rescinding NOVs. We will be adding that option very soon.

Standard T&Cs – we received comments. Bob and Mike A. are determining how best to proceed based on new comments. We are hoping to have those published by end of this month or April

We have had many questions with how we are going to deal with early renewals of PTIOS. The first set of PTIOs will expire beginning in July 2013. As you approach renewal, every permit that was issued would get same expiration dates. PIDM is working on guidance for what timeframe you can issue an early renewal if facilities have PTIs butting up against the PTIO renewal. Legal is currently reviewing some questions that PIDM came up with.

We've issued GPs that MH mentioned. EG 34 and 81 are on Bob's desk. These will be posted to the web very soon.

Automated letters from Stars2 for NOVs-Will this be done for PER non-submittals?

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Elisa is actually generating these letters, they are not automated. Erica sent out a list of which letters PIDM will send out that DO/laas do not need to send out. See previous minutes for this list.

4. **New Rules and SIP Update – Paul Braun**

No update

5. **Terms and Conditions -** Cheryl Suttman

Cheryl passed out two handouts. One was the changes made to the last final to the Boiler MACT, Subpart DDDDD from March of last year; now w/ proposed amendment published in FR on 12/23/11. The other was a summary of Part 63 Subpart HH for the NG Production facilities (both attached).

Cheryl is working on terms for NSPS Subpart Db for industrial boilers. Bob Princic has found a review team to work on the asbestos rule changes for the landfill terms. I have already fixed and uploaded the problem file (for landfills not authorized to accept NESHAP regulated asbestos) and "they" (new review team, including some solid waste people) are looking at the file for the NESHAP regulated asbestos which just needs to be better organized (and maybe solid waste will add some of their rules).

Cheryl sent a follow-up email after the meeting with this information: Andrew Hall has drafted terms for the boiler MACT until it goes final. He is working on revisions in response to significant Region V comments, he said.

I am guessing the review team knows what to do if you need a major source boiler permit issued right away; if not, e-mail Andrew.

As far as the parameter monitoring, the proposed amendments changed 12-hour block averages to 30-day rolling averages. I would not anticipate that they will change this again in the final. These terms, along with the option to use emissions averaging for existing units (also revised for the amendment), are available in separate files in the Library under "By-rule" Part 63, Subpart DDDDD. Do not use the completed terms for the proposed D5 amendments (FR 12/23/11); I will be revising them after the rules go final again. If you need terms for NSPS Subpart Da, they are complete under Part 60.

18. **Engineering Guide update-**

EG 77 – Addressing BAT limits that may have come from the old 21-07(G). CDO is in progress of collecting samples to determine how different situations should be handled.

EG 20 - question regarding acid mist having an exemption. Sean received a comment from Dean Ponchak of SEDO about how we shouldn't include acid mist when doing a visible emission test. Sean asked him for clarification but hasn't received it yet.

EG 26 - Misty talked to Ed Fasko, he is taking another look but doesn't believe there will be more than typo-related revisions.

EG 80 - Issued final on 3/2/2012. Contact Ben Halton for comments. They are taking comments until April 8?

19. **General Permits** –

Anaerobic Digesters issued final 3/7/12

Misc Metal Parts GP - Rick hoping to have ideas from other states to pass around for next meeting.

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20. **Training** –

APTI 474 Continuous Emissions Monitoring, May 22-24 at the Riffe Building.
APTI 413 Control of Particulate Emissions, June 5-8 at the Riffe.

21. **New Items –**

Portable Source processing workgroup - Lynne Martz. This group had their kick-off meeting last week. They are looking at possible changes to OAC rules for 15-day and 30-day notification. They will have a follow up call to finalize those changes. Making intent-to-relocate form more user friendly. They had some ideas on improving communication to improve processing time. The group will try to get rule revisions to me by end of April for the Chapter 31 5-year review update.

Non-air vapor interface degreaser - anybody have anything like that? Contact Chris Clinefelder at RAPCA. He is trying to figure out how it fits in the rule - more resembles a drycleaner. How should we do calculations?

P&E Minutes are available in Answer Place Topic ID 2140.

----------Next meeting is Tuesday, May 8, 2012.

May 8, 2012

Lazarus Government Center
Ohio EPA
7th Floor DAPC conference room

Attendees: Co-Chairs – Sean Vadas (Akron), TBA
Minutes – Cheryl Suttman (CO)
Bruce Weinberg, John Paulian, Mike Hopkins, Andrew Hall, Cheryl Suttman, Todd Brown (CO); Drew Bergman (CO-Legal); Todd Scarborough, John McGreevy, Olen Ackman, Benjamin Halton (CDO); Duane LaClair, (Akron); Jan Tredway, Wendy Licht (NWDO); Ed Fasko, Erik Bewley (NEDO); Carl Safreed (Canton), Jeff Canan (RAPCA), Anne Chamberlin (Portsmouth), Peter Park (Toledo), Paul Tedtman (SWOAQA), Mary McGeary, John Polak, Valerie Shaffer (Cleveland); Sarah Harter (SEDO)

1. **Enforcement issues –** Bruce Weinberg & John Paulian
   1. Return to compliance letters- were intended only to address resolution of the violation identified in the NOV, not to document that the facility is in compliance with other requirements. The letter should be drafted to only identify the violation(s) for which the facility was out of compliance. DAPC will be working on a template letter for this purpose.

   2. CETA data has been successfully integrated into STARS2 and has been forwarded to Region V in this format. All data should be integrated by the end of June.

   3. NOVs can be entered at the facility tab in STARS2; however, asbestos and open burning violations cannot be entered without a facility ID, so they should, instead, be scanned and entered into the E-doc system in order to track them. They can later be entered into STARS2 if they are assigned a facility ID number following the violation.

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

   Natural Gas Production

   1. We are starting to get applications for the oil and natural gas (NG) well site production General Permit (GP); applications have been received from Devon Energy and Chesapeake. Chesapeake said that this is the first of many to follow.

   2. The new NSPS Subpart OOOO and amendments to the NESHAPs Subpart HH and HHH were signed by Lisa Jackson on 4/17/12 and they should be promulgated in the Federal Register any day (and might have already been posted). We will be working on modifying the well site GP for any new requirements; however, the NG facilities will have to comply with these requirements regardless if they are identified in a permit or not.

   3. DAPC CO is working on template permits and/or GPs for midstream facilities and compressor stations.

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4. The GP can be issued as a synthetic minor in order to get the permit out the door quickly; however, it will require a public comment period, unlike other GPs, and could be or would need to be modified for significant comments.

5. There are some issues relating to the determination of what is a "single facility", where wells are being drilled in close proximity and/or on different property owners land. There are some pending court cases regarding this issue (we are waiting on for resolution); however, we have drafted the well site GP terms to address each well separately, though multiple wells at the "pad" may be identified in the GP. The qualifying criteria (QC) restricts the GP to a single facility.

6. The application for the NG well site GP need not include all of the emission units contained in the GP. The facility has the option to install the emissions unit later and/or the GP can be modified to delete these emission units from the permit if never installed.

7. Cleveland's question regarding "True Minor verses FEPTIO" was not discussed but will be addressed at our next meeting.

8. SEDO's question regarding "PE vs PM10 for Title V applicability" was not especially discussed in relation to Title V permitting, but it will be brought up again at our next meeting.

<u>SIP Approvals</u>

1. Region V is reviewing several of our SIP renewals. The April 2006 submission, which changed the storage tank exemptions to match the NSPS and added a few PBRs, has been approved and will soon be in the SIP.

2. U.S. EPA still has not make a decision on the <10 TPY/no BAT determination; they still have a problem with back-sliding.

3. The SIP submission containing the ethanol facility exemption (where using natural fermentation) from the definition of "a major stationary source" (per Paul Braun) and the determination to eliminate "clean units" from Chapter 31 has been put on hold due to concerns/comments received by Region V from environmental groups on the ethanol exemption.

4. The PSD/TV Greenhouse Gas tailoring rule is on hold pending resolution of Region V's disagreement with some specific language they have identified in the proposed new rules from Chapter 31.

<u>Asphalt PM testing</u>

1. Mike Hopkins and Alan Lloyd met with the "Flexible Pavement Association". Many of the Shelly case issues have been resolved, others have not. Mike and Alan are working to open communications with the industry and to possibly re-draft a new GP (which the industry rejected after the last attempt).

2. The industry has an issue with the test method for PM_{10}: They have determined that Method 201 does not work where there is too much moisture (it was suggested that the problem instead was water droplets). The "National Asphalt Association" has requested U.S. EPA to make a determination on the appropriate test method from for PM/PM_{10}.

3. Bruce Weinberg, Todd Brown, Todd Scarborough, Jan Tredway, Erik Bewley, and John McGreevy all agreed that the back half of Method 5 can be used to resolve the problem and the

front half of a Method 5 would not demonstrate compliance alone. Old permits with PM only limits will need to be modified to include PM_{10} or possibly even $PM_{2.5}$ (per Mike H.)

4. It has also been determined that modeling for the 1-hour SO_2 standard does not normally pass when running slag, where SO_2 emissions exceed 200 pounds/hour; and up to 600 pounds SO_2/hour have been requested (SEDO). It was decided that the industry must stack test while running slag and/or other asphalt mixes, in order to develop reliable emission factors. Per Mike Hopkins, they will need to resolve this problem themselves by installing taller stacks, burning different fuels, reducing the slag content, adding additional controls, etc. Mike Hopkins suggested that if the SO_2 emission limits submitted are less than 200 pounds/hr and <25TPY, that SO_2 modeling might not be required. Everyone agreed that emission testing must be conducted, at a minimum, for PM10 and SO_2, and possibly NOx; and $PM_{2.5}$ for major NSR.

5. Bruce Weinberg stated that the asphalt industry also has an inherent problem with meeting the maximum production level requirements during stack testing, as the run is by-order and mix-dependent and not always worst-case. Jan Tredway stated that slag used from an electric arc furnace emits 1/5th of the SO_2 emissions emitted from using blast furnace slag. This also makes any AP-42 factors less representative of the source and estimated PM vs PM_{10} fractions less reliable.

6. Any questions on the limits and test Methods to use for any new asphalt applications or in permit renewal, contact Alan Lloyd. Mike Hopkins said, when asked, that we will not be starting a workgroup at this time, and for the time being, get in touch with Alan with all your questions and for updates.

<u>PM vs PM_{10} and $PM_{2.5}$</u>

1. Regarding when to use PM vs PM_{10} and $PM_{2.5}$, Mike later said that we do not change BAT limits for a permit renewal unless it is a TV, which must be the federal criteria pollutant of PM_{10}, or maybe better PM_{10}/$PM_{2.5}$. Renewals would get all of the new applicable rules added, but non-TVs will keep their original BAT. Mike anticipates that the new criteria pollutant that we will soon be putting in new permits will be PM_{10}/$PM_{2.5}$. This will be discussed further in our next meeting.

2. From Andrew: PM_{10} is the pollutant for which PTE is evaluated for Title V applicability. Unless there is PM_{10} data available, it is generally assumed that all PM=PM_{10} and this could result in co-located asphalt plants being pulled into Title V.

<u>Digesters</u>

1. Alan Lloyd has completed a search for all of our permitted digesters and believes he has a list of most of the digesters in the State, based on contacts with the larger field offices. This list was attached to our agenda prior to the P&E meeting. Through Alan's review of these permits, CO has determined that findings & orders should be drafted requiring permits for existing digesters. If you have specific questions concerning permitting digesters, contact Alan or review his spreadsheet to see what limitations were used at the time of issuance.

2. Permit issuance and Data Management (PIDM)-Mike Ahern

<u>CETA and CEMS integration into STARS2</u>

1. DAPC has received initial testing and feedback from representatives in the CETA integration project group. CETA users should test the system. Training on the functionality of the data entry system will be conducted. The goal is to have the system up and running by the end of June. Packaging of the data for submission to Region V will soon be conducted.

2. Integration of CEMS data into STARS is also in process. By the 2nd quarter all CEMS data entry should be submitted electronically instead of via hard copy.

Non-TV fee reports

1. Hard copy blue cards are coming in and are being processed.

Changes to the Standard Terms & Conditions

1. DAPC has received comments regarding reference to the nuisance rule in the TV standard terms & conditions; it was suggested that it be removed; however, U.S. EPA disagrees with this determination.

2. Mike has received comments regarding the requirement to submit reports through Air Services in the Standard Terms & Conditions. The concern was that they do not want the legal liability to submit it through Air Services as there is no rule requiring it. Some facilities might run into problems during the submission and they want the option to submit it in hard copy to assure it is on time. The language has been "softened" to suggest that reports be submitted through Air Services instead.

Answer Place Topic #1165

1. This question is concerning the restrictions on who is authorized to PIN a facility's submission. Carl Safreed suggested that the system is more restrictive than described in the 2004 guidance. Mike Ahern said that a non-TV facility can delegate someone other than the "Responsible Official" to be authorized to PIN the facility reports/submissions. This authorization needs to be granted by someone associated with the facility that has legal authority to do so (from Answer Place).

4. New Rules and SIP Update – Paul Braun

No update

5. Terms and Conditions - Cheryl Suttman

1. Cheryl passed out a handout summarizing the requirements for the affected facilities in the new NSPS Subpart OOOO and the recent changes made in the amendments to NESHAPs Subparts HH and HHH, for the Natural Gas industry. If the storage vessels can be individually restricted to <6 tons of VOC/year and sweetening units can be demonstrated to have a design capacity of less than 2 long tons of H_2S per day, it is possible that many of the control requirements and daily compliance demonstrations (for sweetening units) can be avoided. Well flowback control requirements would influence a new well site; however, technically our GP only covers NG production following flowback completion operations (flowback recovery/control would be required even if not included in the permit). The GP only references the NESHAP (Subpart HH) in the facility terms, so the HH amendments have no influence on the well site GP. Most of the new NSPS requirements affect the midstream facilities and compressor stations. The major change to the 2 NESHAPs is the addition of a small glycol dehydration unit at a major source facility and the BTEX limits that go with it. Mike Hopkins is reviewing the NG engines for the compressor stations.

Template permits have been loaded in the Library for some of the units identified in Part 60 Subpart OOOO and additional affected facilities will be added as they are completed. The Library templates for Part 63 Subparts HH and HHH will be updated ASAP for the

addition of the small glycol dehydration units and the other smaller changes made in these NESHAPs.

Engineering Guide Updates

1. EG #20: This guidance is for the determination of compliance with Visible Emission (VE) limitations for stacks. It was decided that this EG meets the intended purpose of the guidance and does not address VE from acid gas/sulfuric acid mist or condensable organics. An equivalent visible emission limit (EVEL) can be established during a stack test for PM/PM_{10} at facilities emitting acid gases, where needed, to demonstrate compliance with a VE that exceeds that allowed by rule. It was suggested that we might draft another EG for establishing an EVEL at such facilities. Comments provided during meeting by Todd Brown and Bruce Weinberg.

2. EG #6 PTI for Coal to Oil conversion; Jim Braun and Misty Parsons are working on what to include in this guidance document.

3. EG #8 Compliance Test at Bulk Gasoline Terminals; John McGreevy is working on this and the draft is out for review until 5/31/12.

4. EG # 24 Application of Fugitive Dust Requirements to Affected Facilities; Toledo; the draft is out for review until 5/31/12

5. EG # 26 Inclusion of Weight of Water in the Weight of Refuse Charged for Incinerators; final recommendation was submitted to Tom Kalman for final review on 4/13/12

6. EG # 34 Conditions for Issuance of PTI/PTO for and Inactive Source; RAPCA; issued final on 3/12/12

7. EG #74 Stack testing for $PM_{2.5}$; Andrew Hall suggested we hold this one for the resolution of the asphalt test method

8. EG #80 Methods for Calculating PTE; CDO; issued final on 3/2/12, however Mike Hopkins was accepting comments through 4/8/12

9. EG #81 Emission Unit ID Designations; Ben Cirker; issued final 3/12/12

10. See Agenda for EGs not discussed, with no updates

Pending Actions

1. **Training** –
Steve Friedman will be taking Afrika Alsup's place until the training position can be filled.

Training is being offered for APTI 455 – "Inspection of Gas Control Devices," September 25 – 28, in Columbus.

2. **Portable Source Workgroup Director's Efficiency Task Force Item –**
Update from Lynne Martz- members: Erica Engel-Ishida, Lynne Martz, Sarah Harter, Chris Boss, Carl Safreed, Luke Mountjoy, Anne Chamberlin, John Polak, Brad Faggionato, Sean Vadas, Ron Nabors, Rick Smith. Workgroup has completed the evaluation phase. Bob Hodanbosi approved the group's proposed revisions to Chapter 31, the Relocation Request form and approval letter changes. Key changes will be: combination of both types of portable source notifications into one place in Ch. 31;

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reduced one-time relocation request time from 30 days to 21 days; reduced time for pre-approvals from 15 days. Both requests will require confirmation within 7 days after relocation occurred; Revised ITR form to be more user friendly and provide DO/LAA with more information to expedite processing. Next step will be implementation: Jenny Avellana will be working with the SIP section to get the portables language into the Chapter 31 package. Bob appreciates the workgroup members' accomplishments in the last few months.

3. Chrome Plating
EAC form for Chrome Plating – Laura Miracle has submitted this draft for comments, through 6/1/12

4. **Testing Condition Requirements IOC** – Todd Brown working on IOC for establishing maximum conditions and procedure for derating. Problems with facilities like loading racks and asphalt plants need to be resolved.

P&E Minutes are available in Answer Place Topic ID 2140.

Next meeting is Tuesday, July 10, 2012.

July 10, 2012

Permitting & Enforcement Committee Meeting Lazarus Government Center

Ohio EPA
7th Floor DAPC conference room

Attendees: Co-Chairs – Sean Vadas (Akron), TBA
Minutes – Jenny Avellana (CO)
- John Paulian, Mike Hopkins, Mike Ahern, Andrew Hall, Lynne Martz, Cheryl Suttman (CO), Drew Bergman (CO-Legal), Todd Scarborough, Kelly Toth (CDO), Duane LaClair, (Akron), Jan Tredway (NWDO), Misty Koletich (NEDO), Carl Safreed, Kevin Fortune (Canton), Jeff Canan (RAPCA), Sarah Harter (SEDO), Anne Chamberlin (Portsmouth), Peter Park (Toledo), Bonnie Pray (SWOAQA), Mary McGeary, Bryan Sokolowski (Cleveland)

10. **Enforcement issues –** Drew Bergman

The new and improved Compliance Assurance through Enforcement Plan has been finalized and is dated June 15, 2012. This is the final version, although it is a living document so it will be updated periodically. Drew will give to Sean to disperse. It has some pretty strict deadlines for field office and CO enforcement staff. A snapshot of the schedule: the field office inspector finishes inspection, must send out NOV within 21 days. If violations have not been abated within 45 days, hold compliance conference within next 30 days. Conference should be flexible - person to person or conference call. If someone has submitted an acceptable compliance plan, violation is considered abated.

The second part of the enforcement schedule is drafting of F&Os. The field office makes determination of significant noncompliance. The Air Addendum to the plan lays out what would be a significant noncompliance event. The field office has 30 days to submit compliance and enforcement plan to the Enforcement Committee, then the Enforcement Committee has 30 days to accept or reject the recommendation made in the compliance plan. If committee determines to accept the recommendation (tightest step) we have 90 days to have the F&Os prepared. Within those 90 days we have to receive the EAR or EAA (will likely go with EAAs more), and CO will have to put together draft F&Os and submit them into signoff, which begins with submittal to enforcement coordinator. Legal staff has nine months to negotiate a settlement or resolution. The preparing of the compliance and enforcement plan and EAR will have to happen very quickly. CO generally agrees with what is in the compliance and enforcement plan, so you don't have to wait for a determination to start preparing the EAR and EAA. We will discuss condensing the EAR and EAAs. EAA = expedited enforcement action (streamlined EAR). It was designed to get ESAs out more quickly. But we will probably start using EAAs for cases where there might not need an ESA. F&Os should be sent back to field office for review, but we will have to turn those around quickly.

Maybe at next meeting we can field some questions over the plan. “Return to Compliance” letters are now “Resolution of Violations” letters.

Question: What about locals that do their own enforcement and normally don't submit a compliance and enforcement plan? Does this policy apply to locals as well as field offices? We assume clock starts when the enforcement is referred to CO. The compliance plan would say "local F&Os", or something very brief, if not referring to CO.

Resolution of Violations letter - is there work being done on a template for this? Drew has asked that this be done.

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Local F&Os are not signed by director, so CO is telling locals not to put them into the system. When CETA comes online, NOV documents will go into CETA instead of Stars2 facility profile. If we plan properly, locals could put NOV documents into stars2 and only certain documents would be shifted off to the e-doc system. If it does get referred to CO, then at that point the system will pick up the documents (shifted from Stars2).
As far as submitting local NOV and F&O documents, do these need to be part of this phase zero e-document upload plan? Do locals need to be uploading these? Mike Ahern doesn't believe the director had these documents in mind for this initial phase. Maybe we need to revise contracts with locals?

4. **New Source Review** – Mike Hopkins

SIP - we have 4 or 5 different rule packages with US EPA to review and include as part of the SIP. Storage Tank exemptions and Permit by Rule stuff - US EPA has completed review of that and it is almost through signoff. Expect a FR notice approving that in the near future.

They have responded to the support info that we submitted for justification for the <10 tpy BAT exemption. They suggested we split the <10 tpy package apart from other parts of the rule, revise the support that we gave and narrow it down to nonattainment areas. The good news is they seem to be supportive of the information we supplied to show why using the <10 tpy exemption would not constitute backsliding. We have some work to do and will end up resubmitting a package for them to review. The 6th circuit in DC in late May made a decision on the Sierra Club appeal on the <10 tpy exemption - mainly using citizen provisions in the CAA to tell state they were using this exemption before it got into the SIP and that was illegal. Court remanded this back to the previous court with instruction to dismiss the case. That is a win for us. We have to wait - Sierra Club has 90 days to appeal. And the other court will have to issue an order to dismiss the case. If a party has a problem with what the state is doing with their program, is to go to US EPA and tell them what the state is doing wrong so US EPA can investigate, rather than using the citizen's provision. We have to continue to use the dual approach for the <10 tpy provision until this settles its way through the courts.

July 1, air permitting program change - companies that emit 100,000 tpy GHGs or more had to submit a title V application before July 1. Make sure you are looking at GHG emissions for non-title V facilities to see if they are now title V. Ethanol facilities, hydrogen plants, places that have gas-fired boilers over 200mmbtu combined. Facilities that already have their title V applications in should revise and cite 77-11. There are no additional applicable requirements. Will we be doing enforcement for facilities that have not submitted a title V application, These should not be enforced differently.

VOC RACT equivalency study - 3 gal/day rule exemption - Mike doesn't know current status of that. Jennifer Dines would be the person to ask about the status.

GP categories - we are going to update the oil and gas GP, and then evaluating doing GP categories for the gas processing facilities or compressor stations. We haven't tried to assign new categories for developing more GPs. Potential new GPs coming out of permit backlog program. Andrew will discuss in the permit backlog meeting.

Ozone standard - .75 - when will areas be nonattainment again? Ask Jennifer Dines.

True Minor vs FEPTIO - NWDO takes the position that a permit, in order to be practically enforceable, has to include a short term limit, control efficiency and a tpy limit. They do it under 31-05(F) - (not in SIP). SB 265 guidance document says we have to do these as synthetic minor permits. We have recently decided that we are going to go back the old way and update guidance. Is a voluntary limit considered legally and practically enforceable? What is the PTE: the rule limit (such as chapter 17 limit) or what the unit is capable of? PTE definition talks about what it is physically capable of - this is the PTE. Now what is the enforceable limit that gets them below the 17-11 allowable? Can't really enforce the PTE at

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below 17-11 if there is nothing there to support enforcement (question over 31-05(F) enforceability). 31-05(D) - designed for when you are establishing an artificial restriction to keep you below major source thresholds. Spells out what you have to have - annual limit, short term, standard synthetic minor restrictions. When you are trying to avoid major NSR or title v, use 31-05(D). If you are not trying to avoid major thresholds, but adding control for other reasons (odors, maybe), they may volunteer to have something in their permit about that, not necessarily enforceable, that is when you use 31-05(F) - where you are going above and beyond any state and/or federal rules. State-only enforceable 31-05(E) is for cases where we have a state rule that is not federally enforceable, and establishing restrictions to avoid the non -federally enforceable rule. (air toxics, modeling). We will look back at Jim's discussion and update EG 80 and update other guidance talking about doing PTE before controls. Should we issue permits direct final for voluntary restrictions? Yes. Note: pay attention to the synthetic minor operating fee when checking/unchecking FEPTIO box. Send Mike H. an email with further questions or thoughts. He is going to be looking at Jim's email, EG 80 and the PTE guidance.

PE vs. PM10 issue - we talked about this in the May meeting. For title v applicability - do we use PM, PM10 or PM2.5 for title V applicability? Mike Ahern pointed out there is guidance for PM or PE and whether you should be using that as a trigger level for title V applicability. Mike A - PM10 and PM2.5 are the title V application trigger levels, PM is not. In 1994 part 70 rules were being developed, there was discussion at the federal level for trigger level. US EPA interpreted that TSP was the NAAQs at the time, but the permit limits were supposed to be based on PM10, but test methods weren't available at the time, so they used PM as the surrogate. We originally had PM but we have corrected that and put PM10 and PM2.5 in PTE analysis included in Air Services permit applications. Our fee legislative authority deviates from title V permitting threshold applicabilities. Under our legislation, industry argued and we agreed at the time that the cost for identifying speciated PM10 would be too costly. So we assess fees based on PM. Companies have to report PM for emission fee purposes and OC for EF purposes. For title V applicability, we focus on PM10 and VOC for thresholds. When PM2.5 was set as the trigger, if there was not sufficient information to identify PM2.5 PTE, US EPA said you use PM as a surrogate and assume all PM is PM10 (or PM2.5). CAM within Title V permits - the pollutant is PM10 or PM2.5, but without speciated information available, you use PM to evaluate applicability. Utilities wanted to pay fees based on PM10 but legislations says PM. Mike will check and let us know about how we address the difference if company is only testing for PM10 and PM2.5 but have to report PM for fee purposes. Where do they get the PM data?

When it comes to determining PM10/PM2.5 for major source applicability, if they are close, maybe require testing. If not, accept emission factors.

Shale oil gas facility naming - Carl Safreed - On the shale oil gas facility's permit for ODNR, they have to get a permit for each well on the pad. When they send in the permit application for the GP - it is for whole pad and all wells on the pad. He recommends to suggest to each facility to enter as their Facility Name the energy company name and their specific well-site or pad name in STARS2. We can update the Q&A attached with GP with this suggestion as well. If there are other suggestions for changes to the Q&A, then Mike will include these on the Q&A revision as well.

Dry Cleaner General Permit - Akron - should dry cleaning GP 2.1 be revised from "installation" to "construction" to align with the US EPA applicability determination letter dated 12/16/09 (due to recent discussion with OCAPP over Mimi's dry cleaner application)? Dry cleaners are taking their equipment to another location, and gave Akron the GP 2.1. Feds put

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out a memo saying this was okay as long as it is not a new unit. From a state standpoint that is not an existing machine so they can't use the GP. Should we change the GP 2.1 to include these instances? Or just give a regular permit with GP 2.1 terms. When they move a machine, we normally say need to get a new PTI. GP qualifying criteria asks if machine is existing machine? When installing at new facility, getting a new premise number, so Sean feels this is not an existing machine. Permit terms are written with the MACT in mind. If we need to add some clarification to the qualifying criteria then we can do that. We want to make it clear that the GP can still be used in these instances.

3. **STARS2 and permit issuance update –** Mike Ahern

AP Topic 2140, the P&E Meeting topic, has been updated. The formatting is updated and some meeting notes added. There is a link to a large pdf version and word document version of notes at the top of the page. There is a list of people on the P&E contact list. There is a summary going backwards in time of all the different meeting dates we have notes on and on which particular page those notes start.

We've added some additional attachment types in Stars2 to the facility profile: modeling, relocation confirmations, and tax exempt application.

In the Stars2 correspondence area we have added an additional document type that says "rescind NOV".

Erica has been working with Mike and Bob with the early permit renewal policy. In the meantime if anyone needs to process an early renewal they should contact Erica directly.

We are sending out notices this week to non-title V facilities that did not report on time. If they don't submit by the end of august we will start the auto-notices.

Emission reports still need to be reviewed; there are 6400 total, with only about 600 left to be reviewed. Once these are reviewed we can send out invoices.

General update on agency's initiative to update our webpages – we are rebranding our webpage based on the Governor's directive. This will happen in late July/early August. It will be rolled out around September.

E-document phase 1 activities are continuing. We have hired a contractor and they are meeting with the divisions. Axia is staying on board as well to help develop the phase 1 system. Phase zero system will be scrapped. Phase 1 will continue into next year.

4. **New Rules and SIP Update – Paul Braun**

No update

5. **Terms and Conditions -** Cheryl Suttman

Cheryl passed out the following information related to the oil and natural gas industry's new and amended rules:

A summary of the changes made in the final amendments of 4/17/12 to the NESHAPs for oil and natural gas production, Subpart HH and for natural gas transmission and storage facilities at major sources, Subpart HHH include:

1. Establishes MACT standards for small glycol dehydrators at major sources of HAP, previously exempt from requirements (Subpart HH and HHH).
2. Elimination of the exemption from compliance during periods of startup, shutdown, and malfunction (Subpart HH and HHH)
3. Revised definition of associated equipment to exclude all storage vessels (Subpart HH)

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4. Revised the definition of a leak from valves to be 500 ppm, where leak detection and repair must be implemented.

The summary came from tables published in the prepublication of the final rules. Both rules are expected to be published in the Federal Register by the end of this month, along with the new NSPS, Subpart OOOO, for crude oil and natural gas production, transmission, and distribution.

A summary of the amended NESHAP Subpart HH, shows the various permitting scenarios for glycol dehydration units to include:

1. Large glycol dehydration units at major sources for HAP which are ≥85,000 scm/day and ≥0.9 MG benzene/Yr.
2. Small glycol dehydration units at major sources for HAP which are <85,000 scm/day or <0.9 MG benzene/Yr.
3. Large triethylene glycol dehydration units at area sources for HAP which are ≥85,000 scm/day and ≥0.9 MG and located w/i 2 miles of UA + offset and UC boundary (as defined in rule)
4. Large triethylene glycol dehydration units at area sources for HAP which are ≥85,000 scm/day and ≥0.9 MG and not located w/i 2 miles of UA + offset and UC boundary
5. Triethylene glycol dehydration units <85,000 scm/day or <0.9 MG benzene/Yr are exempt from control requirements but must keep records to demonstrate they meet the exemption
6. Glycol dehydration units not using triethylene glycol at an area source for HAP is not subject to the subpart.

Permit template files from the Library that are now available for use include:

1. all of the categories listed above from Subpart HH excluding the new small glycol dehydration unit, which is soon to be drafted

2. leak detection requirements for:

    a. natural gas processing plants subject to the new NSPS Subpart OOOO (Part 60 VVa);

    b. for processing plants not subject to Subpart OOOO (Part 61, Subpart V); and

    c. pre-NSPS processing plants (Part 60 Subpart KKK and VV).

3. Oil and Natural Gas Production Well Facility templates, similar to the GP but with all of the terms from Subpart HH (need to add small glycol dehydration unit template at major source of HAP)

4. Permit templates and/or terms from the new NSPS Subpart OOOO for:

    a. Gas wells, i.e. flowback requirements
    b. Pneumatic controllers
    c. Reciprocating compressors
    d. Storage vessels > 6 TPY and records of estimated emissions from all tanks

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e. Requirements of the permittee where compliance is demonstrated through the manufacturer's performance testing

5. Natural Gas Compressor Stations
   a. Reciprocating compressors requirements from OOOO (same file as above)
   b. Leak detection requirements for a compressor if not subject to Part 60 OOOO (Part 61, Subpart V)
   c. Selection of Natural Gas engines
   d. Selection of Diesel engines

Cheryl passed out a summary of the requirements of a permittee demonstrating compliance with Part 63 Subpart HH and Part 60 Subpart OOOO through performance testing conducted by the manufacturer and for a specific model combustion control device. Recordkeeping, reporting, and deviations related to this option of compliance still need to be drafted.

This option for compliance was also added to Part 63 Subpart HHH, for major source (HAP) dehydrators at transmission and storage facilities, but these requirements have not been reviewed yet by Cheryl. Most likely the requirements for both the permittee and the manufacturer in Subpart HHH are identical to the requirements in Subpart HH for dehydrators.

The hand out of these requirements are in the T&C Library and have not been summarized here.

22. **Engineering Guide update-**

EG 6 – Coal to Oil Conversion – Misty is working on.

EG 8 – Compliance Tests at Bulk Gasoline Terminals – CDO received some comments, and they are working on addressing these.

EG 24 – Application of Fugitive Dust Requirements to Affected Facilities – Sean will be distributing latest revision.

EG 77 - Addressing BAT limits that may have come from the old 21-07(G). CDO is in progress of collecting samples to determine how different situations should be handled. Should be out next month.

23. **General Permits** –

Misc Metal Parts GP – working through modeling issues.

24. **Training** –

APTI 455 – Inspection of Gas Control Devices, September 25-28

25. **New Items –**

No new items

26. Pending Action Items –

RAPCA is revising the preliminary completeness letter to address site preparation activities allowed under 31-33, Draft is out for review, final should be out by next P&E meeting.

EAC form for Chrome Plating – comments received on draft, drafting changes

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P&E Minutes are available in Answer Place Topic ID 2140.

----------Next meeting is Tuesday, September 11, 2012.

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September 11, 2012

Permitting & Enforcement Committee Meeting – September 11, 2012

Lazarus Government Center
Ohio EPA
7th Floor DAPC conference room

Attendees: Co-Chairs – Sean Vadas (Akron), TBA
Minutes – Jenny Avellana (CO)
- John Paulian, Bruce Weinberg, Mike Hopkins, Mike Ahern, Erica Engel-Ishida, Andrew Hall, Lynne Martz, Cheryl Suttman, Alan Lloyd (CO), Rick Carleski (OCAPP/CO), Todd Scarborough, Matt Woods, Olen Ackman (CDO), Duane LaClair, (Akron), Andrea Moore, Jennifer Jolliff (NWDO), Craig Osborne (SWDO), Eric Bewley, Matt Campbell (NEDO), Carl Safreed, Kevin Fortune (Canton), Chris Clinefelter (RAPCA), Sarah Harter (SEDO), Anne Chamberlin (Portsmouth), Peter Park (Toledo), Paul Tedtman (SWOAQA), Valerie Shaffer (CDAQ), Anne Chamberlin (Portsmouth)

11. **Enforcement issues –** Bruce Weinberg and John Paulian

The Compliance/Enforcement Unit is getting ready to come out to field offices for the Compliance Assurance through Enforcement Plan (CATEP). There is a new tracking system, timeframes we have to address.

We are also getting ready for a US EPA audit, and will be asked to do some file review. US EPA is only coming to CO for the compliance side of the federal audit, October 22-24. It will involve the review of some files we'll need up here. They have a list of 32 facilities (scattered throughout the state) they want to look at, to match up with what is in AFS and CETA. The audit is only for fiscal year 2011 and they will be looking mostly at inspection reports and documentation leading up to enforcement reports. We need field offices to put files in PDF and send up. John doesn't expect this to be too bad, but will need paperwork by then.

Thanks everyone for getting FC commitments in.

Inspections for portable sources located in another district for FFY 2013 (on agenda and note #1) - CDO. Field office does inspection for portable sources in their jurisdiction, even if permit from another office. Each office needs to coordinate when there are compliance issues that need enforcement. Which office will get credit for the inspection for contractual commitments? John Paulian will look into this. The 20% commitment is an agency commitment, not a per- office commitment. Inspection of portable sources is essentially a courtesy to the permitting office.

Method 25 trap recovery temperature, asphalt testing – Todd Brown was on vacation so Mike Hopkins explained the issue. We found that the labs completing Method 25 analysis were using recovery temperatures that were higher than that allowed in the method. At the higher temperatures, the test can end up recovering more VOC than what the method is supposed to recover. Todd talked to OAQPS – they informed him that labs should be using 200 deg C, as written in the method, and no other temperature. What happens to past tests with higher temps? What should we do if anything? If source had an EF that was established and they still complied, nothing needs to be done. In some cases where the test was done and we adjusted the allowed/BAT emissions based on the test, we might want to re-evaluate. When you don't know how much higher the results of the test are, chances are we won't make adjustments for those cases. If there is enough evidence in a particular case that resulted in a significantly higher allowable for BAT, we'll evaluate to see if we need to make an adjustment.

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We need to check this when we look at stack test reports to make sure labs are using the correct temperature.

Since the higher temperature recoveries potentially bias results high, if a facility fails a Method 25 test, and the recovery was completed at a temperature higher than that allowed in the method, the facility will have to retest prior to taking any further action. Completing the test using a proper temperature recovery may demonstrate that the facility is actually in compliance.

Todd Scarborough - mentions that there has been research that says it should be done with 300 degrees as the testing temperature. The answer we are getting from OAQPS is that it needs to be 200 degrees. Bruce Weinberg concurred that we need to follow what is in the method.

5. **New Source Review** – Mike Hopkins

New items- Paul Koval has been interviewing for MACT position, interviews are complete. Position will be offered soon.

In the district call where Bob was discussing budget, he mentioned how Title V fees have gone down significantly. That essentially means DAPC will have to absorb around 10 positions. Existing positions that aren't filled will be dropped. When deciding which positions need filled, we usually bias it towards field offices, and not central office. However, there will be more instances now where a CO position might be decided to be more essential than a field office position.

We've been working with Cheryl Suttman on the next version of the Oil and Gas Well GP. She's incorporating NSPS into the language. Pretty close - hopeful that in 2-3 weeks, we'll be able to send out an IP package.

CO permitting staff are helping SEDO review permits, to help reduce the number of installation permits they have. CO staff are still reviewing other permit categories for renewals.

We looked at Title V renewals and PTIO renewals - goals we need to meet by end of December. Period starts July 2011. As of end of Dec 2012, we need to have 133 final Title V renewals issued. We have 97 done with 36 to go. For non-Title Vs, the goal is 1263 by the end of December 2012. We have done 1055 and have 208 to go. We met the goals for the period ending June 30, 2012. We are on track to do that for the end of the year.

Erica will check what the logic is behind when a permit goes on the backlog list. Early renewals - let Erica know so they can manually override the expiration date. This issue should be resolved in Stars2 next year.

Multiple court decisions that have come out that will impact us:

6th circuit decision out of Cincinnati on BAT - Sierra Club was saying that they could use the citizen's suit provisions of the CAA to sue a state for not doing what they thought they should be doing under the CAA. Court said they can't use that, it is for a citizen to sue a company when you think they are not complying. The method to use is to go to US EPA when you think a state is not following the CAA. Once appeal period is done and it doesn't go any further, then we will be able to eliminate the dual language for BAT. We would have no BAT limits for <10 tpy sources. We will discuss with lawyers about whether we can follow our rule change without a change in the SIP. Nothing will be different until a memo is sent around.

6th court decision on aggregation - oil and gas industry and feds interpretation of when you should group activities as one facility - specifically with feds interpretation of adjacent (broad interpretation - they say 10 miles apart could be adjacent if functionally related in some way). Essentially court said US EPA was taking way too broad an analysis of what is adjacent and adjacent should be right next to each other, which follows what we are doing for the Oil

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and Gas GP. Court supports the way we've been doing it. If you have an oil and gas processing site next to a well, in most cases the wells are not right next to each other. Based on this court decision, don't group all wells together as one facility for major NSR purposes. This may have an impact on standard major NSR determinations. Erica will put this on the P&E Answer Place topic.

Existing multi-establishment facilities, we will wait to find out what guidance US EPA comes up with. Will any facilities no longer be Title V? Possibly.

5th circuit Texas decision – US EPA lost - case where state of Texas submitted a SIP 10 years ago, feds finally acted on it, said it was not approvable. Court said that US EPA shouldn't dictate what the words in the rule should say, should just say approvable or not approvable.

Cross -state rules thrown out - back to CAIR. Impacts folks working on the SIP - if you have to bring an area into attainment, what will cross-state get you, now have to go back and decide what CAIR will get you. One of the ramifications of this is that other states can now sue us under section 126 of the CAA - where states say that another state is causing air quality problems in another state.

Craig Osborn - non-road engines - discuss flowchart and supporting documents. Facility 0514000187 - tub grinder permit issued P0110128, took out all diesel emissions because engine is exempt because it is considered a non-road engine, only have emissions related to the actual tub grinder. Diesel emissions are in 05-14403, issued 5/31/2007. 5 months ago company says they want diesel emissions taken out of permit. Craig thought based on the rules that they need to keep diesel emissions in the permit. Sidwell enforcement case - says they can take out diesel emissions because it is not a stationary source, since it moves, even if on same property. This comes from US EPA and their interpretation of non-road engines. They issued a new permit and took out diesel emissions. They don't feel this is protective, diesel emissions are a concern. He drafted a flowchart to address this issue, see attachment on AP topic. Let him know if there are any comments on this flowchart. We can publish this in AP when it is finalized. Sarah has been assigned an EG for non-road engines - should this be incorporated into the EG?

If visible emissions are over 20% opacity, then they need a permit.

Wood-fired boilers - what is status? Mike Hopkins talked to Jennifer Dines - at one point we drafted rules for this. But politically that didn't work out. Under the current administration, it is unlikely we'd be able to get that passed. We don't see activity from a rule-development standpoint. The only thing left is the nuisance rule, and we go out and encourage them to use the boilers in an efficient manner. Or there may be local zoning rules with distance requirements. Smoking heaters could be a violation of city rules.

SO_2 sampling requirements for diesel engines - Jennifer Jolliff, NWDO - aggregate facilities, the engines they have, the permit language states that the permittee should perform analysis of sulfur content of the fuel (from the monitoring and recordkeeping requirements from the T&C library). Why do they need to do this? It is coming from the refinery. Refineries are already heavily regulated. For them to do a direct analysis would be costly. Indirect analysis to look at records would be almost impossible. Is a bill of lading sufficient? BOL will indicate they are receiving ultra-low sulfur diesel fuel. Can we propose some different language in a GP? Mike Hopkins says John McGreevy is working on this. Refiners don't want to do more recordkeeping than they already have to do. We looked at bills of lading, and some have a statement that says it is ultra low sulfur, but some don't have anything on them. Will this be sufficient? But almost all refineries are producing ultra low sulfur diesel, except smaller refineries that aren't really serving in Ohio. We want to move in the direction that we can accept the bill of lading. Mike told John it was ok to do it this way. John might be working on

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changing this language. We can look into whether the GP language needs to be modified. If language is general enough, bill of lading might be acceptable without modifying permit language.

Cheryl was working with John on this, she said there are codes in each bill of lading, and they have to define each code, but these codes might correspond to the sulfur content.

3. **STARS2 and permit issuance update –** Mike Ahern

Mike Ahern - handing out the latest version of changes to the standard T&Cs - comments and responses to Porter Wright. We will be able to have terms and conditions as-revised out in October. We are getting push back on the requirement of using air services for compliance reports - we softened that requirement. Instead of PTI and Title V permit, can we do one title V permit - we drafted a response to that. Nuisance term in T&Cs- comments said we needed to take that out. We responded that this is an important term to have in the permit, and we aren't taking that out. We consulted with legal on this before responding. All these responses are shown in the response to comments document.

Stage 2 GDF requirements will be going away. CO talking about plan to develop a 110 L demonstration because we have to provide emission offsets for that program going away. Get it incorporated into the SIP. Bruce said they did the calculations and gave Bob 7 options to present to the director.

Phase 1 planning activities for e-document management project. Barcode sheets will no longer be needed. Number of metadata fields will be reduced significantly. Launch will be sometime next year. It is too early to give a date.

DAPC webpage reorganization - Erica going through GP website to see what links are broken and which ones need fix. Contact Erica if you need GP documents. For other questions related to the webpage - Mike Ahern prefers to submit comments via the web feedback mechanism. This feedback will drive what the webpage looks like in the future.

Linda Luksik, Mike Ahern and Erica will be going through the mantis/ air services bug issues - between 150-200 issues - trying to determine which issues still need addressed. If you have a PTI/PTIO app requesting federally enforceable restrictions - attach facility-wide PTE analysis (synthetic minor write-up). System is not currently requiring that as an attachment - request that the system requires that attachment. They will get an error message if they check the box for federally enforceable restrictions and not upload the attachment. Does everyone really want this as a requirement for the applicant. If we do require it - many companies might not know what to provide, will only know after field offices work with the company. Should we require this up front or should this be something that the field office works with company to submit? Consensus was yes, we should have system require this attachment. Make sure new instructions for new application describe in a user-friendly manner what is needed when the company requests federally enforceable restrictions.

PTI/PTIO application - Erica revised so that there are 6 sets of information for onsite contact, RO information, billing contact, owner, operator, permit application contact. Do you want the company looking at the form to consider whether they need to give an on-site contact and/or RO? This is not required for PTI/PTIO applications in the rules, only required for Title V applications, but current PTIO application version asks for all 6. QA check will require primary, billing, owner and application contact (only 4). Consensus is the leave the on-site contact and RO contact option to include this information on the hard copy application.

Erica is updating the following guidance documents:

1. Ensuring the Correct Person is Acting as the Responsible Official for a Facility Subject to Air Pollution Regulations
2. Documents Requiring Signature by a Responsible Official for a Facility Subject to Air Pollution Regulations

3. Guidance for Incorporating Facility Changes into a Title V Permit
4. Permit-to-Install and Operate "PTIO" Implementation Guidance

Should we make these engineering guides? She will be passing these around to the P&E Committee for comment once they are updated.

4. **New Rules and SIP Update – Paul Braun**

No update

5. **Terms and Conditions -** Cheryl Suttman

Cheryl explained how to find engine terms in the T&C Library. These permit templates are for stationary internal combustion engines, and they are linked into two tables based on if they are spark or diesel/compression engines.

Each table is divided by pre- and post- NSPSs, Subpart IIII for diesel and Subpart JJJJ for spark engines. In the Library the first file under Subpart JJJJ is a picture of the first 3 pages of the rule and each sentence or paragraph is numbered to reference the location (# of) the template permit in the table.

The spark engines are divided by stroke/rich or lean burn (2SLB, 4SLB, 4SRB); fuel type (NG, gasoline, LPG, digester/LF gas); size (HP of bHP); area or major source for the NESHAP, 63 ZZZZ; and construction date or model year. The diesel engine table is divided by model year, size, and pre- and post NSPS.

The template permits are linked to/in the left 3 columns of these tables. In many cases not all of the columns have permit templates. For area sources there might not be a synthetic minor option; and for major sources there might not be a non-synthetic template option. These files can be modified to fit the scenario preferred by the permittee using the appropriate short term limit from the NESHAP and/or the NSPS.

The first column is written as a synthetic minor with a rolling limit on the fuel usage and the TPY calculation in the testing section is based on the amount of fuel burned per year.

The 2nd column contains files that only have IBR boxes containing the applicable rules; these "tables" would have to be used with the Additional T&Cs and Testing Sections in the full term template, i.e., copied over the operational, monitoring/recordkeeping, and reporting sections of the full term template.

The 3rd column contains a non-synthetic version template permit where the TPY limits are based on the hours of operation and the horse power.

The far right column shows either the limit/standard (NESHAP= work practice, CO, or formaldehyde) or the location of the short term limits identified in the NSPS. All of the templates need to be calculated for TPY limits (search for "XX" to calculate and filled in) based on the horsepower and either the maximum fuel usage or maximum hours of operation per year. Many of the NSPS short term limits come from CFR Parts that are written for the manufacturer and which many of us are not familiar with.

The template terms are almost completed for the Natural Gas industry, for the new NSPS Subpart OOOO and the amendments to the NESHAPS, Subpart HH for Oil and Natural Gas Production Facilities, and for major source dehydrators at NG Transmission and Storage Facilities, Subpart HHH.

Compressor station terms include the spark engine table with only natural gas engines linked in it and the diesel table, along with the requirements for reciprocating compressors from

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Subpart OOOO. If they have a dehydrator at the compressor station, it would need to be copied from the Production/Well Section of the terms.

The Oil/Natural Gas terms can be found together in the last 3 sections under "Miscellaneous T&Cs" and "Organized by Category"; and they are also linked by their rules.

27. **Engineering Guide update-**

Bruce has revisions for 8 and 24 to pass along for comment and 20 is in signoff. See agenda for more notes on EGs.

28. **General Permits** –

Rick Carleski is working on Misc Metal GP - will cover major vs minor sources, different source categories, lots of options for permits available, most terms identical. We are modeling a generic coating operation with many different scenarios at once to give us the parameters that we can intelligently require of people. Trying to identify toxics of concern in coatings, been working with major coating suppliers. Got data from PPG, Sherwin Williams, a couple more. Pairing down air toxics list with toxics that would be in these compounds. Soon should have a series of drafts after toxics modeling issues are resolved. Qualifying criteria document will be a guidance document as well.

29. **Training** –

No training on agenda

30. **New Items –**

No new items

31. Pending Action Items –

From agenda:

Pending Action Items suggested by P&E Committee	**Date Action Completed**
1. Update preliminary completeness letter to address site preparation activities allowed under 31-33.	Final proposed sent 8/31/12 **– There was one comment, and Chris is addressing and will send back out. Andrew looking into ORC for hardship exemption.**
2**. EAC form for Chrome Plating**	**Posted online 8/2/12.**
3. Testing Condition Requirements IOC	Todd Brown working on IOC (max conditions/derating), CDO/JM to include a letter districts/locals can use to send to facilities to address deficiencies.
4. Shale Oil/Gas Facility Naming	Canton to create Answer Place topic addressing the proposed naming technique. – **Submitted language 8/10/12 – approach to be proposed in revised GP for comment. Use GP to track progress.**
5. Dry cleaner general permit revision	Akron to revise necessary documents and submit to Mike and Cheryl for review. – **submitted 7/19/12**

P&E Minutes are available in Answer Place Topic ID 2140.

----------Next meeting is Tuesday, November 13, 2012.

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November 13, 2012

Permitting & Enforcement Committee Meeting – November 13, 2012

Lazarus Government Center
Ohio EPA
7th Floor DAPC conference room

Attendees: Co-Chairs – Sean Vadas (Akron), TBA
Minutes – Jenny Avellana (CO)
- John Paulian, Mike Hopkins, Mike Ahern, Cheryl Suttman, Alan Lloyd (CO), Rick Carleski (OCAPP/CO), Drew Bergman (CO-Legal), Todd Scarborough (CDO), Duane LaClair, (Akron), Eric Bewley, Kevin Fortune (NEDO), Carl Safreed (Canton), Jeff Canan (RAPCA), Sarah Harter (SEDO), Anne Chamberlin (Portsmouth), Peter Park (Toledo), Bonnie Pray (SWOAQA), Bryan Sokolowski, Mary McGeary (CDAQ)

1. **Enforcement issues –** John Paulian

John – Bruce is doing Compliance Assurance through Enforcement Plan (CATEP) training for Districts and Locals. We are in process of implementing that.

The US EPA audit went well. We found flaws with their process, as it was the first time they ran this particular protocol. They didn't like the inconsistency of our inspection forms. They liked another format better. Some range from writing notes on title V permit to a pretty long form. They will want to see some consistency with that form. John may be contacting DO/LAAs again for information to submit draft to US EPA.

Thanks to everyone for submitting files that he asked for to prepare for the audit.

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

US EPA issued a direct final approval of some of our NSR rules. Unfortunately they messed it up and they will have to withdraw the approval – some of PBR stuff and storage tank exemption that we added in. Some PTIO program stuff and start construction stuff. They got mixed up on what was going to be in this approval, and didn't intend to include the start construction rule (31-33). So there will be another federal register notice that withdraws what they issued and approved, then another federal register with a direct final approval of the parts they intended to approve (this will probably take another month or so). The main problem they have is with our language that talks about the director having some discretion. They see it as the director being able to allow companies to start construction no matter what. The intent was actually to recognize other activities that are not on the list that companies could do before getting their permit. We will probably end up clarifying that language. We need to show US EPA why the additions to the list are consistent with the rule.

Progress on permits – we are in really good shape with installation permits and right around goal of 200 permits statewide. Renewals are coming up again at the end of the year with next the 6-month goal period ending. Renewals should be done by the end of the year to meet our next round of goals. Andrew has been in contact with folks for Title V renewals and utility renewals. We should be able to meet the goals.

We are expecting in 2013 to get quite a few well-site GP applications (maybe 1000 statewide). These are relatively easy to do but it still takes work to process these.

We have seen midstream facilities that take the gas from multiple wells and clean it up or compressor facilities that move the gas along. We expect to see more applications from these types of facilities as well. These are not done by GP, these are case-by-case permits. Cheryl has drafted T&Cs

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for all the different engines that are associated with some of these facilities. These are in the T&C Library.

Still working on GP for oil & gas well modifications. We are getting close on that. We will probably need to make changes to incorporate NSPS into GP – it also covers activities that occurred before the production phase of the well – after fractured well and flowback of material – this is regulated by NSPS – we have previously said this is part of construction of the well and permit not needed for flowback process. But now we will probably have to do a PBR for flowback process, and will incorporate NSPS requirements. The main reason for doing it is to make it clear that Ohio EPA is the main regulatory agency for that part of the NSPS. Rather than have company go to feds when there is a problem, they will come to us. This means a rule change and adding a PBR into the rule, so will be some time before that happens. In the meantime, companies need to comply with NSPS.

US EPA wants to do an audit of our permit program. They are asking for dates in March sometime. We have had some discussions with them about the fact that many of the permit files are not in CO, so coming to CO might not be beneficial for the audit.

Chromium MACT – Akron – recently did about 7 PTIO renewals on chromium process tanks. The issue is the expiration is about 9 or 10 years away. MACT updating record keeping requirements and lowering emission limitations– will we need to reopen these permits and reissue to reflect updated MACT requirements? If the MACT updates require some sort of conflict that they cannot comply with both at the same time – our permit and the new MACT updates. Apparently there are some conflicts – we might have to do some administrative mods to correct those. Cheryl just updated all of those terms, and these are in the library. Existing units have until September 2014 to comply - when all the limits change.

Oil & Gas Wells subject to NSPS subpart OOOO – from agenda:

Canton has received a notification for a conventional, non-Utica Shale well (currently not within the scope of the Oil & Gas Well General Permit program). The conventional well is subject to NSPS subpart OOOO, but the GP is not supposed to be for conventional (non-Shale) wells. What should they do with these notifications?

Mike Hopkins – at this time we are not going to require companies to get permits for a conventional oil well. We previously decided the operation was small enough not to need a permit. Companies may send notifications to us, but US EPA needs the notification since we will not be regulating them under the permit program. If they copied US EPA, we don't need to do anything. If not, contact company and tell them to send those to US EPA.

3. **STARS2 and permit issuance update –** Mike Ahern

We updated permit templates to update 40th anniversary logo. We are getting ready to gear up for next year's emissions reporting period. We are looking at which populations are going to get the reminder letters. Tom Velalis says there are no significant changes for emissions reporting.

Outstanding item – Compliance Certifications – Most utilities are reporting excess opacity deviation reports and one utility is not. Mike is reviewing the calendar year 2011 deviation reports to see which facilities are identifying deviation reports as part of the compliance certification. He will have more information on that soon.

Mike is setting up a call with US EPA to talk about whether compliance certifications submitted through Air Services can be recognized by US EPA. Hopefully this coming year will be the first year companies can submit their compliance certifications just through Air Services.

E-document management project still progressing. Permanent solution will be ready early June of next year. This is pretty powerful software for scanning documents. It is being set up for locals to have same functionality as the DOs – locals will no longer need to scan, just save documents into the system. For the back file – all of Akron is done, all Toledo documents are in, all Mahoning-Trumble is in. NWDO is the only outstanding office – still need some open burning documents.

CETA integration – Elisa and Safaa will be doing some final testing this week.

4. **New Rules and SIP Update – Paul Braun**

No update

5. **Terms and Conditions -** Cheryl Suttman

The Chromium Electroplating NESHAP, Subpart N, has been separated into the categories identified by the standards. These templates are updated for the amendments of 9/19/12. Each category contains all of the applicable control options; i.e., the un-chosen options will still need to be deleted.

New terms have been drafted for OAC 3745-21-10(B), the determination of VOC content, solids content, and density of coatings, VOC mass emission rate, and VOC control efficiency.

New terms have been drafted for OAC 3745-21-10(C), the determination of VOC concentration, VOC mass emission rate, and VOC control efficiency.

The terms for OAC 3745-21-09(Y), for flexographic, packaging rotogravure, and publication rotogravure lines, have been updated to include the recordkeeping and reporting requirements from OAC 3745-21-09(B) and PER the report.

Coating terms B4 and B5, for a demonstration of compliance by using complying coatings and a daily volume-weighted average VOC content, were modified and the PER report was added.

The new source CEM certification testing terms were repaired to read: Within 60 days of achieving the maximum production rate at which the emissions unit(s) will be operated, but not later than 180 days after initial startup, the permittee shall conduct certification tests of the CEM..... The original terms said that CEM certification must be completed "within 60 days of the effective date of this permit". This term has read this way since 1997. It could easily require certification before the source is installed.

The General Permit (GP) for Natural Gas and Oil Well-Site Production has been modified into 2 GPs. They are almost ready for public comment. A larger flare was requested for the storage vessels; so I drafted a 2nd GP for the larger flare and lowered the allowable total horsepower for the natural gas engines in order to pass modeling for NOx, which was already permitted at the max.

It has been determined that a permit will not be required for flowback operations, since well completion is finished so quickly and we know of a few other states who are not requiring permits. However, a permit-by-rule for flowback operations will soon be submitted for public comment. The template permits in the Library for flowback can be used for inspections or guidance.

Please take a few minutes to send Cheryl any mistakes that you find in the Library. The CEM mistake has been in the T&Cs for 15 years and it must have caused countless problems. Last week was the first time it was ever mentioned (by Alan Lloyd).

6. **Engineering Guide update-**

EG #51 – Number of Sampling Runs to be Witnessed by Agency Observers – RAPCA. Jeff believes an update to this EG is not needed, that we should keep this one general without listing specifics or get rid of the EG altogether. He will talk to Bruce and Todd Brown.

EG #80 – Sean received comments that some changes may be needed for this EG, even though it recently went final.

Remaining Engineering Guides not revise since the 1980s – would anyone like to volunteer to revise any of the following EGs?

Guide 38 - Use of Exempt Organic Compounds to Satisfy BAT Requirements	7/20/1982
Guide 39 - Conversion to Exempt Organic Compounds to Create Emission Offsets under the Bubble Concept & PTI	8/25/1982
Guide 40 - Stack Testing Methods for Particulate Emissions from Process Equipment and Incinerators	11/5/1982
Guide 41 - Stack Testing Methods for Particulate Emissions from Fuel Burning Equipment	11/5/1982
Guide 42 - Definition of BAT for New Sources	12/30/1982
Guide 46 - Determination of Cost-Effectiveness for BAT and RACM Evaluations	12/5/1983
Guide 47 - Application of TSP Emission Limitations to Cyclones at Alfalfa Dehydrating Plants	11/30/1984
Guide 49 - Particulate Emission Testing During Boiler Soot blowing Operations	12/17/1985
Guide 54 - Use of Brine for Road Dust Suppression	1/13/1987

7. **General Permits** –

Rick Carleski is working on Misc Metal GP. He says that they are in the midst of getting modeling scenarios back from Sarah, and the rest of the permitting depends on the modeling results.

8. **Training** –

3 possible courses coming up (no dates yet):

APTI 418 – Control of NOx Emissions

APTI 423 – Air Pollution Dispersion Models and Applications

APTI 445 – Inspection of Particulate Control Devices

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Annual DAPC workshop will be held December 4, 2012.

9. **New Items –**

Non-road Engines Flowchart is now on Answer Place #2470

US EPA is forming a workgroup to look at revising landfill NSPS. Dick Lindstrom is attending call and he is supposed to report back to Mike Hopkins. If you have questions or comments, send to Dick.

Canton posted position for permit writer. MACT coordinator position in CO being offered.

10. Pending Action Items –

From agenda:

Pending Action Items suggested by P&E Committee	**Date Action Completed**
1. Update preliminary completeness letter to address site preparation activities allowed under 31-33.	Final proposed sent 8/31/12 **– Final template issued and uploaded to STARS2 11/2/12 – Canton believes the template is confusing as it is written. The letter implies that in order to start construction, the company has to meet the criteria listed, but actually this criteria needs only to be met to complete the activities listed in paragraph (F) of rule 31-33, it does not need to be met to complete the activities listed in paragraph (E). Canton submitted proposed language to help clarify the difference between paragrahphs (E) and (F), but during the meeting Carl said that another option would be to leave out details about specific paragraphs and just refer to the site preparation activities rule as a whole, 3745-31-33. Mike Hopkins stated his support for this simplified approach. Changes will be made to the letter and sent out for another review.**
2**. EAC form for Chrome Plating**	**Posted online 8/2/12.**

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3. Shale Oil/Gas Facility Naming	Canton to create Answer Place topic addressing the proposed naming technique. – **Submitted language 8/10/12 – approach to be proposed in revised GP for comment. Use GP to track progress.**
4. Dry cleaner general permit revision	Akron to revise necessary documents and submit to Mike and Cheryl for review. – **submitted 7/19/12**

P&E Minutes are available in Answer Place Topic ID 2140.

----------Next meeting is Tuesday, January 8, 2013.

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March 12, 2013

Permitting & Enforcement Committee Meeting – March 12, 2013

Lazarus Government Center
Ohio EPA
7th Floor DAPC conference room

Attendees: Chair – Sean Vadas (Akron)

Minutes – Jenny Avellana (CO)

Attendees - John Paulian, Mike Hopkins, Andrew Hall, Erica Engel-Ishida, Mike Ahern, Cheryl Suttman, Ben Cirker, Briana Hilton (CO), Rick Carleski (OCAPP/CO), Todd Scarborough, Olen Ackman (CDO), Duane LaClair, (Akron), Eric Bewley, Kevin Fortune (NEDO), Carl Safreed, Ron Jones (Canton), Andy Weisman (RAPCA), Anne Chamberlin (Portsmouth), Brad Faggionato (Toledo), Bonnie Pray (SWOAQA), Bryan Sokolowski, Mary McGeary, Andrew Kenney (CDAQ), Jan Tredway (NWDO)

1. **Enforcement issues –** John Paulian

On the compliance side, with the transition to Stars2, workload lists show many open cases but quite a few have been closed. John has been working his way through and closing them out. We are making steady progress on cases being closed. Compliance plans are coming in and we are logging these in. Compliance plans used as trigger for the workflow. Last year - penalties were down a bit and the number of cases processed was down as well. Some of the bigger pending cases at this time are Columbus Steel Castings (AG working on) and we'll start seeing some action with the Shelly enforcement case soon - penalty to be settled on that.

Merging Compliance and Enforcement Plan (CEP) and Enforcement Action Alert (EAA)? No, plans for that. The compliance plan is supposed to be entered into a database as a living document (being updated). Trying to keep the compliance plan to have specific elements to it.

Question: When starting an enforcement action we have to contact all the agencies and divisions to determine the facility's compliance history. How does that fit into the CATEP? John: It doesn't really fit into the CATEP. When you start enforcement, that is when you check with other divisions and agencies. CDAQ just sends out an email, some offices have forms, doesn't matter, as long as review is done. This is not addressed in CATEP. Multimedia review is addressed in the CEP.

2. **Permitting** – Mike Hopkins

Question from agenda:

Noncompliance with 21-28 - Akron

How should violations of the miscellaneous industrial adhesive and sealant rule be handled? We want to be consistent we have facilities that are not able to comply with this rule without what they are claiming will be major retooling costing them several hundred thousand dollars. The consultant is shopping for answers or excuses through the OEPA Central Office and even other states.

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We have held back pursuing enforcement with a particular facility based on its ongoing conversation with Central Office. The consultant for the facility was given conflicting information. Now there are more facilities that have disclosed not being able to meet this state regulation. How does the state want us to handle these facilities?

Mike: Talk to the rule writer about that issue. The company has to request us to draft a rule for them. They have to supply supporting information on costs and that they searched for other adhesives and couldn't find any. We would develop a revised rule and work with US EPA to see if that will work with them. Possibility of variance? No, this only works for existing sources - don't think that would qualify with this situation. Not entirely sure. BAT limit with other restrictions to be more stringent? No, this wouldn't work because they still have to comply with this rule - only other answer is to do a rule change. Talk to Paul Braun ad Bruce to see who would be responsible for working on that rule and a possible rule change. 21-28 probably came from a CTG from the feds, sometimes CTGs don't explore every particular type of application.

Permitting General Update: We recently issued the next version of the oil and gas well site GP out for comment. It is currently in the comment period. We currently have one GP for a well site, we are proposing to split that into two different variations, one is the same, one gives ability to have a larger flare but smaller engine. This version incorporates the NSPS into the language of the GPs. Also we are suggesting a change to the unpaved roadways and parking areas GP which says if they have nobody out on the roadway they don't have to do their daily records. They may have someone go out once a week to the site, there is no reason to have them go out just to check for dust. The other thing we are proposing to change is to add a permit by rule for the flowback portion of the NSPS. The GP for a well site covers the equipment that's installed when they get to production for the well. Once they flowback the liquids they have to have equipment to handle the gas. The NSPS now regulates the flowback portion, which was not in our permit. Without that in our permit, if any issues with flowback, they would have to go to US EPA, and production issues, they would come to us. We did a PBR for flowback that covers that part of the NSPS so we are the primary regulating authority for the whole NSPS. We were told that until they do flowback and figure out what the well is going to produce, they don't know what equipment they will need for production. This is why we didn't include the flowback portion in the GP. We built a lot of flexibility into the GP. We're hoping industry would rather have one GP and not have to do the flowback as a PBR.

Hopefully we'll have the GP out a couple of weeks after we review the comments, comment period ends on March 22.

One comment - in PBR for flowback we use 10 hours of flowback. Consultant stated that 10 hours might not be enough for flowback. How much does NSPS allow for flowback? We'll see what kind of comments we get. A meeting with an environmental group Friday and a call with industry groups are planned.

We're starting to see midstream facilities that take the gas and split it up into its components. As more of those come online there will be more wells, and we'll expect many more permit applications for these wells.

Is there flexibility with the emissions unit designations? How do we name the unit? A company needs a PBR for each well when you do flowback (there could be a few wells for each site) and you need to designate an EU ID for each unit. The company would also need a GP for the production side

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– one or two for a well site, and the GP seems to assign an EU ID. The EU ID should be able to be changed, even for GPs. Erica doesn't think a GP needs to designate an EU ID. We'll try to address this issue. Note: We will have to cancel or terminate these PBRs after flowback is completed.

PM2.5 NSR rules in Chapter 31 are now through signoff, and in the director's office. That package will go out for Interested Party comment for 30 days. These rule changes integrate the PM2.5 requirements into the NSR rules. We want to transition into evaluating and asking for PM2.5 data. For minor NSR we should start transitioning over, BAT established for criteria pollutants. Might have to do PM10/PM2.5 where we don't have PM2.5 specific data. Many times people want to do method 5 instead of PM2.5 test and assume all PM is PM2.5. Mike wants to look at the rules specifically for BAT to figure out what we need to do.

We still have some additional pending rule packages for chapter 31, including changes to 31-03 where we are adding exemptions. For BAT <10 tpy exemption - US EPA said our package was incomplete and we need to include more information in the exemption justification that Mike Mansour was working on. Therefore 31-05 is not included in the PM2.5 NSR rule changes, it will be included in a future package.

We recently had success in getting US EPA to approve the PTIO changes to the NSR rules. The federal register came out middle of last month, and becomes effective this month. These rules are SIP-approved and federally enforceable. Region 5's website that has the state SIP information is up to date, with the exception of this package which is not yet final. If there are any questions about whether a rule is SIP approved, ask Mike and he'll be able to let you know. For the PTIO rules, the federal register notice gives a good list of what they have approved and not approved. See http://www.gpo.gov/fdsys/pkg/FR-2013-02-20/html/2013-03761.htm or Federal Register Volume 75, Number 34, pages 11748-11751.

We met with folks from Wyoming about oil and gas wells. They are taking chunks of our STARS2 system and using it for themselves. They offered to sit down with us and give their wisdom on the oil and gas industry because they are 2-3 years ahead of us in terms of expansion on these types of wells. They do a lot of inspections, have an infrared camera where they look for leaks. They have a system where they collect inventory information from every well. The well owner fills out production data into a spreadsheet, sends to a central location and all the data gets collected into a system that does the inventory for them. Tom Velalis is working on this with them and other states.

NSPS for oil and gas requires companies to submit a report when they are going to do flowback. We have been getting these reports. The reports often don't say where the well is. We have been telling companies to send them to the field offices. You can figure out where the well is located because they have the well API number on these sheets. Go to ODNR website, they have a database that has the API number for each well with their location. We are working on developing an email address where all of these reports can be sent.

Mike Ahern has been working on changes to the GHG NSR rule. US EPA had adverse comments with the way our rule is written. Mainly concerns with language that says if the rule is no longer effective, the rule drops off, etc. We have been going back and forth with them to revise the language. The biggest clarification we have when we talked to them was that they were concerned that an action outside of our region would automatically rescind provisions within our rules. They want to

make sure that our auto-rescission language was tied to when something of national significance changes the rule, not just a local or state-level decision to rescind GHG regulations.

Next week we have Region 5 here doing an audit of the permitting program. We have developed a response to all the questions they have. They will be here next week going through some files. We thought we were going to need files from field offices but they told us they just want to look at CAM plans for three different facilities: Jewel Acquisition, ProTec and University of Toledo. We have all the information we need here at CO. Andrew believes there will be discussion on our lack of an adequate statement of basis. They might tell us some of our Title V permits could be objected to if there is not enough information in the Statement of Basis (SOB). So try to add as much information as you can to SOB without slowing down the permitting process (for example, explain frequency of emissions tests).

Backlog progress - overall numbers are coming down. PTIs – at year end we finished up under 200 PTIs statewide (previous director's goal). The title V and non-title V backlog is slowing down a bit, since easy permits have been taken care of. We may not get to "no backlog." We will do another webinar in the summer.

Utilities Title V backlog population that Region 5 continues to ask us about - We have appeals issues and new rules that have complicated/prolonged these permits. We had a meeting with the utilities and Mike Born, the utility attorney, to work out issues with language and rules. We have issued a couple of title V renewals and got comments on both of those permits and found out what the issues are. The utilities have committed to working with us to provide a spreadsheet with information about the controlled units. Then we can group some units similarly. We have a procedure (in guidance that Mike sent out) on how to work with the AGs to resolve the appeals for these utility permits. The permit writer should work with their CO permitting contact to develop terms that resolves the appeal issues and we send those to the AGs.

Relocating PBR sources – Mike Hopkins, from agenda:

After hearing about the results of the portable source discussion during the Air Permitting Live call, I decided to look more closely at the rules. I was also thinking this was an issue concerning generators but found out later that this had to do with a Shelly non-metallic mineral processing plant. After reviewing the existing rules and pondering this for some time I came to the following conclusions:

1. The non-metallic mineral processing plant PBR was written to cover several types of portable plants including stone and gravel plants, portable crushed stone plants (31-03(A)(4)(d)(1)(*b*)) and portable soil screening plants (31-03(A)(4)(d)(1)(*d*)).
2. The rule does not have any portable source relocation language to tell permittees that they need to notify us when the plant is relocated.
3. Because the rule does not describe relocation language, it is likely that many permittees are unaware that they need to do a relocation notice prior to moving one of these plants.
4. We can argue that the relocation language in 31-03(A)(1)(p) or 31-05(H) applies to these sources, however, because the relocation language is not included in the rule, it may be difficult to convince a court that these sources are required to go through the relocate procedures.
5. It is unclear to me at this point if there is a strong need to require a portable non-metallic mineral processing plant to notify us when they want to relocate. It appears we have issued just under 100 on these state-wide. I am not sure how often they need to move. I am also not sure if we tend to have citizen concerns when they move.

Based on the above, I do not think we should currently require portable non-metallic mineral processing plants to go through the relocation process. However, I do think we should further evaluate this situation to determine if the relocation process is needed for these plants. As such, I suggest we add this topic onto the next P & E Committee meeting for discussion. (It also appears to me that the other PBRs are not portable sources. We should also discuss the other source types concerning portability.)

If, based on further discussion, we decide we need the relocation process to apply to these facilities, I think we will need to modify the rule before we require it. If we decide portable stuff is not needed, then we should issue some guidance that describes the fact that it is not needed.

Is this an issue that we need to track these when they move or is this something that doesn't happen very often? One standard issue that arrives with portable sources is if you have one of these facilities at an existing facility, and it moves to a location with already existing facilities, it could trip title V. Should we require them to go through the notification process, and with the existing language can we require them to do this? Does this type of PBR typically get lumped in with facilities that have different types of equipment? For rock crushing operations we are not that consistent. Asphalt plants we are pretty consistent with answers about what can be transported. Rock crushing, does it have a separate facility ID or need one? If we have other units at the portable facility that are permitted, they have to go through the PBR process when they change locations. If a PBR source is moved, do we want them to notify us? Mike will try to decide how best to handle this situation and if we need to modify the PBR. The way it is now written, they have a strong argument that they don't have to notify us when relocating. We could rewrite the PBR to tell them it is their responsibility to make sure they don't trip major NSR instead of having all the record keeping. We might be able to modify the PBR application instead of the PBR itself.

Powder coatings question from agenda:

Can powder coatings be used in daily volume weighted average VOC content calculations for compliance with OAC rule 3745-21-09(U)(1)? (RAPCA)

An emissions unit consists of a of wash process, liquid coating booth, powder coating booth and drying/curing oven all on a common conveyor line. Some parts are processed by coating with powder on the first loop then liquid coating in the second loop on the conveyor, with the parts never being removed from the line. The company has asked if they can include powder coatings that have no VOC solvents in the daily volume weighted average VOC content calculations for the liquid coating booth.

We typically assume powder coat is de minimis and ignore it. Liquid coat has 3.5 lbs VOC/gallon to comply with. Powder coating fits the definition of a coating in 21-01. The powder coating averages out the higher VOC coatings in the liquid booth to make average much smaller. We historically thought that the powder coating was in a separate emissions unit, but now they are saying that this is part of the coating line as a primer. The process is all on one conveyor. Andrew believes you apply a BAT limit (under 21-09, VOC limit) to the first pass through the line in which it goes through the liquid booth, and apply a BAT limit (for particulates) to the second pass through the line when it goes through the powder coating booth (if not de minimis). Some of the RACT rules show a similar intent (ie., the definition of “vinyl coating” prohibits the inclusion of organisols or plastisols). Another interpretation is that 21-09(U) is based on liquid coatings, and the coating definition has the term "as applied" in it. Powder coating wouldn't meet this definition because it is applied dry. In the future have 21-09 address powder coating? Send this issue to Paul Braun as something to look into at 5-year review time.

New MACT coordinator - Briana Hilton. She will be sending MACT updates around the state. Let her know who wants to be on this list.

3. **STARS2 and permit issuance update –** Mike Ahern

STARS2 and questions over uploading documents - also relating to e-document management process. We launched STARS2 and decided this was not going to be a document management system, it was just for permits. Now the technology has been changing and the IT support system has changed. New director wants all documents electronic, so the time isn't quite right to say STARS2 would be an electronic document management system but we can start discussing and revisiting this issue. Overall goal is to have all public documents made available and searchable by the public through the internet. We are trying to put restraints on types of documents that are uploaded and how long they are retained. There is a conflict when you consider the regulatory value and the records retention policy. Erica has been meeting with one of the contractors on the edocument management project about what STARS2 is capable of. Right now they are only looking at Title V facilities. Erica is pushing for if making all title V facility documents available, make all non-title V documents available. It needs to be user friendly. Director's ultimate goal is to have geo-referenced records, relating to an area on a map and to make the records more transparent. We don't want to lose permitting documents because of records retention policy either. Are any documents going to be wiped out with director's policy of wiping out all electronic files every 10 year period? These are questions that need to be addressed. Erica will have more updates with each of these calls. DAPC is very much against the records retention policy of wiping the records after 10 years. Mike is trying to come up with a regulatory basis of why you can't eliminate these records after 10 years. What to do with hard copy files going forward? The idea is that if we scan a document, we eventually throw out the hard copy. If they are noncompliance documents, hard copy is thrown out. At this point in time the STARS2 system is not affected by the edocument management system. We are taking STARS2 documents and feeding it to the edocument management system. Mike and Erica want to keep STARS2 separate.

We have had difficulties with getting accounts set up into STARS2 in a timely manner for local air agencies. Erica is working to get that process ironed out. IT consolidation has compounded this issue. Elisa is the primary contact, let her or Erica know as soon as possible when someone is starting.

We just deployed the CETA integration into Stars2 module. We have quite a few issues with the system and figuring out the priorities. Our plan is to have another deploy in April or May that will correct 25 bugs. In June there will be about 30 enhancements to the system (e.g., regulated community being able to submit correspondence through air services). After those next 2 major deploys, we will be incorporating CEMS into the system.

The compliance certification electronic submission letter that the director sent to region 5 has not been acted upon. Region 5 hasn't yet said they recognize air services submissions as meeting their requirements. For now companies still need to send hard copies to Region 5. Bob has reached out to the regional administrator to get that moving forward. Mike is setting up a call with US EPA to talk about whether compliance certifications submitted through Air Services can be recognized by US EPA. Hopefully this coming year will be the first year companies can submit their compliance certifications just through Air Services.

Terms and conditions that started in 2008 still has not gone anywhere because industry brought up issues outside of the changes we began to make, and Bob has to weigh in on these new changes. Mike is trying to narrow the focus on the changes we can get out that will

help companies, and focus on other issues separately. He met with industry folks about a month or two ago and tried to impress that those changes they want might help a small group but the other issues will help larger groups.

On Feb 22, US EPA issued a proposed action for a SIP call for 39 states related to startup/shutdown/malfunction rules. We have comments we would like to submit, asking for an extension. Petitioners (Sierra Club) believe our rules exempt these emissions. We have always recognized those excess emissions are violations, but it is under our enforcement discretion. They also have an issue with director's discretionary exemptions, with respect to preventative maintenance. Again, we are going to say those are considered violations and falls into the enforcement arena whether we take enforcement action and that our rules do not preclude us from doing so. Mike will share a copy of the comments we are going to submit. Other states are asking for an extension to submit comments as well. US EPA is also proposing revisions to their startup/shutdown/malfunction policy in this action. We don't think our rule language needs to change. This may change language that goes into permits. US EPA is trying to carve out the distinction between planned events and true malfunctions.

4. **New Rules and SIP Update – Paul Braun**

No update

5. **Terms and Conditions -** Cheryl Suttman

The following updates have been made to the T&C Library:

NSPS Subpart Db is done for units burning coal, oil, or wood; and templates are in process for compliance using very low sulfur oil (0.30% by weight) and natural gas. Templates include amendments of 2/16/12.

NSPS Subparts Da and D have been updated for the amendments of 2/16/12.

NSPS Da has been split by "age": on/before 2/28/05; after 2/28/05 to 5/3/11; and for the new limits after 5/3/11; and a new file in IBR format has been added. Some of the major changes made to Subpart Da:

1. Removed the Hg standards and added an option to comply with a NOx + CO limit in 60.45Da.
2. Added new limits for PM, SO_2, and NOx or NOx + CO for units constructed after 5/3/11
3. Added 2 new options for SO_2 for units constructed before 2/28/05, based on gross energy output or heat input
4. Removed the % control option for PM & NOx for units constructed before/on 2/28/05
5. The compliance provisions in 60.48Da significantly changed,
   for example: compliance w/ PM is determined by dividing the sum of the PM emissions for 30 successive boiler operating days by the sum of the gross useful energy output or net energy output for the 30 days.
6. New limits based on net energy output
7. SO_2 CEMS are not required if only burning natural gas and now liquid fuels with potential SO_2 emissions of 0.060 lb/MMBtu or less
8. Method 202 for measuring condensable PM is required for units constructed after 5/3/11

Updated **MACT Subpart ZZZZ** & **NSPS Subparts IIII** and **JJJJ** for the amendments of 1/30/13. All 3 Subparts added new requirements for emergency engines (demand response

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+). In the Subpart ZZZZ amendments the following changes have been made:

1. **existing**, non-emergency, **area source 4SRB** and **4SLB >500 HP** were removed from the operating limitations in Tables 1b and 2b respectively and from subsequent performance testing requirements in Table 3 (only required to conduct an initial performance test);

2. a new option for demonstrating compliance with the formaldehyde limit for **4SRB** has been added: to **reduce THC by 30%** or greater, using Method 25A;

3. a new "category" has been added for "**remote stationary RICE**" **existing** non-emergency stationary **4SLB** and **4SRB** RICE **>500 HP**, located at an **area source** of HAP and on a pipeline segment; compliance based on work/management practices for oil change/tune ups/inspections every 2160 hours or annually (whichever comes first); they must evaluate the status of the RICE every 12 months to make sure it still meets the definition (requirements of a remote stationary RICE);

4. **existing**, non-emergency, **CI RICE >300 HP**, located at an **area source** of HAP, are in compliance with Subpart ZZZZ if they are certified to the **Tier 3** (or Tier 2 for engines >560KW) standards in Table 1 of 40 CFR 89.112 (meeting the requirements of Part 60 Subpart IIII).

The boiler MACT, **Subpart DDDDD** went final on 12/31/12 it has been split for existing and new boilers and process heaters. These are some of the major changes made from the last final:

1. Removed dioxin/furan standards / must conduct tune-ups as a work practice for dioxins/furans (Table 3 #3).
2. Re-established standards for Total Selected Metals, with compliance demonstrated through fuel analysis (alternative to standards for filterable particulate matter).
3. Changed the parameter monitoring from 12-hour block averages to 30-day rolling averages.
4. Added back in the option to use **CO CEMS** for compliance with the CO standards (O_2 CEMS in final of 3/21/11) with the option to install an oxygen analyzer (40 CFR 63.7525(a))
5. Removed the requirement to conduct fuel analysis for hydrogen sulfide for other gas 1 fuels.
6. New subcategories added for heavy and light liquid fuels.
7. Added a 5-year tune-up (reduced from biennial) requirement for boilers less than 5 MMBtu/hr designed to burn natural gas, refinery gas, other gas 1 fuels, gas 2 fuels, and light liquid fuels.
8. Added back in **PM CEM**S and maintained the option for **PM CPMS**.
9. Added option to install **Hg CEMS** (and when available HCl) or sorbent trap to demonstrate compliance with the Hg standard.
10. **SO_2 CEMS** was added as an option for establishing an operating limit for HCl for wet or dry sorbent injection scrubbers only.

Updated **Subpart N** for amendments of 9/19/12, separated the terms into the different categories, w/ 11 new templates. They have added small and large categories to existing open surface and enclosed hard Cr tanks. Old limits have been tightened, so slightly. At the end of each template I had left the requirements for a combined stack, venting different categories or

sources. I am going to pull those terms out and put them in a file by themselves since I think they are rarely used.

A new MACT for coal and oil-fired electric utility steam generating units, **Subpart UUUUU**, was published final on 2/16/12. Do we need full-bodied terms?

New terms for offset lithographic and letterpress printing facilities in non-attainment counties, for OAC 3745-21-22.

Added a set of terms for a bag leak detection system in the J terms, taken from NSPS Subpart Da.

New terms for OAC **3745-21-10(B)** for the determination of VOC content, solids content, and density of coatings, VOC mass emission rate, and VOC control efficiency.

New terms for OAC **3745-21-10(C)** for the determination of VOC concentration, VOC mass emission rate, and VOC control efficiency.

OAC **3745-21-09(Y)**, for flexographic, packaging rotogravure, and publication rotogravure lines, have been updated to include the recordkeeping and reporting requirements from OAC 3745-21-09(B) and PER.

7. **Engineering Guide update-**

#6 - PTI for Coal to Oil Conversion	~~Cleveland/~~Misty Parsons	**Cleveland indicates they do not have the time and resources to revise the guide. Misty will handle the revisions.**
#8 – Compliance Tests at Bulk Gasoline Terminals	CDO	Final recommendation submitted to Bruce for final review on 07/23/2012.
#18 - SO2 Compliance Determination Methods for Boilers	Toledo	Bruce reviewing final recommendation.
#20 - Determination of Compliance with Visible Emission Limitations for Stack Source	Akron	Final recommendation submitted to Bruce for final review on 05/09/2012.
#23 - Determination of Significant Figures for TSP Emission Limitations	SEDO	Comments received and making revisions.
#24 - Application of Fugitive Dust Requirements to Affected Facilities	Toledo	Final recommendation submitted to Bruce for final review on 08/14/2012.
#26 - Inclusion of Weight of Water in the Weight of "Refuse" Charged for Incinerators	NEDO	Bruce reviewing final recommendation.
#29 - Applicability of the PTI Rules to Increases in Capacity of a Derated Boiler	CDO	update on progress
#38 - Use of Exempt Organic Compounds to Satisfy BAT Requirements	Akron	**Beginning initial review – new selection**

#44 - Permit Issuance Policy for Relocation of Portable/Mobile Facilities	CO/SEDO	Erica and Sarah Harter working on changes. – On Hold until rules/forms changed.
#45 - Calculation of "Potential to Emit" for Surface Coating Lines	Canton	update on progress – reviewing guide
#48 - VOC Compliance Determinations for Coating Lines	Canton	update on progress – reviewing guide
#51 - Number of Sampling Runs to be Witnessed by Agency Observers	RAPCA	reviewing guide – **recommendation to revoke guide is a possibility, they are waiting on information from Bruce and Todd Brown.**
#53 - Interpretation of Open Burning Standards	Paul Braun	update on progress – reviewing guide
#55 - Precautions in Use of Method 24 for Water-Based Coatings	Akron	Final recommendation submitted to Bruce for final review on 09/24/2012.
#69 – Guidance on Air Dispersion Modeling	VanderWielen	**Sarah asked for input in revising EG during 2012 annual DAPC workshop.**
#70 - Guidance on Evaluating Emissions of Toxic Air Pollution Compounds when Processing Permit-to-Install (PTI) Applications.	Hopkins	Hopkins review comments.
#74 – Stack testing for PM2.5	Hall	On hold until asphalt plant testing issues are resolved.
#77 - Proper application of amended OAC rule 3745-21-07	CDO	CDO collecting examples to determine how different situations should be handled when addressing BAT limits that may have come from the old 21-07(G). Possibly add more examples to E.G 77.
#80 – Methods for Calculating PTE	CDO	Issued Final 3/02/12 **- additional revisions made by CDO on 9/24/12 and forwarded directly to Bruce. 1/29/13 revisions sent from P&E to Bruce, just in case.**
#82 – Ultra Low Sulfur Diesel Fuel Permitting	NWDO/CDO	**New Guide. Draft distributed for review 3/7/13. Comments until 4/8/13. [Note the improved look/format – let's try to use this going forward.]**

#83 – Asphalt Testing Production Rates	Todd Brown/Alan	Draft out for review. Comments until 11/2/12. –> On hold until asphalt plant testing issues are resolved. **Renumbered from 82 to 83.**
#XX – Non-road Engines	SEDO	update on progress

Remaining Engineering Guides not revise since the 1980s – would anyone like to volunteer to revise any of the following EGs?

Guide 39 - Conversion to Exempt Organic Compounds to Create Emission Offsets under the Bubble Concept & PTI	8/25/1982
Guide 40 - Stack Testing Methods for Particulate Emissions from Process Equipment and Incinerators	11/5/1982
Guide 41 - Stack Testing Methods for Particulate Emissions from Fuel Burning Equipment	11/5/1982
Guide 42 - Definition of BAT for New Sources – **NWDO volunteered to revise**	12/30/1982
Guide 46 - Determination of Cost-Effectiveness for BAT and RACM Evaluations – **NWDO volunteered to revise**	12/5/1983
Guide 47 - Application of TSP Emission Limitations to Cyclones at Alfalfa Dehydrating Plants	11/30/1984
Guide 49 - Particulate Emission Testing During Boiler Soot blowing Operations	12/17/1985
Guide 54 - Use of Brine for Road Dust Suppression	1/13/1987

6. **General Permits** –

   Shale Oil and Gas – GP being revised to include recent NSPS. Draft issued 2/15/13. Includes language for Flowback PBR (see discussion above).

   Miscellaneous Metal - Rick Carleski is working on Misc Metal GP. The workgroup is writing T&Cs. The modeling will determine the type of screening they do for qualifying criteria and hopefully by next meeting will have some terms to circulate.

7. **Training** –

   APTI website has on-line courses. www.apti-learn.com

   David Hearne compiled a list of nearby 2013 training opportunities.

8. **New Items –**

   None.

9. **Pending Action Items –**

Update preliminary completeness letter to address site preparation activities allowed under 31-33 - RAPCA to make a final revision and redistribute letter. – letter out for comments on 3/8/13, comments due by 3/22/13.

P&E Minutes are available in Answer Place Topic ID 2140.

----------Next meeting is Tuesday, May 14, 2013.

May 14, 2013

Permitting & Enforcement Committee Meeting – May 14, 2013

Lazarus Government Center
Ohio EPA
7th Floor DAPC conference room

Attendees: Chair – Sean Vadas (Akron)

Minutes – Jenny Avellana (CO)

- John Paulian, Bruce Weinberg, Mike Hopkins, Andrew Hall, Erica Engel-Ishida, Mike Ahern, Cheryl Suttman, Briana Hilton (CO), Todd Scarborough, Kelly Saavedra (CDO), Duane LaClair, (Akron), Eric Bewley, Kevin Fortune (NEDO), Carl Safreed (Canton), Sarah Harter (SEDO), Chris Clinefelter (RAPCA), Anne Chamberlin (Portsmouth), Peter Park (Toledo), Paul Tedtman (SWOAQA), Larry Maline, Mary McGeary, Valerie Shaffer (CDAQ), Mark Budge, Jennifer Jolliff, Jan Tredway (NWDO)

12. **Enforcement issues –** John Paulian and Bruce Weinberg

John Paulian – U.S. EPA is running a series of workgroups on federally reportable violations and high priority violations. They are supposed to drastically refine the definition of HPV. They may try to redefine federally reportable violations as well. The changes to the HPV definition are supposed to be done by September. That will make a difference on watch list cases if they narrow down the definition.

We are about 1/3 complete with inspections, which is not bad for this time of year.

Bruce Weinberg- we completed a response to the feds for the audit, and we are waiting for a formal audit report to be given to the director. We tried to get them to change a few things in the report before they issue the formal report. They stated we need improvement on issues that we have already changed. They complained about the inconsistency of inspection forms. We are all going to have to use the same form. Appendix N form - everyone will have to use. Site visits equaled partial compliance evaluations for them. The way we enter data didn't conform to the way they interpret things.

HPV violations- Bruce is trying to attack these ASAP. We got dinged for taking too much time to get to those. For HPVs that have no follow up, finish these up in the system.

Bruce will be working with an intern to knock out open burning violations.

U.S. EPA complained about getting too many NOVs. Bruce will be meeting once per month with U.S. EPA to go over NOVs. Stop copying US EPA on open burning and asbestos NOVs. They are looking for NOVs that are facility-based. For HPV violations, keep copying U.S. EPA. Bruce wants to go over FOV process with them, have discussion on who is going to take action.

They were looking for places to do multimedia inspections. If you have a facility that is a candidate, let Bruce know. Solid waste, air, water, all in one.

In mid-June, the stack test audit program is coming back. Todd Brown had forwarded some slides on this. Starting on June 16, test team will be obligated to get audit sample and deal with it on site, results will be reported in stack test report. Stack tester's responsibility to

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set that up. Work with Todd Brown if you need details on the program. He is very familiar with it. He may be at next P&E meeting to give more information about the program. Testing firms should know this is happening. Feds have set it up with contractors, they are pretty much hands off. We'll have to end up dealing with the results.

Stars2 workflows. John has helped Bruce clean up a few. They are still doing transitions to get these sorted out. Issue impacting attorneys, Cleveland & Akron with waste-to-energy facility permits (Vadxx/GV Energy) - trade secret information in Stars2 - the system was designed with Legal's input to sit there until someone makes a public records request, then Legal will review the request if ever necessary to make sure it is really trade secret. This cannot be the procedure anymore, it must be changed. At the point that someone submits their application, on the date it is received there is a clock that starts ticking. The director has 45 days to make a determination if the company submitted a signed affidavit that they request determination that the information is trade secret. Not sure what we are going to do with past "trade secret" information already in the system. Erica and Bruce will be meeting with Legal today to discuss how we are going to go forward with fixing this in Stars2. We are thinking about changing Stars2 so that the person that submits the information is going to get an email that tells them to make sure they do what they need to make sure the correct procedure is followed to determine trade secret information. This is not only for applications but for emissions reports or any other correspondence that they want to claim as trade secret. This would be a final appealable action.

UPDATE: Bruce and Erica met with Legal to discuss the issues around trade secret claims and any enhancements that needed to be made to Stars2. Since the last meeting, Legal re-read the rule (OAC 3745-49-03) and determined that our handling of trade secret data and claims will continue as it has in the past. Legal will review trade secret claims within 45 days of the date a public information request is made. Three enhancements will be made to Air Services including an addition to the signatory language on the electronic and attachment version of the attestation. We will also add this language to the hard copy application. Details on the language and additions to the software and forms will be given once they are implemented.

3. **Permitting** – Mike Hopkins

The PM2.5 NSR Implementation rules (majority of chapter 31) comment period ended last Friday. We have a few groups that have commented. We will have to make some decisions on how to address those comments. Jenny will be working through the comments, and the next step is to issue official rules and go through the hearing process. We need to send this package to the feds for SIP approval by October.

Oil & Gas GP - comment period ended. We have gone through all the comments. We drafted some minor changes to the GP for the well sites. We've also gotten comments back on the proposal to do a PBR for flowback operations. Industry seems supportive of that approach (Mike was surprised). They liked having a PBR for flowback and GP for well sites. They like the idea of keeping the permitting mechanisms separate for these separate operations. Hopefully we will be able to issue the revised GPs within a couple of weeks. The rule changes for the PBR will take more time. We will have to figure out how to incorporate that into other rule changes we are doing. This hasn't been decided yet.

Permitting – Andrew Hall - PTI workload is now in the 230s-240s. Most offices have received an influx of new applications while also working on the PTIO backlog project. The numbers are starting to grow but he doesn't think this will be a problem with meeting the overall goal of an annual average of

less than 200 PTIs. We have dedicated a few CO staff with helping SEDO with PTIs - front line supervisor reviews. Any other ideas on how we can process PTIs more efficiently? June/early July - next permit webinar. Next 6 month period ends at the end of June. Focus on getting numbers caught up before end of June.

Proposed BAT guidance - we issued a proposed revision to the guidance on BAT (and proposed revision to 31-05. Major difference is in case-by-case BAT. When you get down to having to pick a case-by-case analysis, we are proposing some changes to that approach. Biggest change has to do with the source design characteristics or design efficiency portion of BAT. First you must go through normal analysis for BAT; similar sources, similar size, cost efficiency, etc. When you are done, you have to express BAT as SB says. This approach says you will establish a short-term number when the source or control device has been designed to meet a certain number (i.e., grain/dscf), then that number is appropriate for BAT. Somehow we'll have to figure out what the design was, and did the designer try to design to meet a certain number for a certain pollutant. If no design efficiency is available, you can't choose a short term limit, you have to pick another option - work practice or rolling 12 month limit.

The proposal does include ongoing monitoring and recordkeeping and reporting. The approach that industry wanted was that BAT would be a one-time analysis and no ongoing monitoring, recordkeeping and reporting for BAT. Just that initial analysis would be what is needed. The original BAT intention was that it is better to control the source at installation than to retrofit. BAT has evolved from listing control equipment to listing emissions limits, to short term and long term emissions limits. Mike doesn't expect industry to agree with this proposed approach, expect significant comments. We need you to tell us if this is even doable. He's not sure this is going to work out. Comment period until end of May.

How do you show compliance with a rolling 12 month limit? It will depend on what the basis of that number is. EF based? Show compliance based on throughput times the emissions factor. If stack test based, maybe do a stack test and compare. For a large combustion source, rolling 12 month limit is stack test based. If we originally based it on an emission factor and stack test approach, base compliance on that approach. Often it is EF based and if you haven't increased your throughput then you should be ok.

Is it permissible if a company voluntarily elects to have more than one limit? One limit would be a voluntary limit, the other would be a BAT limit.

The table is no longer in the BAT guidance. You might end up using some of these options, but we figured we didn't need the table because you need to go through the logic to figure out what needs a short term number and what doesn’t. But let us know if we still need more guidance on this.

Is this going to be approvable by the feds? We need to demonstrate that it isn't backsliding. We also have the issue that other states don't have to do BAT.

Guidance - page 6. Fugitive sources - conclusion will not result in numerical value but instead result in the description of a work practice. Think about how this applies to practical enforceability. This says as long as you apply your work practice then you're in compliance. When you think about large sources, this could be a big issue. The initial draft was just to have work practices. From a practical standpoint, having the opacity and having people use whatever means they can to achieve that is a simpler approach; makes it easier to show compliance. If they just want to use a work

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practice, they have to keep records to show that they are doing so. That is how they show compliance. This doesn't seem practically enforceable. You do have the fallback of the rule opacity limit in some cases.

Emergency Generators for Peak Shaving – RICE MACT had some language that said companies could operate their generators up to 50 hours for peak shaving purposes. Our PBR for emergency generators excludes peak shaving. This is a concern for some companies because they had contracts with companies that said they would get lower electricity rates if they do peak shaving for the utility. After this year the RICE MACT says they can no longer do it. F&Os expire and they can no longer do peak shaving. We issued F&Os that said they can do this if they have a PBR for an emergency generator. This was sent out internally, not yet on Answer Place.

Some companies replace their boilers with many emergency generators. We need to look at whether this trips major NSR for NOx.

Definition of emergency generator - what about generators that are only installed for peaking purposes? They are looking into being installed as emergency generators and used only for emergency demand response program since RICE MACT is putting the "peaking units" out of business.

Black start engines - now have applicable requirements in the RICE MACT. Companies use this engine to get the turbine started. Old permits for turbines never said anything about startups or black start engines. Industry is concerned that these are area sources and are now going to be looked at by US EPA since we are not delegated to enforce the area source MACTs. These are other air pollution sources. If they need a permit under our rules then we do a permit, if they don't, then we don't. Typically we include the black start engine as part of the turbine. Mike would determine this to be a separate source. Go back and look at these to see if they need permits or if they are exempt.

Digesters - at CAFOs. Note #1 from Agenda: During the monthly conference call with USEPA, Region 5 added a topic that they wanted to discuss “Ohio’s policy of issuing separate, State-only permits to digesters that are collocated with concentrated animal feeding operations” (CAFOs). USEPA went on to say that Ohio was an “outlier” regarding the permitting of digesters at CAFOs. NWDO would be interested in revisiting our approach to permitting CAFOs because the inference in USEPA’s inquiry does not seem to be consistent with our policy as outlined in a draft IOC titled “Permit Applicability Issues Associated with Anaerobic Biomass Digesters” (IOC attached). NWDO’s experience is virtually all of our CAFOs and agricultural operations qualify for the Ohio Legislature exclusion under ORC 3704.01.

Hall: I had planned to discuss with Mike H. since he is the author of the digester memo, however P&E might be the best forum for this discussion. I think Kaushal’s main concern is that we might not be doing single source determinations when we issue digester permits using the GP. His “outlier” comment pertained to a April 16, 2013 Region 5 All States call where Wisconsin added the topic

CAFO’s and digesters as a single or two separate sources (WI)

And I replied that Ohio has a GP for digesters (apparently the other states do not).

These typically fall under the agricultural exemption in ORC 3704.01 and are exempt from needing to obtain a permit.

Region 5 wanted assurance that we are looking at total emissions from a facility. Are we supposed to be looking at total emissions from CAFOs? We thought these were exempt from air program. One of the checks for an agricultural exemption is "is it big enough to be title V?" If so, they can't be exempt under agricultural exemption. From Mike's digester memo:

Agricultural Production Owned Case

The second group consists of digesting operations that are owned and operated by agricultural production operation for the purpose of managing their agricultural wastes. In this case, several things must be true in order for the digesting operation to be exempt from the need to obtain a permit. These things include:

1. The digesting operation must be conducted in conjunction with the agricultural activity. This typically means that the digesting operation is designed so that the agricultural operation can better manage their waste. For instance, the system should be designed to and operated such that it takes in the waste generated from the associated agricultural operation. It is ok for it to take wastes from outside suppliers as long as it's primary purpose is to process the waste from the associated agricultural facility.

2. The agricultural activities associated with this facility need to have been in existence prior to the digesting operation.

3. The digesting operations should not cause adverse effects on the public health, safety or welfare. Under normal operations of these kinds of units we would not expect adverse effects. However, in some cases, toxic pollutants may be produced that would need to be evaluated.

4. The emissions from the digesting operation cannot trigger major new source review nor can the facility be a Title V facility.

If these criteria are all met, then the digesting operation is exempt from permitting.

If we know of one that is large enough to be Title V, we should be doing permits for them. We haven't traditionally looked at these operations as Title V. We need to decide how aggressive we want to be at getting title V permits at CAFOs. Dept of Agriculture - does permits on waste water end of things, but for air permits, that would be our responsibility.

Tracking portable emissions units in the field - companies with multiple emissions units. RAPCA had a situation where there was a portable unit in Cleveland that was having compliance issues with their permit , the company doesn't know which unit was actually on site as it has moved.. Serial numbers on permits could be too specific. For PBR units, require serial number information with the application and use that to track. What has worked with bigger companies is spray painting identifiers (permit number, fac ID, EU ID) on the unit. Not supposed to be swapping out the unit without reapplying for a permit. We expect them to track them and let us know when they are moving them, to follow guidance. EG 44 says it is not required to notify us if they move it back to its original destination, but we do ask that as a courtesy to inform us.

Pharmaceuticals - Piqua Champion Foundry - PCF has letter from Ohio EPAs saying they could burn pharms in their electric arc furnace. Agnecy employees noticed about 50-60% opacity while adding pharms in their furnace. They do it most Thursdays at 9 am, depending on appointments and

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in one case they did 250,000 pills on one day. They will have to comply with permit terms and conditions and regulations. The company will have to make sure it is below 20% opacity. If they cannot maintain compliance with their permit while adding pharmaceuticals, they can no longer do this.

Note on the pharmaceutical collection events guidance (found in answer place – answer ID 2145): kilns are no longer an option for burning collected pharmaceuticals. If solid waste is burned in a kiln, the kiln would be subject to the newly revised Commercial and Industrial Solid Waste Incinerator (CISWI) federal regulations. EAFs and other units that are not combusting waste as a means to destroy the waste or produce energy are still ok. They do not meet the definition of a combustion unit or a boiler or process heater (which, when burning solid waste, would be considered a CISWI unit).

3. **STARS2 and permit issuance update –** Mike Ahern and Erica Engel-Ishida

PER additional reporting – note #2 on agenda:

At the last Stars2/Permitting call there was a topic discussed which ended in it being transferred to discussion in P&E. Permit Evaluation Report (PER) – NWDO has proposed that we need to make the need to perform additional reporting more prominent on the PER form. Two reasons for this: (1) to remind the facility that they may have other requirements and (2) the DO/LAA staffer reviewing the report may not know that other requirements were in the permit. [Some rules have additional requirements. 21-09 rules and some other rules require 30 or 45 day reports, MACT rules require semi-annual. PER doesn't supercede these. Also when a company has deviations or are not maintaining records and the permit requires them to supply this information, the PER doesn't ask for that.] Possible solutions:

1. Make the instructions more prominent on the form… "in addition to the PER, please remember that your PTIOs may specify other state or federal reporting requirements."

2. On the PTIO EU permit detail in Stars2 we could add a new check box labeled "additional reporting to PER." If that box is checked, it could trigger the template that creates the PER form to add a sentence to each applicable EU. On emission unit detail in Stars2. It would give them a statement on the PER form that they have additional reporting requirements.

3. Don't add anything to Stars2 for the permit writers, instead just add a new question to the PER EU form… Are there additional reporting requirements for this EU beyond the PER? If yes, have those reports been submitted?

Option 3 puts the responsibility on them to make sure what they are submitting is complete and accurate information. Most votes for 1 or 3 or both together. Erica will look into doing both 1 and 3.

Central office entry of MACT reports - note #3 on agenda: MACT Coordinator, Briana Hilton, is entering MACT reports into Stars2 that she receives or has in her files. When she enters them the plan is to self-assign the review task to herself to approve. Are these reports something the DO/LAA's need to review? If she receives other items should those be mailed to the DO/LAA to handle or should she enter them into Stars2? Initial notifications and semi-annual compliance reports are required to be sent to her, but she is getting intent to test, and other misc items. Which ones should she upload and which ones should she send to the DO/Laa for review?

Semi-annual compliance reports - she uploads and task automatically gets assigned to DO/Laa. Do you want opportunity to see task first or should she go ahead and self-assign. Briana will look up to make sure she isn't uploading the same document twice, if the company

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has submitted an electronic version as well. Yes, the task should go to DO/Laa so they can review these.

Initial notifications - she will upload and tasks goes to DO/Laa.

For everything else she will send the hard copy to the DO/Laa.

For GACT sources we are keeping a copy in case we ever accept delegation.

Request update on Ohio's comments to the SSM proposal (startup/shutdown/malfunction rule) proposed NOD. Yesterday was the revised filing deadline for response to U.S. EPA. Mike handed out our response. Sierra club petitioned U.S. EPA that multiple states had deficiencies in their SSM rules. U.S. EPA proposed making changes to these rules. Our response says that we believe the petitioners and U.S. EPA misinterpreted our rules. Our rules don't exempt emissions unless it is written into the underlying rule itself. All other excess emissions are violations. We review those instances of violation and apply our enforcement policy to those instances of violations and determine the appropriate response.

2nd major item – the petitioners asserted that our rules preclude citizens from directly enforcing violations. Federal 6th circuit decision contradicts that assertion.

36 states were subject to this SIP call. The majority of states are probably not aware of changes to federal rules.

The petitioners claim that the director's discretion in allowing scheduled maintenance could result in NSPS or NAAQs violations which is contrary to basic tenants of the CAA. Our assertion is that U.S. EPA sets the standards and the states implement the requirements. This part of the NOD would upend that cooperative relationship and the director's primary responsibility under the CAA. Comments from other states run along the same theme. There are also industry comments concerning technical issues associated with trying to address and determine they don't have any excess emissions.

The current scheme of having excess emissions during those events likely doesn't violate the NAAQs. If the excess emissions were violations we'd deal with that from an enforcement perspective. There is also the argument that it would result in greater environmental impact if no SSM.

Mike A was asked to be a representative on a national group that is looking at the compliance and emissions reporting data interface tool. OAQPS has been pushing for this tool to be used to report compliance data to U.S. EPA. They have begun to implement this in some MACT and NSPS rulemakings. This group's focus is how to make that federal reporting regime work best for U.S. EPA. Make sure EFs are as accurate as possible. What they are missing is that states like us have had electronic reporting set up for a number of years and some companies will have to submit data in 2 systems. First meeting was Tuesday. He will be raising issues like existing flow of data through central data exchange to U.S. EPA. Issues with company submitting revised data. If company has to submit stack test data within this system how would we interact with this data? They envision that the states would log into that system and do a review and once you sign off could become part of a data set that defines an emissions factor. He will have more information after the meeting.

4. New Rules and SIP Update – Paul Braun

No update

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5. **Terms and Conditions -** Cheryl Suttman

There have been several important amendment that have gone final since the first of the year:

1. The boiler MACT went final on 1/31/13 and a full permit template for the subpart was completed the same day. It was possible to create a compare document for the difference between the pre-final and the final published in the Federal Register, which showed no significant differences. Since then the template has been split into "new" and "existing", however both files contain all of the control options available in the rule.

2. Amendments to the engine MACT, Subpart ZZZZ, and NSPSs, Subparts IIII and JJJJ, were issued final on 1/30/13. These amendments added requirements for "emergency demand response" and "peak shaving". Subpart ZZZZ also created some exemptions for an engine that can meet the definition of a "remote stationary RICE that is located on a pipeline segment that meets the definition of the rule. The engine must be re-evaluated every 12 months to determine if it still meets the requirements of the definition. All of the permit templates for emergency engines under Subparts ZZZZ, IIII, and JJJJ have been updated for the amendments. I will draft a template for the remote stationary RICE following any request for it, otherwise when time allows.

3. The utility MACT, Subpart UUUUU and NSPS, Subpart Da, were amended (issued final in FR) on 4/24/13. These changes have been made to the permit templates for Subpart Da. These templates have been divided in accordance with the limits defined by the 3 ranges of the construction dates in the rule. All 3 templates contain all of the control options of the rule.

4. For the NSPS Subpart OOOO permit templates in the Library, I have added the requirement to collect and conduct a pressurized flash gas analysis after the separator and before the condensate and oil storage tanks. This is the only way to demonstrate compliance for the tanks. I have added the same requirement to the next draft of the General Permits for the gas and oil wells.

The tables in the Library for engines, drafted for Part 63 ZZZZ and Part 60 Subparts IIII and JJJJ, are linked to over 540 permit templates. These templates have all be updated for the recent amendments. Except for the Category 2 (>10 liters per cylinder) and Category 3 (>30 liters/cylinder) engines, templates have been added through the 2014 model year. Templates are available for Category 2 & 3 engines through the 2013 model year. These templates include black start engines and engines that burn digester and landfill gas. The tables are organized by major or area sources under ZZZZ, the fuel burned, the use (e.g. emergency or black start) and date of constructed (JJJJ) or model year (IIII). The flow of the tables goes from the MACT to the NSPS and in tables for spark ignition and diesel engines. The permit templates linked to these tables (left 3 columns) are updated for all of the recent amendments.

8. **MACT Update-** Briana Hilton

The April 15, 2012, Federal Register contains a notice of proposed rulemaking on Subpart NN--National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing at Area Sources. The rulemaking also includes proposed amendments to 40 CFR 63, Subpart DDD -National Emissions Standards for Hazardous Air Pollutants for Mineral Wool Production and Subpart NNN – National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing. This

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action proposes chromium and particulate matter (for metals) standards for wool fiberglass gas-fired glass-melting furnaces at area sources and adds these sources to the category list in the Urban Air Toxics Strategy. It also proposes amendments to the existing major source rules for Mineral Wool and Wool Fiberglass, supplementing the rule proposed on November 25, 2011. The proposed area source standards for the gas-fired glass-melting furnaces used to make wool fiberglass would increase the level of environmental protection.

The April 24, 2012, Federal Register contains a notice of final rulemaking on Subpart UUUUU - National Emission Standards for Hazardous Air Pollutants from Coal- and Oil-fired Electric Utility Steam Generating Units. The National Emission Standards for Hazardous Air Pollutants (NESHAP) rule issued pursuant to Clean Air Act (CAA) section 112 is referred to as the Mercury and Air Toxics Standards (MATS) NESHAP. The Administrator of EPA had received petitions for reconsideration of certain aspects of the MATS NESHAP and the Utility NSPS. On November 30, 2012, the EPA granted reconsideration of, proposed, and requested comment on a limited set of issues. EPA also proposed certain technical corrections to both the MATS NESHAP and the Utility NSPS. The EPA is now taking final action on the revised new source numerical standards in the MATS NESHAP and the definitional and monitoring provisions in the Utility NSPS that were addressed in the proposed reconsideration rule. As part of this action, the EPA is also making certain technical corrections to both the MATS NESHAP and the Utility NSPS. The EPA is not taking final action on requirements applicable during periods of startup and shutdown in the MATS NESHAP or on startup and shutdown provisions related to the PM standard in the Utility NSPS.

9. **Engineering Guide update (updates highlighted)-**

#6 - PTI for Coal to Oil Conversion	~~Cleveland/~~Misty Parsons	**Cleveland indicates they cannot revise the guide. Misty will handle the revisions.**
#8 – Compliance Tests at Bulk Gasoline Terminals	CDO	Final recommendation submitted to Bruce for final review on 07/23/2012.
#18 - SO2 Compliance Determination Methods for Boilers	Toledo	**Bruce needs a copy**
#20 - Determination of Compliance with Visible Emission Limitations for Stack Source	Akron	Final recommendation submitted to Bruce for final review on 05/09/2012.
#23 - Determination of Significant Figures for TSP Emission Limitations	SEDO	Comments received and making revisions.
#24 - Application of Fugitive Dust Requirements to Affected Facilities	Toledo	Final recommendation submitted to Bruce for final review on 08/14/2012.
#26 - Inclusion of Weight of Water in the Weight of "Refuse" Charged for Incinerators	NEDO	**Bruce needs a copy**
#29 - Applicability of the PTI Rules to Increases in Capacity of a Derated Boiler	CDO	update on progress

#38 - Use of Exempt Organic Compounds to Satisfy BAT Requirements	Akron	**Draft Recommendation to Revoke Guide out for comments until 6/17/13.**
#44 - Permit Issuance Policy for Relocation of Portable/Mobile Facilities	CO/SEDO	Erica and Sarah Harter working on changes. – On Hold until rules/forms changed.
#45 - Calculation of "Potential to Emit" for Surface Coating Lines	Canton	**Draft of proposed revision to be issued for internal review prior to July 9, 2013 P&E mtg.**
#48 - VOC Compliance Determinations for Coating Lines	Canton	**Draft of proposed revision to be issued for internal review prior to July 9, 2013 P&E mtg.**
#51 - Number of Sampling Runs to be Witnessed by Agency Observers	RAPCA	reviewing guide – **recommendation to revoke guide is a possibility, they are waiting on information from Bruce and Todd Brown. RAPCA will send out an explanation of reasons to revoke guide and take comments.**
#53 - Interpretation of Open Burning Standards	Paul Braun	update on progress – reviewing guide
#55 - Precautions in Use of Method 24 for Water-Based Coatings	Akron	Final recommendation submitted to Bruce for final review on 09/24/2012.
#69 – Guidance on Air Dispersion Modeling	VanderWielen	**Revision in progress – Incorporation USEPA PM2.5 modeling guidance.**
#70 - Guidance on Evaluating Emissions of Toxic Air Pollution Compounds when Processing Permit-to-Install (PTI) Applications.	Hopkins	Hopkins review comments.
#74 – Stack testing for PM2.5	Hall	On hold until asphalt plant testing issues are resolved.
#77 - Proper application of amended OAC rule 3745-21-07	CDO	CDO collecting examples to determine how different situations should be handled when addressing BAT limits that may have come from the old 21-07(G). Possibly add more examples to E.G 77.
#80 – Methods for Calculating PTE	CDO	Issued Final 3/02/12 **- additional revisions made by CDO on 9/24/12 and forwarded directly to Bruce. 1/29/13 revisions sent**

		from P&E to Bruce, just in case. Bruce says he needs to evaluate based on recent BAT guidance.
#82 – Ultra Low Sulfur Diesel Fuel Permitting	NWDO/CDO	**New Guide. Draft distributed for review 3/7/13. Comments until 4/8/13. NWDO addressing comments, there weren't too many.**
#83 – Asphalt Testing Production Rates	Todd Brown/Alan	Draft out for review. Comments until 11/2/12. –> On hold until asphalt plant testing issues are resolved. **Renumbered from 82 to 83.**
#XX – Non-road Engines	SEDO	update on progress

10. **General Permits** –

Crematories – pretty much ready to go, Sarah will have to restart work on mercury modeling soon.

Shale Oil and Gas –Draft issued 2/15/13, comment period has ended. Reviewing comments.

Miscellaneous Metal - Rick Carleski is working on Misc Metal GP. The workgroup is writing T&Cs. The modeling will determine the type of screening they do for qualifying criteria and hopefully by next meeting will have some terms to circulate.

11. **Training** –

Rumor that a MACT and Advanced NSR training will be offered this year.

12. **New Items –**

None.

13. Pending Action Items –

None

P&E Minutes are available in Answer Place Topic ID 2140.

----------Next meeting is Tuesday, July 9, 2013.

September 10, 2013

Permitting & Enforcement Committee Meeting – September 10, 2013

Lazarus Government Center
Ohio EPA
6th Floor DAPC conference room C

Attendees: Chair – Sean Vadas (Akron)
Minutes – Jenny Avellana (CO)
- John Paulian, Mike Hopkins, Andrew Hall, Erica Engel-Ishida, Mike Ahern, Cheryl Suttman, Briana Hilton, Alan Lloyd, Lynne Martz (CO), Drew Bergman (Legal), Rick Carleski (OCAPP), Todd Scarborough, Bryon Marusek (CDO), Eric Bewley, Kevin Fortune (NEDO), Carl Safreed, Marisa Toppi (Canton), Sarah Harter, Racheal Davies (SEDO), Chris Clinefelter (RAPCA), Cindy Charles (Portsmouth), Peter Park (Toledo), Paul Tedtman (SWOAQA), Christine Barnie, Mary McGeary, Scott Winograd (CDAQ), Andrea Moore, Jennifer Jolliff (NWDO)

13. **Enforcement issues –** John Paulian and Drew Bergman

John Paulian – Enforcement – What should we do about late renewal application submittals for FEPTIOs? From agenda: NWDO has a SMTV facility that received a reminder letter on 7/22/13 about their FEPTIOs expiring on 8/12/13. The letter makes the following statement: "**A renewal application must be received by the expiration date for each emissions unit in order for that emissions unit to continue operating.**" The facility submitted those renewal applications on 9/3/13 and we are currently processing those. With 2013 being the first year with expiring FEPTIO permits and the need for renewals to be issued, what is the protocol for facilities that don't submit their renewal applications on time? Are we going to handle them similarly to TV facilities that are late in submitting their renewal applications (i.e. automatic enforcement if not submitted within a certain number of days)?
Answer: Like any other permit, issue an NOV, it is a violation. This is not the same as is spelled out in Title V. Until the permit is renewed they have to have authorization to operate.

Compliance - coming down to the end of the FFY - need to get inspections done. Make sure you have 2014 scheduled so we can get those to US EPA. They are asking for them.

We are not looking bad on inspections. Looks like we are doing pretty good.
Shelly finally settled $500,000. That appeals case is done.

Stars2 enforcement cases - facilities - trying to round out the enforcement case information in stars2 for each facility. Start working with CO enforcement staff so they can start inputting information for enforcement into Stars2.

NOV & correspondence in enforcement section has been very helpful.
Have to have discussions with AGO about access to Stars2.

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4. **Permitting** – Mike Hopkins

Biomass deferral for GHGs. When US EPA first started regulating GHGs through permitting, they issued a deferral for biomass projects. They wanted to spend 3 years studying the issue, to see whether when you burn biomass, the CO2 emitted gets absorbed by the plants, so the cycle has anet neutral CO2 impact. Some facilities took advantage of this deferral and got sued and the court threw the deferral out. This deferral is now gone. US EPA is going to issue guidance on biomass, but until then nobody can rely on biomass deferral. This could kick some facilities into title V, especially impacting landfills. Mike expects US EPA to have something out on this soon (guidance or modifying rules?).

Martin Marietta case - this was an appeal of a permit for ERAC that had to do with fugitive sources and opacity numbers. We ended up losing this case in ERAC but ERAC volunteered an opinion on another issue - that when we do a renewal permit, we should re-describe BAT following the SB 265 language. This doesn't make sense because we copy forward BAT as it was established at the time the source was initially proposed. We appealed that to the 10th district and asked for a stay of that ruling, so we don't have to actually follow this while waiting for appeal to work its way through court system. The stay was granted. We'll still wait on a result for this issue - what 10th district has to say on that.

The less than 10 tpy part should not be affected. This ruling applies more to sources >10tpy and what do you do when you renew the permit, do you have to re-describe BAT? We don't have to reevaluate BAT but we would have to re-describe BAT.

Drew- This decision might complicate matters where US EPA is pushing on backsliding issue. It might be hard to get around that.

One thing that issue affects is the work we've been doing on shelly appeals (almost 40 permits). We were working with Shelly to do a global resolution for all of those appeals. An idea was to develop a template permit that would work for resolving all of the appeals. We split it up to do a template for pre-SB 265 BAT and post-SB265 BAT. We came very close to an agreement on pre-SB265. The next step was to develop a post-SB265 template, then to look at appeals and see which ones fall into which bin. Last time we discussed this with opposing council – we decided the ultimate decision on Martin Marietta could impact what we put in templates for Shelly cases. So until the 10th district decides we cannot move forward with the work we are doing with the Shelly appeals.

Nonattainment areas - recent changes - recently got a few SO2 nonattainment areas around a few power plants. Some of the older PM10 standard nonattainment areas have gone to attainment. See SIP information on internet. http://epa.ohio.gov/dapc/sip/sip.aspx

What date do you use when determining whether an area is in attainment or not - date of application or date permit is issued? Use the date permit is issued - have to make sure nonattainment areas are correct. There have been some rare instances where the feds have used a different method but for the most part it is when the permit is issued.

PM2.5 rules - getting close with that package. We've reviewed all comments and RTC done - some issues need to talk about later this week. Next step is for this to go official rule processes. Early next year submit as part of SIP revision. Will we be setting limits in other permits (other than major NSR)? We're doing nothing different - will just have these requirements in our rules rather than having to rely on federal rules. If we have it in our rules it will make it easier to establish limits in our permits for BAT. We will not be moving beyond what is in the federal rules. We want this approved as part of

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SIP. The next package up for IP comment will the rest of the rules in chapter 31: 31-03, 31-05 and 31-33.

GP for well sites - Cheryl and Mike updating by adding in NSPS OOOO requirements that came out early this year. Added changes and got comments - made changes. Found out Feds issued more changes to the NSPS and now we are making more changes based on what the feds have changed. We are actively working on it, Cheryl has next draft version about ready for Mike to look at. Within another month we should be able to have that modified. There is one that we have out that we are splitting into two, and possibly splitting even further. We are still hoping to issue two as finals based upon comments and then move forward with further delineating the rest of them into some other categories. Still have more work associated with that.

Andrew- update on backlog work - overall numbers - monthly reports are on intranet, we are about up to date - one month behind. We are down into 600s - CO backlog group has fewer and fewer facilities to work on. We're seeing a lot of permits coming through and we're moving towards the director's goal of no backlog by 2014. The Title V portion is trending downward, but maybe not as quickly as we'd hope.

NSR workload - PTIs and PTIOs - back down into the 180s. We are maintaining a workload of less than 200 installation permits, which is our goal. Most offices have a stable installation workload. If anybody needs help with workload let CO know.

In the latest webinar we talked about all our goals and Title Vs. It's going to be a pretty big challenge. For the Utilities, we are continuing to get some pre-draft terms out - trying to do as much pre-draft negotiation as possible.

SB 265 - gone through all the comments, reviewed all the comments, revised and have version ready to go. Director has reviewed and wants it to go out soon - PIC folks need to get up to speed so that when they get media calls, they will be prepared. That's the only thing we're waiting on before we can issue the new version of the SB guidance. It's going to be different. Expect not to have short term emission limits anymore. Mike has drafted up a webinar that we will use to get people up to speed on it. Once it goes out, at that same time we will have a 2 week time period during which it doesn't apply, but any permit after that day will have to use the new guidance. This gives us a little bit of time to make adjustments to any permits being sent to CO. The plan is that it will go out to everyone, and then Mike will send an email asking for dates for a webinar, that will give basic training on how to do permits under this new guidance. It's a pretty big change so we'll see how it goes. Update: this was sent on 9/13/13.

Could compare with latest BAT guidance to see all the changes and have questions ready for the webinar. This guidance replaces previous guidance, a lot of it is the same, but there are many changes. What if a company asks for short term limits? It would be a voluntary limit, not a BAT limit. Old guidance will still apply to old BAT determinations we've made. For appeals, this shouldn't affect those.

What about draft permits - if not issued final yet, they would need to be change. If there are some permits a couple of days past the effective date of the permit, we don't want to slow down permits so we might go ahead and issue if the company doesn't object. For asphalt plants - should we push the button on getting them issued draft? If they are ready - issue them draft. If guidance comes out between the time they are ready to be issued final - we might have to make some changes. If the only issue is BAT holding it up from being ready to be issued draft - go ahead and issue because we will

need to make changes to BAT anyway. If there are other things that need to be changed, don't' go ahead and issue. We still want to put out quality permits. But keeping permits moving is also a priority.

Taking out PM10 limits from the asphalt permits (because size of the plants and size of the emissions - we wanted to try and simplify things as much as possible for them and us)- put out guidance on that. Mike needs to pull up guidance issued for the asphalt and decide under the SB revised guidance, what needs to change. He thinks there will be multiple cases where that is going to happen. Right now don't do things different than that guidance, but when we issue the SB guidance, procedure might be different.

Petroleum Dry Cleaner Permitting - Rick Carleski - in OCAPP we work with perc dry cleaners quite often - that whole process is pretty well understood. Then there is the other non-perc, non-petroleum and petroleum units - can these be de minimis? In dry cleaning business technology has progressed to minimal emissions. The most recently issued petroleum permits are issued at less than a ton of VOC. Do we want to keep these really small sources in the permitting system? If a dry cleaner qualifies as de minimis - should not issue permits. With controls, less than 10 lbs per day - we shouldn't be issuing permits. There is an NSPS for these. NSPS is a threshold for the 31-03 exemptions - if there is an NSPS, you need a permit for it. Modifying that rule for the area source MACTs. For de minimis, that goes beyond 31-03. 31-03 not applicable, no permitting applicable.

We didn't used to apply de minimis rule if NSPS or MACT applies. Then we determined that if the MACT/NSPS doesn't have a limit that makes it 10 lbs/day or less, we can apply de minimis. But does the petroleum dry cleaners NSPS restrict them to less than 10 lbs/day? If that is the case, it is not a de minimis source. Most of the stuff OCAPP sees does not even trigger petroleum dry cleaner NSPS.

In the permits that we are issuing, it appears to be that the RACT is what causes them to need permitting. There is a threshold of the RACT that these petroleum dry cleaners are still subject to a few RACT requirements.

Any that have come through as part of the backlog - should determine if they need a permit or not first.

Not enough of NSPS sources to justify a GP - yes this is what was determined.

Less than 84 lb machines, no NSPS applies. Recordkeeping keep less than 10 lbs/day - will fit under de minimis, even if potential is over 10 lbs/day. But recordkeeping could be cumbersome for dry cleaners, permitting these units might be easier on them.

There was no distinction in the draft GP that was being worked on -

Propose a new exemption in 31-03?

Could PBR - if there is some reason we need to know where they are and need to check on them.

These are tiny and they take up permitting time. There is a trend in the industry to switch over from perc to hydrocarbon. Industry and market is going to make the push toward hydrocarbons (petroleum dry cleaning).

7 on agenda - yes/no permitting matrix helpful? Are permit writers having a hard time figuring this out? If so, guidance would be helpful. NWDO says that a few of them have been going over 10 lb/day – with the condenser as control equipment – they are not less than 10 lbs/day. De minimis is without control. Bryon Marusek from CDO disagrees and feels that the condenser is an integral part of the machine, and shouldn't be considered add-on control equipment. Therefore, he believes that de minimis calculations should be done on emissions from the condenser.

If we determine de minimis, yet still subject to NSPS, no permit, is this really protective? They are on their own with complying with NSPS. Is industry moving forward enough with cleaner technology

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that just reminding htem of their NSPS obligations would be enough? If EPA asks why wer are not permitting these things anymore, this might not be the best answer. PBR?

PBR might be preferred strategy. PBRs traditionally were for an industry that has many sources. That is not the case here. PBRs are hard to change. If we think rule changes are relatively settled for that industry, then we can do a PBR. Rick doesn't believe there are too many changes in the works to applicable rules to this type of source, except one NSPS change coming. If we want to do PBR, we should do that now before this rule package goes out draft with 31-03.

Dry cleaners want easier/less requirements if they move from perc to petroleum. If we still require permits for non-perc, what is the advantage of them moving away from perc, for them?

Rick's preferred method would be a permanent exemption. Rick will draft language for a permanent exemption, and distribute for review.

Should we also put together an AP topic to sort out different types of solvents being used?

Peak shaving - emergency generators. Will any new guidance be issued for these emergency generators to replace the May 1, 2013 memo? No, the memo is still correct. “Peak shaving” will not be allowed for an engine with a PBR after the May 2014 deadline as described in the memo. The federal rules identify certain requirements that must be met in order to participate in peak shaving. Jennifer Avellana is working on adding these requirements to the definition of an “emergency engine” in Chapter 31. Engines will be allowed to participate in peak shaving if they meet these requirements and are operated in accordance with the rules. The rule does describe certain non-emergency operations that can be done after May 2014, and these do not constitute “peak shaving.”

Shale Oil & Gas/E&P tank and GRI GLY calc modeling requirements - modeling software that we have gotten for several field offices is the typical software that companies are using to model emissions for a well site. We've established the GP based on the results of that software. But we never had the software to be able to verify what companies were giving us. For most GPs they are going to certify that they qualify for the GP - is it absolutely necessary that you run the numbers at the field office? Understanding how it works and how they are doing the calcs, it might be helpful. We need to figure out how it works in CO as we go forward to develop the next version of the GP. More of a tool we thought the field offices might find helpful. For a normal GP, you shouldn’t' need that modeling to do the permit. Maybe for a case-by-case.

For modeling - do they have guidance on which modeling software we are supposed to use? Modeling group was going to switch over at the end of the year. We haven't issued the revised guide yet. Sarah was going to get the modeling software that US EPA wanted us to use. Jennifer Dines will have to let us know what we're supposed to be using or provide us an update of the revised guide being issued.

3. **STARS2 and permit issuance update –** Mike Ahern and Erica Engel-Ishida

Erica - reminder letters that were referred to with the NWDO issue with the late renewals going out - there was a problem with those letters not going out in Stars2, but that has been remedied, so that won't be happening going forward.

Trade secret determinations that legal issues will be coming out through her section - they will be doing the final issuance process with that - will be getting emails telling you the trade secret has been issued and that will be in Stars2.

Mike - Stars2 - he handed out a visual of the software and different tools that we use either as agency staff or additional tools that the local agencies use to get to the agency tools.

F5 server - web software that allows you to tunnel into stars 2

IT consolidation continues we have new tools that are going to be coming online - Citrix server - another way to get into system tools - how local air agencies get into edoc system.

Ambient monitoring information network - that modernization effort - for LAAs will leverage the new citrix server to access that tool. GIS tools have been consolidated into the Ohio GIS group. We get into GIS tools through this new citrix server as well. We may be able to provide access to LAAs to do some GIS in the future.

Citrix is a company tool that we've purchased. The old citrix server - open burning permissions and denials - how you get into WRAPN - public notices.

Sharepoint - tool for CEMS or COMs or EER reviews - tool used to access that system. More of a collaboration type of tool - semi-off the shelf tool that Microsoft developed. State is using that tool increasingly as a way of simplifying collaboration. ODOT set up Sharepoint site so contractors and government can all work on that site to make sure they stay on schedule. There may be some things (non facility enforcement processing) that we may end up leveraging Sharepoint for. Sharepoint password - why do we have to change password every time we log on? "Contingent workers" - anyone that works for an org and not directly for the state – going to be getting an OAKS ID - unique ID to you as an individual - every contingent worker will have. State of Ohio is setting this up. What that will set the stage for is the ability for us to provide a one-step login to various systems - long term. Not going to happen overnight but this is the first step. The byproduct of that is you won't have to put in your password as much.

Answer Place - information presentation tool in addition to our internet pages - people can submit questions.

SQL server - asbestos notification tracking have been using this tool

E document mgmt project - Jennifer Joliff is divisional representative on the government's board, which has been set up by the agency to come up with different policies on records retention, splitting up of different documents, who has to be trained on certain aspects of the system.

We're moving into Phase 1 (Phase zero focused on NOVs and F&Os). Standing up the permanent system. Putting into place a permanent system provided by a company called Hyland and their software is called On Base. That system will also lead into Phase 2 - when we branch out into the types of documents that need to be ingested in to the document mgmt system. Will include all director's actions, initially. Ties in open burning permissions and denials. Now we also have to put them into this OnBase system. The other important aspect of implementing OnBase is that it is tied to Ohio EPA's core database. Core database est an ID that is then tied to all the different divisions. Represents a place ID in Ohio where EPA has a direct interest with respect to that spot in Ohio. NPDES and Air permit tied to that place ID. Through that place ID can gather all the info and give them a holistic picture of how we

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regulate that particular area. The OnBase system leverages this core model. Can't get anything into the edoc mgmt system without establishing this Place ID. For non-facility work - will require us to add some procedures for processing those actions to create a place ID first and then move forward with those procedures. Sent email out to all open burning contacts to revise some guidance. As Phase 1 comes online we should be able to shift into and add these additional steps in order to get these into the edoc system.

Stars2 and facility related docs - doc mgmt project - been working with the contractors that have been developing the implementation for the onbase system. Document types that correspond to the documents we have in hard copy and in stars2. Need to round out facility file by gathering hard copy documents so that ultimately that can be accessed for a complete facility file. Look at facility related documents - come up with a plan and timeline for getting information into stars2 so that it can feed edoc mgmt system.

Non facility processes will have to be developed. For facilities, what we've tried to do, rather than have some go into edoc and some to stars2, Erica and Mike have been trying to leverage the stars2 data structure and procedures that have already been developed for Phase 0 that feed the edoc system. Attachments area of stars2 will be used to upload documents into stars2 that will feed the edoc system. That's what we are hoping to do. 2008 when he said stars2 won't be doc mgmt system - he was correct- won't be used by the public - but will be our tool that we use to FEED a doc mgmt system. The edoc project and records retentions schedules are on a much shorter timeframe than what we believe need to be available to us for permitting and enforcement purposes.
Electronic copies will be fed into the edoc system, our copy in stars2 will stay in stars2.

Air services permitting calls - documents being uploaded - we want to get everything related to a facility that is related

We're going through and establishing what types of docs are needed for Phase 2 and what is actually in stars2 (in general they want everything that is in stars2). The list is long. They are working through that list and need to translate what they call it in the edoc system and what it is called in stars2, so that we are aware of what is needed. If you don't see a spec category that you want, they can add this. Some changes to stars2 need to happen to make this happen - for example, we expressed desire for ability to upload emails associated with a facility - need to make sure this email isn't part of the officially submitted app. By Oct air permitting call we'll have that list so we know what documents will be needed for Phase 2. Implementation plan for Phase 2 is June 2014.

We want to start taking all our records related to facilities and putting into stars2 so we have one place where we have all of this information. This will take a while. There will be some facilities where it will be good to get all of that information in one fell swoop into stars2. Then all the docs will automatically get fed into the edoc system right away. Stars2 should replace all hard copy files. Director's vision is about as close to paperless as you can get.

Will stars2 searchability for certain facility files be made as easy as it is to search for hard copies? You want to make sure you are uploading documents in the right area so that you can easily find it when needed. Make sure you upload docs keeping in mind where someone will go to look for that information. If there is some way you can think that you can easily search for certain attachment types, If there are tweaks we need to make when uploading so that you can easily find the document, let Erica know. What can they do to make

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it better? Do you need to be able to search attachment types? Add permit description to searchability function of stars2? Also if you have questions of where an attachment should go, feel free to ask Erica. Anything you add as an attachment, is part of that application file. The ability to identify what is internal only is coming in October stars2 update.

Keyword search within stars2 is not going to happen, it's not made for or powerful enough for that capability.

Version 2.2 stars2 will have an area where there are zipped up files, public can come in and go into stars2 and get that zipped file for a file review.

Keywords in attachments? Document mgmt system - is different from stars2 in this respect. There are 2 parts to the doc mgmt system that are set up off the shelf - public accessible and internal accessible. If we feed all of that info into the doc mgmt system then you can do a keyword search. Wouldn't want to push that search onto the doc mgmt system because of the fear of records retention system. IT folks want to take some of the structural parts of stars 2 and move that over to the doc mgmt system. The advantage of acquiescing is that you'd have the power internally to do that type of search.

June 2014 is official implementation date when we are supposed to have stars2 feeding documents into this document management system. Anything generated from June 2014 on needs to be auto fed into the system. The question is, how far back do we want to go with documents? Permit documents should be in as far back as July 1, 2008.

The language on the website is supposed to warn people that if there are documents public can't find, contact do/laa.

2 goals of director = significantly reduce staff time and effort in responding to public records requests. 90% he wants us to never have to touch. Second goal was to make the agency's records 80-90% paperless. We are trying to get as much into stars2 and do it consistent across all the different locations. So that 90% of public records requests are going to be handled as a byproduct of that.
Need a structured approach as we start this. We have to go through a process of creating document types that we want to upload so that we are consistent across the state as far as what things we are uploading into stars2. Looking for participation and suggestions. Reach out to Erica so we can all work together. Maybe put together a Sharepoint site or something in the AnswerPlace that starts to lay out final decisions of different things that get uploaded to the system and where to put them. A little roadmap so people can figure out our decision making process in the future.

Mike A - other thing he's been focused on for the past year or so - federal level some folks that maintain emission factors that are nipping at stars2 functionality from the top down. US EPA has reduced the funding for folks that do AP 42 emission factors. They are trying to figure out how they are going to maintain high quality factors, without having to use their own funding. They've been pushing for requirements in federal rules that require companies to submit their test results directly to RTP. Electronic Reporting Tool. Take info from stack test, have to put in Electronic reporting tool, once they get large enough data sets, can put out quality EFs. They want states with varying degrees of systems (ours is advanced) Trying to force fit review of the stack test data in our systems into the federal system. Bob and Mike have been trying to influence their decision making in such a way that we can get air services as an approved

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method of conveying information through us then to US EPA. As you do stack test result reviews as far as compliance oversight, then that information would get to US EPA, you wouldn't have to separately upload information to another system. What we are looking at is making some add'l changes to air services and stars 2 that will allow companies to upload stack test info electronically and as part of our review can relay that info to US EPA.

Erica - constantly making changes to the system. Version 2.1.2, best guess is that it will be deployed around mid-October. Supposed to include changes for emissions inventory summary group, will include any fixes we need to make for this edoc priority we discussed. Locals wanting some asbestos tracking in there. A couple of bugs will be resolved. Will be a smaller deploy. Next one after that will have area for public info requests, a lot of ease of use enhancements that have been suggested over time. This will be a bigger deploy.

4. **New Rules and SIP Update – Paul Braun**

No update

5. **Terms and Conditions -** Cheryl Suttman

Subpart OOOO has been issued with a lot of changes as a pre-final, signed by EPA Administrator Gina McCarthy, and since the meeting, on September 23rd it was issued final in the Federal Register with some very small changes to the pre-final. Almost all of the major changes in this amendment were for the storage vessels.

One of the bigger changes is the compliance method. In the original rules the control device for the storage vessels was required to be performance tested for the 95.0% reduction of VOC. The storage vessels have been moved from the performance testing sections, which it shared with wet seal centrifugal compressors, to new paragraphs that require the control device to be designed and operated to reduce VOC by 95.0% with monthly inspections and visible emission testing using Method 22.

The amendment allows the facility get out of the NSPS through a legally and practically enforceable limit in an operating permit, with a potential VOC limit <6 tons/year (TPY). Mike Hopkins said that the General Permit is legally and practically enforceable, but that we will never issue a GP draft to make it federally enforceable.

Subpart OOOO has replaced the initial and periodic (every 60 months) performance test for storage vessels, with monthly inspections, which is also problematic for the natural gas and oil industry. Now only wet seal centrifugal compressors are subject to the performance testing procedures identified in 40 CFR 60.5413(b). However, the facility has an option to purchase a control device that's model has been performance tested and basically "certified" (this word not used) by the manufacturer, in accordance with 40 CFR 60.5413(d). The test results and testing conditions must be submitted to a Federal database in order for this option to be used for compliance.

The visible emissions Method 22 observation period is different based on the method used to demonstrate compliance as follows (copied from my proposed GP)

OAC rule 3745-17-07(A)(1)(a) exempt from Subpart OOOO	Where potential VOC emissions are determined to be less than 6 TPY, visible particulate emissions from the exhaust stack of the combustion device serving this/these storage vessel(s) shall not exceed 20%

	opacity, as a six-minute average, except as specified by rule.
40 CFR 60.5412(d)(1)(iii) control device not certified by mfg.	If required to install controls, an enclosed combustion device must be operated with no visible emissions except for periods not to exceed a total of 1 minute in any 15 minute period, conducting Method 22 once every calendar month.
40 CFR 60.5413(e)(3) control device certified by mfg.	If demonstrating compliance using a combustion control device that is performance tested by the manufacturer, in accordance with 40 CFR 60.5413(d), the combustion device must be operated with no visible emissions except for periods not to exceed a total of 2 minutes in any 1 hour of operation, conducting Method 22 once per calendar quarter.
40 CFR 60.5413(a)(1) 40 CFR 60.18(b) open flare, Table 3 of OOOO says 60.18 does not apply to flares, but 60.5413(a) says it does (other options are enclosed combustion devices)	If required to install controls, an open flare must be operated with no visible emissions except for periods not to exceed a total of 5 minutes in any 2 consecutive hours, conducting Method 22.

There is a new option for avoiding controls, where the potential VOC emissions are ≥ 6 TPY:

The actual uncontrolled emissions must be demonstrated to be < 4TPY as determined monthly for 12 consecutive months; after which they must continue to calculate the uncontrolled actual VOC emissions using a generally accepted model or calculation methodology based on the average throughput for each month.

This compliance option is confusing to start because it says: "Prior to using the uncontrolled actual VOC emission rate for compliance purposes, you must demonstrate the uncontrolled actual VOC emission have remained less than 4TPY as determined monthly for 12 consecutive months." Does a closed vent system and control device need to be installed during the initial 12-month demonstration?

And what comprises each monthly average throughput? a measure of the throughput each day, each week, or once per month, which is not an average.

This compliance option sounds burdensome and I doubt anyone will use it.

The daily throughput determined for the 30-day period of production prior to the emission determination deadline, i.e., measurement(s) each day, sounds attainable).

10. **MACT Update-** Briana Hilton
    1. The May 10, 2013, Federal Register contains a notice of availability of applicability determinations, alternative monitoring decisions, and regulatory interpretations that EPA has made under the New Source Performance Standards (NSPS); the National Emission Standards for Hazardous Air Pollutants (NESHAP); and/or the Stratospheric Ozone Protection Program (Many Subparts)
        a. Notice comprises a summary of 63 such documents added to the ADI.

2. The June 20, 2013, Federal Register contains a notice of final rulemaking on Subpart CC - National Emission Standards for Hazardous Air Pollutants From Petroleum Refineries.
   a. This action amends the national emission standards for hazardous air pollutants for heat exchange systems at petroleum refineries. The amendments address issues raised in a petition for reconsideration of the EPA's final rule setting maximum achievable control technology rules for these systems and also provides additional clarity and regulatory flexibility with regard to that rule. This action does not change the level of environmental protection provided under those standards. The final amendments do not add any new cost burdens to the refining industry and may result in cost savings by establishing an additional monitoring option that sources may use in lieu of the monitoring provided in the original standard.
3. The June 25, 2013, Federal Register contains a notice of the reopening of the comment period of a proposed reconsidered rule, Subpart UUUUU - National Emission Standards for Hazardous Air Pollutants From Coal- and Oil-Fired Electric Utility Steam Generating Units.
   a. On November 30, 2012, EPA published in the Federal Register the proposed rule, ``Reconsideration of Certain New Source and Startup/Shutdown Issues: National Emission Standards for Hazardous Air Pollutants from Coal- and Oil-fired Electric Utility Steam Generating Units and Standards of Performance for Fossil-Fuel-Fired Electric Utility, Industrial-Commercial-Institutional, and Small Industrial-Commercial-Institutional Steam Generating Units." That proposal opened for reconsideration certain issues, including those related to startup and shutdown. On April 24, 2013, EPA finalized reconsideration of all the issues included in the proposed rule except those related to startup and shutdown. EPA is reopening the public comment period for the proposed reconsideration to solicit additional input on specific issues raised during the initial public comment period related to the proposed revisions to the requirements and definitions related to periods of startup and shutdown. EPA also requests comment on the additional technical analyses it conducted in response to public comments on this subject in Docket ID EPA-HQ-OAR-2009-0234. The National Emission Standards for Hazardous Air Pollutants (NESHAP) rule is referred to as the Mercury and Air Toxics Standards (MATS), and the New Source Performance Standards rule is referred to as the Utility NSPS.

11. **Engineering Guide update (updates highlighted)-**

Engineering Guide Revisions		
#6 - PTI for Coal to Oil Conversion	Misty Parsons	reviewing guide
#8 – Compliance Tests at Bulk Gasoline Terminals	CDO	Final recommendation submitted to Bruce on 7/23/2012.
#18 - SO2 Compliance Determination Methods for Boilers	Toledo	**Lost – Resubmitted to Bruce 5/16/13**
#20 - Determination of Compliance with Visible Emission Limitations for Stack Source	Akron	Final recommendation submitted to Bruce on 05/09/2012.

#23 - Determination of Significant Figures for TSP Emission Limitations	SEDO	Comments received and making revisions.
#24 - Application of Fugitive Dust Requirements to Affected Facilities	Toledo	Final recommendation submitted to Bruce on 08/14/2012.
#26 - Inclusion of Weight of Water in the Weight of "Refuse" Charged for Incinerators	NEDO	**Lost – Resubmitted to Bruce 5/15/13**
#29 - Applicability of the PTI Rules to Increases in Capacity of a Derated Boiler	CDO	update on progress
#38 - Use of Exempt Organic Compounds to Satisfy BAT Requirements	Akron	Draft Recommendation to Revoke Guide out for comments extended until 6/21/13. **Some concerns exist about what happens to the existing document during revocation as it is a "public record"; David Hearne offered to create a short publishable summary of our revocation reasons.**
#42 - Definition of BAT for New Sources	NWDO	Beginning initial review – new selection
#44 - Permit Issuance Policy for Relocation of Portable/Mobile Facilities	CO/SEDO	Erica and Sarah Harter working on changes. – On Hold until rules/forms changed.
#45 - Calculation of "Potential to Emit" for Surface Coating Lines	Canton	**Draft revisions distributed for review 9/9/13. Comment until 10/11/13.**
#46 - Determination of Cost-Effectiveness for BAT and RACM Evaluations	NWDO	Beginning initial review – new selection
#48 - VOC Compliance Determinations for Coating Lines	Canton	update on progress – reviewing guide **– Draft expected by end of June**
#51 - Number of Sampling Runs to be Witnessed by Agency Observers	RAPCA	reviewing guide – recommendation to revoke guide is a possibility – **RAPCA will send out an explanation of reasons to revoke guide and take comments.**
#53 - Interpretation of Open Burning Standards	Paul Braun	update on progress – reviewing guide
#55 - Precautions in Use of Method 24 for Water-Based Coatings	Akron	Final recommendation submitted to Bruce on 09/24/2012.

#69 – *Guidance on Air Dispersion Modeling*	~~*VanderWielen*~~ **Jennifer Dines**	**Revision in progress**
#70 - Guidance on Evaluating Emissions of Toxic Air Pollution Compounds when Processing Permit-to-Install (PTI) Applications.	Hopkins	Hopkins review comments.
#74 – Stack testing for PM2.5	Hall	On hold until asphalt plant testing issues are resolved.
#77 - Proper application of amended OAC rule 3745-21-07	CDO	CDO collecting examples to determine how different situations should be handled when addressing BAT limits that may have come from the old 21-07(G). Possibly add more examples to E.G 77.
#78 – MSW Landfill Higher Operating Values and Alternative Timeline Requests	NEDO	**Revising approval procedure. (This is also a DSIWM Document)**
#80 – Methods for Calculating PTE	CDO	Issued Final 3/02/12 - additional revisions made by CDO on 9/24/12 and forwarded directly to Bruce. 1/29/13 revisions sent from P&E to Bruce, just in case. **Bruce needs to re-evaluate it based on recent BAT guidance.**
#82 – Ultra Low Sulfur Diesel Fuel Permitting	NWDO/CDO	New Guide. Draft distributed for review 3/7/13. Comments until 4/8/13. **Addressing comments & then will resend another draft to review.**
#83 – Asphalt Testing Production Rates	Todd Brown/Alan	Draft out for review. Comments until 11/2/12. –> On hold until asphalt plant testing issues are resolved.
#84 – Non-road Engines	SEDO	update on progress

14. **General Permits** –

Crematories GP-Cleveland	*Sarah VanderWielen* to restart work on mercury modeling soon. **Contacted Jennifer Dines about this.**

Shale Oil & Gas GP	Draft issued 2/15/13. Includes language for Flowback PBR. Comments until 3/22/13. **Addressing comments.**
Miscellaneous Metal Parts GP	Workgroup formed, Rick Carleski lead. Terms being drafted. Developing user guides for calculated VOC and HAPs to accompany the Qualifying Criteria document. Re-running the modeling.

15. **Training** –
Information about Biocycle Conference, October 21-23, Hyatt Regency, Columbus (copied from an email from Angelo Arroyo, DMWM:

13th Annual BioCycle Renewable Energy from Organics Recycling (REFOR13) Conference! As you might have heard, Ohio EPA is one of the major sponsors of this conference.

Why is this a big deal? The BioCycle magazine, published since 1960, is the premier international publication on organics recycling, composting, anaerobic digestion, urban agriculture, biosolids, sustainability and many other things related to work we do at Ohio EPA. You can learn more about them at http://www.biocycle.net/. Their conferences attract people from all over the world, with an average of 500 attendees. The conferences provide a mix of academic and practice-based presentations, workshops and facility tours. After 3 years of courting them, BioCycle finally made its way to Ohio largely due to all the inroads we have made on food scraps recycling, composting, anaerobic digestion and our nationally recognized leadership on regulatory approaches. The Ohio conference promises to be the largest and best yet (we just learned that exhibitor space is already sold out at 58 exhibits!)

Who should attend? Inspectors, engineers and any staff in any division that deals with any aspects of anaerobic digesters, composting facilities, food scraps, small scale composting (such as community gardens and schools), waste management planning… see for yourself. Check the conference agenda at www.biocycleenergy.com. Another thing, sanitarians could earn up to **20 RS CEU's!** (Based on preliminary review, final approval coming up in September). PE's and others, let us know how we could help you earn PDHs, etc. Contact angel.arroyo-rodriguez@epa.ohio.gov

16. **New Items –**
None.

17. Pending Action Items –
None

P&E Minutes are available in Answer Place Topic ID 2140.

----------Next meeting is Tuesday, November 12, 2013.

November 12, 2013

Permitting & Enforcement Committee Meeting – November 12, 2013

Lazarus Government Center
Ohio EPA
6th Floor DAPC conference room C

Attendees: Chair – Sean Vadas (Akron)
Minutes – Jenny Avellana (CO)
- John Paulian, Mike Hopkins, Mike Ahern, Cheryl Suttman, Briana Hilton, Alan Lloyd, (CO), Rick Carleski (OCAPP), Todd Scarborough, Bryon Marusek, Kelly Saavedra (CDO), Eric Bewley, Kevin Fortune, Rick Smith (NEDO), Carl Safreed (Canton), Sarah Harter (SEDO), Jeff Canan (RAPCA), Pam Barnhart, Kurt Bezeau (Toledo), Paul Tedtman (SWOAQA), Mary McGeary (CDAQ), Andrea Moore, Jennifer Jolliff (NWDO), Duane LaClair (Akron)

14. **Enforcement issues –** John Paulian

Compliance evaluations for FFY 2012 – John plans to go through and see which ones weren't done and get a final percentage. He will send an email around asking for explanations about why these inspections weren't done. He just needs something to tell US EPA.

Stars2 seems to be working pretty well. FCEs got scheduled for 2014.

5. **Permitting** – Mike Hopkins

We are still working on the update for the Oil and Gas for Well Sites GP. It has gone through a couple of rounds of drafting some changes and getting it to industry groups. We are waiting on them to respond to the latest package. Once they get back to us, hopefully we will be able to finalize it and get the next version out.

PM2.5 rules – package has gone through signoff and we're waiting for CSI to finish looking at the rules. As soon as they are done this will go out. This is for the official rule promulgation. The package goes to JCARR next. Timeframe – depends on when we can get it into the JCARR hearing. It will probably be more like March that these rules will go through.

We got our first PAL permit issued for Ford. NEDO worked on it. We started it before the economy went bad, and now that the economy has improved Ford wanted to pursue it again. We are also working on another one for Honda and CDO and SWDO are working on that. We are expecting to have that one issued by early January.

BAT less than 10 tpy exemption: support package that we put together – we are still waiting for upper management to look at that package before it goes out to Region 5. This should go out in the next couple of weeks.

Renewal backlog – the end of June 2014 is coming up quickly. We have plenty of title V renewals to process before that time. There are several field offices that are in really good shape. There are several that are going to struggle to get to that point. We are going to meet with some of the field offices to try to help the field offices that need the assistance by assigning some of those permits to some folks in NWDO and CO who have volunteered to help out. We are mainly going to focus on the Title V's. We're in pretty good shape with non-title V's. All non-title V permits that are late renewals are around 8% of the total. Title V's are more like 30% of the total. Mike met with the director with the progress on the renewal backlog,

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and expressed to him that we are going to have trouble achieving that goal of no backlog. He didn't give more time. Mike told him that there were some that were under appeal or reluctance on the part of the company. The director offered to assist with any cases where we are not getting cooperation from the companies. He is willing to contact them to get cooperation from them. Let Mike know if you have a permit where the company is not cooperating, and we'll get the director involved. We need to do everything we can to achieve the goal of no backlog by June 2014.

The SB 265 BAT guidance that we issued is a pretty significant change from what we've had before in terms of guidance on establishing BAT. We have another round of guidance drafted that has everyone's questions and answers built into it. We are currently reviewing this. One holdup is an issue that the AGO brought up – one of the cases that was decided by ERAC – Martin Marietta case – ERAC said the director should have been using the new SB approach to setting BAT since 2009. From a practical standpoint would say that we couldn't use short term limits from 2009 and on. We've had some discussion with the AGs with what do we do when we have an "after the fact" permit and we established a short term emission limit according to the guidance? We need to make sure we agree on the answers to those questions before this next round of guidance goes out. Hope to get a response from the AGO soon and then the guidance will go out. He is pushing very hard to have the answer not be "go out and re-issue all those permits." We'll see where that ends up. It should take about a month for the next round of guidance to go out. Contact your CO contact if you have questions in the meantime so we can keep moving on the permits. There were two main issues with Martin Marietta. One is the issue of short term limits, and other issue is that ERAC said when you do a renewal you have to reevaluate BAT. We've appealed that particular issue. We are not likely to appeal the first issue, simply because we've now issued guidance that says we are not going to be doing short term emission limits. One answer is, yes, under renewal we would strip those out for after 2009, another answer is that we will have to put together a program to search for those permits and change them, and the third option is to only modify if the company has a problem with having short term limits in their permit since 2009.

Will this guidance stand alone on its own? Yes. It won't refer to past guidance.

Permit Fees – Andrew Hall not in today and this was his subject. We will talk about next time but in the meantime should we talk about updating EG 25? Was Erica going to put something together and put on the Answer Place? We'll handle it next meeting.

3. **STARS2 and permit issuance update –** Mike Ahern and Erica Engel-Ishida

OAC Chapter 3745-15, "General Provisions on Air Pollution Control," is under five year review. One of the rules under this chapter is the air pollution nuisances rule. We are going to talk to the director about revising our approach to establishing odor nuisance conditions. We had a lot of pushback from the public on this rule. Texas uses a weight of evidence approach, and this approach was suggested for us to consider. We're going to give the director a briefing on the Texas approach. Mike will give some information to Sean so the P&E committee can be familiar with it. We have had informal notification out to the regulated community. We have gotten a couple of unsolicited comments on the rule. We will include a summary of those comments in the interested party draft package, which will probably go out before next P&E meeting.

We've revised our request to Region 5 that focuses just on compliance certifications for title V facilities and that is in the signoff chain. This is for them to recognize that for 2013 and going forward companies will meet requirements for submittal to Region 5 as well when submitting compliance certifications through Air Services.

The eDoc system went live last week. Non-facility documents can be indexed into the

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system. There are still some things for local agencies that haven't been ironed out yet but Mike is working on that.

4. **New Rules and SIP Update – Paul Braun**

No update

5. **Terms and Conditions -** Cheryl Suttman

Cheryl is working with one engine company and two or three energy facilities and their consultants on a draft GP for compressor stations. In order to pass significant emissions modeling for NOx and remain under major source for CO, one energy facility has proposed emissions one half of the lowest limits (for NOx, CO, and VOC) identified in Table 1 for new spark ignition engines subject to NSPS Subpart JJJJ, and in order to install a combination of up to 5000 HP of engines. The emission unit allows a facility with no more than a combined 2500 HP to meet the lowest limit identified in Table 1 to NSPS Subpart JJJJ.

Mike suggested that this draft GP cannot be used (issued) until it has undergone review.

12. **MACT Update-** Briana Hilton

- National Emissions Standards for Hazardous Air Pollutants Residual Risk and Technology Review for Flexible Polyurethane Foam Production → (40 CFR 63 Subpart III → Proposed Rule):
  - In Federal Register: November 4, 2013
  - Dates: Comments must be received on or before December 4, 2013
  - Summary: The EPA is proposing amendments to the National Emissions Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production to address the results of the residual risk and technology review. In light of our review, we are proposing amendments that would prohibit the use of hazardous air pollutant-based auxiliary blowing agents for slabstock foam production facilities. In addition, the EPA is proposing amendments to correct and clarify regulatory provisions related to emissions during periods of startup, shutdown and malfunction; to add provisions for affirmative defense; to add requirements for reporting of performance testing through the Electronic Reporting Tool; to revise compliance dates for applicable proposed actions; to clarify the leak detection methods allowed for diisocyanate storage vessels at slabstock foam production facilities; and to revise the rule to add a schedule for delay of leak repairs for valves and connectors.
    http://www.gpo.gov/fdsys/pkg/FR-2013-11-04/pdf/2013-24276.pdf

13. **Engineering Guide update (updates highlighted)-**

Engineering Guide Revisions		
#6 - PTI for Coal to Oil Conversion	Misty Parsons	reviewing guide

#8 – Compliance Tests at Bulk Gasoline Terminals	CDO	Final recommendation submitted to Bruce on 7/23/2012.
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#26 - Inclusion of Weight of Water in the Weight of "Refuse" Charged for Incinerators	NEDO	Resubmitted to Bruce 5/15/13
#29 - Applicability of the PTI Rules to Increases in Capacity of a Derated Boiler	CDO	update on progress
#38 - Use of Exempt Organic Compounds to Satisfy BAT Requirements	Akron	**Document emailed out to P&E contacts on 11/13/13 for review that would be meant as a placeholder for EG #38 that gives the public the basic reasons why the guide is no longer relevant. Send any comments by December 6, 2013 for Russ Risley.**
#42 - Definition of BAT for New Sources	NWDO	Beginning initial review – new selection
#44 - Permit Issuance Policy for Relocation of Portable/Mobile Facilities	CO/SEDO	Erica and Sarah Harter working on changes. – On Hold until rules/forms changed.
#45 - Calculation of "Potential to Emit" for Surface Coating Lines	Canton	**Draft revisions distributed for review 9/9/13. Not many comments were received although there are significant changes throughout the guide. Carl plans to put the guide out for draft issuance before the next P&E meeting.**
#46 - Determination of Cost-Effectiveness for BAT and RACM Evaluations	NWDO	Beginning initial review – new selection
#48 - VOC Compliance Determinations for Coating Lines	Canton	update on progress – reviewing guide – Draft expected by end of June
#51 - Number of Sampling Runs to be Witnessed by Agency Observers	RAPCA	reviewing guide – recommendation to revoke guide is a possibility – **RAPCA sent out an explanation of reasons to revoke guide. Canton had comments on why the guide should not be revoked. They will discuss with RAPCA.**
#53 - Interpretation of Open Burning Standards	Paul Braun	update on progress – reviewing guide
#55 - Precautions in Use of Method 24 for Water-Based Coatings	Akron	Final recommendation submitted to Bruce on 09/24/2012.
#58 – Definition of "Facility" for Ohio Title V Permit Program	Drew Bergman	**Beginning draft revisions due to recent court decisions.**
#69 – *Guidance on Air Dispersion Modeling*	Jennifer Van Vlerah	**Draft sent out 10/10/13. They are working their way through the comments.**

#70 - Guidance on Evaluating Emissions of Toxic Air Pollution Compounds when Processing Permit-to-Install (PTI) Applications.	Hopkins	Hopkins review comments.
#74 – Stack testing for PM2.5	Hall	On hold until asphalt plant testing issues are resolved.
#77 - Proper application of amended OAC rule 3745-21-07	CDO	**Not relevant to update, drop.**
#78 – MSW Landfill Higher Operating Values and Alternative Timeline Requests	NEDO	Revising approval procedure. (This is also a DSIWM Document)
#80 – Methods for Calculating PTE	CDO	Issued Final 3/02/12 - additional revisions made by CDO on 9/24/12 and forwarded directly to Bruce. 1/29/13 revisions sent from P&E to Bruce, just in case. Bruce needs to re-evaluate it based on recent BAT guidance.
#82 – Ultra Low Sulfur Diesel Fuel Permitting	NWDO/CDO	New Guide. Draft distributed for review 3/7/13. Comments until 4/8/13. Addressing comments & then will resend another draft to review.
#83 – Asphalt Testing Production Rates	Todd Brown/Alan	Draft out for review. Comments until 11/2/12. –> On hold until asphalt plant testing issues are resolved.
#84 – Non-road Engines	SEDO	update on progress

18. **General Permits** –

Crematories GP-Cleveland	**Mike will talk to Jennifer about assigning a modeler to this.**
Shale Oil & Gas GP	**The well site GP is at the Ohio Oil & Gas Association (OOGA) on its final review.**
Miscellaneous Metal Parts GP	Workgroup formed, Rick Carleski lead. Terms being drafted. Developing user guides for calculated VOC and HAPs to accompany the Qualifying Criteria document. Re-running the modeling.

19. **Training** –

Annual DAPC Workshop will be held at the Riffe Building on 12/12/13.

CDO has agreed to put the stack test training back together some time after June.

OCAPP put together online training on PBRs (webinar) on Nov 20. If you look at the PBR webpage and ins and outs of the process and how to apply, that's basically what will be recorded. More information is on OCAPP website.

20. **New Items –**

None.

21. Pending Action Items –

Petroleum Dry Cleaner Exemption – Through research, it was apparent any exemption for a "petroleum" dry cleaner should be expanded to include the use of synthetic hydrocarbons, n-propyl bromide, glycol ethers, etc. Industry doesn't consider these petroleum dry cleaners, which could cause confusion. Also there are water-only (wet cleaning) processes and others using non-VOC solvents. Rick drafted two new 3745-31-03 exemptions for some CDO staff to review. One is for petroleum and other VOC solvent operations that do not trigger NSPS, Subpart JJJ, and the other for wet cleaning and Green Earth type siloxane solvents. With these exemptions available, the only thing we'll be regulating permit-wise will be any dry cleaner using perc, and any dry cleaner that uses a VOC solvent and has a machine capacity large enough to trigger NSPS requirements.

P&E Minutes are available in Answer Place Topic ID 2140.

----------Next meeting is Tuesday, January 14, 2014.

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January 14, 2014

Permitting & Enforcement Committee Meeting – January 14, 2014

Lazarus Government Center
Ohio EPA
6th Floor DAPC conference room C

Attendees: Chair – Sean Vadas (Akron)

Minutes – Jenny Avellana (CO)

- John Paulian, Mike Hopkins, Mike Ahern, Erica Engel-Ishida, Andrew Hall, Cheryl Suttman, Briana Hilton, Alan Lloyd, (CO), Rick Carleski (OCAPP), Drew Bergman (Legal), Todd Scarborough, Bryon Marusek, Kelly Saavedra (CDO), Eric Bewley, Kevin Fortune, Rick Smith (NEDO), Carl Safreed (Canton), Sarah Harter (SEDO), Chris Clinefelter (RAPCA), Kurt Bezeau (Toledo), Paul Tedtman (SWOAQA), Mary McGeary, Christine Barnie (CDAQ), Andrea Moore, Jennifer Jolliff, Mark Budge (NWDO), Duane LaClair (Akron)

1. **Enforcement issues –** John Paulian

On the compliance side, John is trying to resolve final numbers with US EPA. Their database shows different numbers than what we have for Title Vs and synthetic minors.

Enforcement - Drew Bergman - he is hearing feedback that folks are having trouble with implementing CATEP. He is planning to raise issues with the new director with the CATEP. Hopefully by next meeting he will be able to update us with any changes to CATEP. The compliance plan seems to work pretty well for starting enforcement and getting things entered into Stars2 (easier than filling out old EAR form). However, it doesn't work very well for HPVs. It does work for open burning and enforcement cases as well. Will we be getting rid of Return to Compliance letters? This is one of the issues Drew will raise with the director.

For compliance evaluations, all letters/correspondence should be in the correspondence section. This can be seen in Air Services as well. The correspondence can be connected to an enforcement case in FCE.

What about voluntary audits where a company is asking for a compliance letter? Todd is working on some, Dave is working on some. They still have to resolve the violation after they disclose it. Voluntarily disclosing a violation gets them out of a penalty, but the violation still exists. How do DO/LAAs know if CO is going to pursue the voluntary disclosure of a violation? This is being worked on through Stars2 - that there will be an automatic notification when they are entered. If we go forward with the CEP enhancement to Stars2, the entire enforcement workflow will be generated. Tasks will be assigned and tracked in Stars2.

2. **Permitting** – Mike Hopkins

BAT Guidance document - issued last fall - we want to reissue - still waiting for comments from Bob. AGO and Drew got comments to Mike. He's still not sure when that is going to go out. It will include more questions and answers and some relatively minor changes.

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Oil and gas GP update - we thought we were going to be able to get it out in December. After a meeting with the director we decided to send the terms to another oil and gas group, had a call with them yesterday. They are hopeful to get comments to us in a couple of weeks. Depending on what those comments are we should be able to finalize these GPs soon.

PTI workload - Andrew is tracking – We ended the year with 160- something permits for installation permits. We are well below the goal of 200.

Renewal backlog – we had a webinar last week - we have another 6 months to meet goals.

PM2.5 NSR rules (OAC Chapter 31) - Paul Braun sent those out this morning to announce the JCARR hearing for those rules. Next step after director signs is to go out to US EPA for inclusion in the SIP. Next, package 2, which consists of 31-05, 31-03, and 31-33, will go out. In December we sent US EPA additional support information on why the <10tpy exemption doesn't constitute backsliding. They have not started reviewing this yet. Once they review, we can put together a SIP package to get those rules included in the SIP, with the goal of getting rid of the extra language in the permits.

Customer service survey – companies that receive permits fill out this survey, and consistently we are above 90%, close to 95% when it comes to people providing feedback, whether staff are helpful, whether we got back to them in a timely manner, and whether or not the overall experience was positive.

Quarry mining (note #1 on agenda) – question about pollutants to regulate at these operations - there was a PTI issued a while ago that included emissions not just from PE but also from other criteria pollutants from explosive detonation. Should we be including emissions from other pollutants in permits for these types of operations? Did we deal with this issue when we worked on GP for quarry operation? Did we discuss this? PM is only included in GP. AP42 has numbers for these emissions. We have not historically included these. Is anybody else including these emissions in quarry operations? Answer from Mike: We would normally not include these. Not sure what we would do with them if we put them in there. Including these emissions would only be significant if the inclusion of these emissions would trip Title V or NSR thresholds. We wouldn't ask for controls for these pollutants, so don't include them, just include PM.

Permit Fees (note #2 on agenda) – when charging fees for certain types of sources – there are some inconsistencies state-wide. Ben Cirker had started working on some guidance with regard to permitting of flares, and fees were discussed in that guidance. DO/LAAs are having trouble with Oil and Gas GP and inconsistencies in assessing fees. If someone from permitting establishes the standard fee for each GP, what it needs to be, we can have that available, Erica can publish on GP website. Andrew and Ben will sit down and put a table together for flares to start with, and then look at calculations for all the GPs. They should be consistent.

Revisions to EAC Forms for Engines - Sarah Harter - there is additional information we need in order to figure out applicability for federal rules, so Sarah and Cheryl worked together to revise the form to ask for the information we need to make determinations. The revised form is attached to the P&E agenda email.

Duane LaClair - Stars2 has about 200 PBRs that are not yet installed, and are probably just not updated. Would anybody be interested in having the installation date added to the PBR forms? It would have to be the date they plan to install, since initial notification is the only notification we get. This could

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go into the application form. Erica can come up with a proposal for one of the forms, and if liked, we can implement the change for all the forms.

Portable facilities – question about owner vs. operator when the owner leases the portable facility. Engineering guide 44 states (page 6, item 1.11): "It is the responsibility of the owner to obtain and maintain the proper permits. It is also the responsibility of the leasing company to submit the ITR, although there is nothing that prevents the lessee from obtaining the appropriate permits as the operator."

Sarah Harter's answer: There are quite a few rental places out there. If you are a company that is interested in complying and you go to lease a piece of equipment from a company that knows nothing about permitting, you can apply for a permit if the owner has not. We permit the owner or the operator. It could be either one. There should be an agreement between the two parties as to who is responsible for obtaining permits. Normally the contract identifies who is responsible for obtaining permits. Who is going to submit the ITR? - whomever got the permit. They can clarify this guidance once the rules are done. There can be a transfer of ownership.

3. **STARS2 and permit issuance update –** Mike Ahern and Erica Engel-Ishida

Mike Ahern - he is continuing to work on the chapter 15 5-year rule review. He did get comments during early stakeholder involvement comment period.. Comments from DO/LAAs related to the malfunction rule. At IP phase we will not be recommending making changes to that rule, because of action that is occurring at the federal level - US EPA's response to the Sierra Club on the malfunction rule. Will be recommending no change rule review during this draft.

Erica - gearing up to start receiving annual PERs. We will be sending out an email to air services and stars2 users that will give links to letters that we send out and forms.

Title V compliance certification - companies can meet their requirement of submittal to Ohio EPA and US EPA by submitting through air services - US EPA has approved. However, US EPA cannot see trade secret information in stars2, so if there are trade secret claims, the hard copy has to be submitted to US EPA. This is included in the reminder letter and the email. Reminder letters for that were sent out last week.

Last Friday we deployed a change to air services.

PER - there were some comments a few months ago about additions to the PER. We were able to get those changes into the PER. There is a sentence drawing the company's attention that they may have other reporting requirements that need to be met (this was discussed in the May 2013 P&E meeting). These were sent out. About 3000 companies have chosen that PER due date. This is over 90% of companies that have permits.

TV and SMTV Emissions report reminder letters were sent out. Updated SCC codes and emissions factors, but no other changes were made. Non-title V blue card mailing forms will be heading out in the next couple of days.

Director's delegations for final actions - we received full delegation from the director for final actions. It doesn't have to go up for his signature personally.

We also got delegation for open burning permissions and denials. This has been signed and need to change the name to Craig Butler. Mike will update the guidance on the Answer place to reflect this.

Question about director's letters: When we have a director's letter, it is confusing as to who needs to see/generate each letter. Do we have some document or guidance? Mike Hopkins says he envisions that the field office normally drafts the letter and prepares the

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package, then sends the package with the sign off sheet to the CO permit contact. The permit contact gets it going through signoff in CO. Scheduled maintenance letters are the only ones that are generated at CO by John Paulian, since this is more of an enforcement issue. Usually after a director's letter goes to Bob, it goes to Legal, then the director's office, then it comes back to DAPC to be journalized and then it is issued.

4. **New Rules and SIP Update – Paul Braun**

No update

5. **Terms and Conditions -** Cheryl Suttman

In the Library there are a lot of permit templates that contain ton/year limits, in both the Emissions Summary Section and in the Testing Section of each file or emissions unit. With the new BAT determination, the TPY limits will need to be deleted from all of the Library files that are in the permit template format. Most of these templates are for NSPSs or MACTs. The "old and new" BAT terms that are used in the Additional Terms & Conditions were never added to permit templates in the Library because someday, following the SIP approval, they will no longer be needed.

On 1/9/14 Briana and Cheryl met with a representative of the Directors office and two lobbyists for electric utilities, and regarding peak shaving and non-emergency demand response requirements in Ohio. They are requesting that Ohio not add additional requirements beyond those established in the RICE MACT and engine NSPSs. Following this meeting Cheryl added the option to participate in non-emergency demand response and peak shaving in all of the ~40 diesel engine templates (Subpart IIII templates) and the spark engines (Subpart JJJJ) have a selection of templates for this option.

Cheryl has drafted 2 permit templates for the Utility MACT, Subpart UUUUU; 1 for oil and 1 for coal. They are in color and drafted in two formats: as a permit template; and under the sections of the NESHAP (and in the same order). These terms were requested by district and local office staffers for their TV permits. These files were written to help understand the rule and are "color coated" for quick reference. Terms that could be copied for TV permits include: Emissions Averaging, Low Emitting EGUs, PM CPMS, and the Testing Section for the pollutants and test methods identified in Tables 1,2, and 5 of the subpart.

A draft General Permit for Compressor Stations is out for review by a few facilities and consultants who have requested it.

6. **MACT Update-** Briana Hilton (she sent a synopsis of her update, and I included the long version)

- **Applicability Determination Index (ADI) Database System Recent Posting: Applicability Determinations, Alternative Monitoring Decisions, and Regulatory Interpretations Pertaining to Standards of Performance for New Stationary Sources, Etc. → (40 CFR 60, 61, 63, 82) → Notice of Availability:**

  - In Federal Register: November 14, 2013
  - Summary and Background:

- This notice announces applicability determinations, alternative monitoring decisions, and regulatory interpretations that EPA has made under the New Source Performance Standards (NSPS); the National Emission Standards for Hazardous Air Pollutants (NESHAP); and/or the Stratospheric Ozone Protection Program.

- The November 14, 2013, Federal Register contains a notice of the availability of additions to the Applicability Determination Index (ADI) Database System. The recent additions include the following: Applicability Determinations, Alternative Monitoring Decisions, and Regulatory Interpretations Pertaining to Standards of Performance for New Stationary Sources, Etc. The General Provisions of the NSPS in 40 Code of Federal Regulations (CFR) part 60 and the General Provisions of the NESHAP in 40 CFR part 61 provide that a source owner or operator may request a determination of whether certain intended actions constitute the commencement of construction, reconstruction, or modification. EPA's written responses to these inquiries are commonly referred to as applicability determinations. See 40 CFR Sec. Sec. 60.5 and 61.06. Although the NESHAP part 63 regulations [which include Maximum Achievable Control Technology (MACT) standards] and Sec. 111(d) of the Clean Air Act (CAA) contain no specific regulatory provision providing that sources may request applicability determinations, EPA also responds to written inquiries regarding applicability for the part 63 and Sec. 111(d) programs. The NSPS and NESHAP also allow sources to seek permission to use monitoring or recordkeeping that is different from the promulgated requirements. See 40 CFR 60.13(i), 61.14(g), 63.8(b)(1), 63.8(f), and 63.10(f). EPA's written responses to these inquiries are commonly referred to as alternative monitoring decisions.

- Furthermore, EPA responds to written inquiries about the broad range of NSPS and NESHAP regulatory requirements as they pertain to a whole source category. These inquiries may pertain, for example, to the type of sources to which the regulation applies, or to the testing, monitoring, recordkeeping, or reporting requirements contained in the regulation. EPA's written responses to these inquiries are commonly referred to as regulatory interpretations.

- EPA currently compiles EPA-issued NSPS and NESHAP applicability determinations, alternative monitoring decisions, and regulatory interpretations, and posts them to the ADI. In addition, the ADI contains EPA-issued responses to requests pursuant to the stratospheric ozone regulations, contained in 40 CFR part 82.

- Today's notice comprises a summary of 32 such documents added to the ADI on October 30, 2013. This notice lists the subject and header of each letter and memorandum, as well as a brief abstract of the letter or memorandum. Complete copies of these documents may be obtained from the ADI through the OECA Web site at: www.epa.gov/compliance/monitoring/programs/caa/adi.html.

- http://www.gpo.gov/fdsys/pkg/FR-2013-11-14/pdf/2013-27287.pdf

❖ **National Emissions Standards for Hazardous Air Pollutants From Secondary Lead Smelting → (40 CFR 63 Subpart X) → Proposed Rule Amendments and Direct Final Rule:**

➢ Both Notices In Federal Register: January 3, 2014

➢ Summary for Proposed Rule Amendments: The Environmental Protection Agency (EPA) is proposing amendments to a final rule that revised national emission standards for hazardous air

pollutants for existing and new secondary lead smelters. The final rule was published on January 5, 2012. This action proposes amendments to clarify certain regulatory text related to compliance dates. Additionally, we are proposing amendments to clarify certain provisions in the 2012 final rule relating to monitoring of negative pressure in total enclosures. This action also proposes corrections of typographical errors in a table listing congeners of dioxins and furans and testing requirements for total hydrocarbons.

- http://www.gpo.gov/fdsys/pkg/FR-2014-01-03/pdf/2013-31266.pdf

- Summary for Direct Final Rule: The Environmental Protection Agency (EPA) is taking direct final action to promulgate amendments to a final rule that revised national emission standards for hazardous air pollutants for existing and new secondary lead smelters. The final rule was published on January 5, 2012. This direct final action amends certain regulatory text to clarify compliance dates. Additionally, we are making amendments to clarify certain provisions in the 2012 final rule related to monitoring of negative pressure in total enclosures. This action also corrects typographical errors in a table listing congeners of dioxins and furans and the testing requirements for total hydrocarbons.

- http://www.gpo.gov/fdsys/pkg/FR-2014-01-03/pdf/2013-31267.pdf

- National Emission Standards for Hazardous Air Pollutants: Generic Maximum Achievable Control Technology Standards; and Manufacture of Amino/Phenolic Resin:

  - In Federal Register: January 9, 2014

  - Dates: Comments must be received on or before March 10, 2014. A copy of comments on the information collection provisions should be submitted to the Office of Management and Budget (OMB) on or before February 10, 2014.

  - Summary: The EPA is proposing amendments, with regard to regulations applicable to three industrial source categories, to two national emission standards for hazardous air pollutants (NESHAP): NESHAP for Source Categories: Generic Maximum Achievable Control Technology Standards; and NESHAP: Manufacture of Amino/Phenolic Resins. The three source categories addressed in this action are Acrylic and Modacrylic Fibers Production, Polycarbonate Production and Amino/Phenolic Resins Production. For all three of these source categories, the EPA is proposing decisions concerning the residual risk and technology reviews. The EPA is also proposing amendments to correct and clarify regulatory provisions related to emissions during periods of startup, shutdown and malfunction; add provisions for affirmative defense; add requirements for electronic reporting of performance test results; clarify provisions pertaining to open-ended valves and lines; add monitoring requirements for pressure relief devices; and add standards for previously unregulated hazardous air pollutant (HAP) emissions sources for certain emission points. We estimate that these proposed amendments will reduce HAP emissions from these three source categories by a combined 22 tons per year.

  - http://www.gpo.gov/fdsys/pkg/FR-2014-01-09/pdf/2013-30132.pdf

7. **Engineering Guide update (updates highlighted)-**

Engineering Guide Revisions		
#6 - PTI for Coal to Oil Conversion	Misty Parsons	reviewing guide
#8 – Compliance Tests at Bulk Gasoline Terminals	CDO	Final recommendation submitted to Bruce on 7/23/2012.
#18 - SO2 Compliance Determination Methods for Boilers	Toledo	Resubmitted to Bruce 5/16/13
#20 - Determination of Compliance with Visible Emission Limitations for Stack Source	Akron	Final recommendation submitted to Bruce on 05/09/2012.
#23 - Determination of Significant Figures for TSP Emission Limitations	SEDO	Comments received and making revisions.
#24 - Application of Fugitive Dust Requirements to Affected Facilities	Toledo	Final recommendation submitted to Bruce on 08/14/2012.
#26 - Inclusion of Weight of Water in the Weight of "Refuse" Charged for Incinerators	NEDO	Resubmitted to Bruce 5/15/13
#29 - Applicability of the PTI Rules to Increases in Capacity of a Derated Boiler	CDO	update on progress
#38 - Use of Exempt Organic Compounds to Satisfy BAT Requirements	Akron	Comment period over for publishable "Reasons for Revocation" document. Ready to be sent to Bruce.
#42 - Definition of BAT for New Sources	NWDO	Beginning initial review – new selection
#44 - Permit Issuance Policy for Relocation of Portable/Mobile Facilities	CO/SEDO	Erica and Sarah Harter working on changes. – On Hold until rules/forms changed. Carl suggested a language change that Erica and Sarah will incorporate.
#45 - Calculation of "Potential to Emit" for Surface Coating Lines	Canton	Draft revisions distributed for review 9/9/13. Not many comments were received although there are significant changes throughout the guide. Carl plans to put the guide out for draft issuance soon.
#46 - Determination of Cost-Effectiveness for BAT and RACM Evaluations	NWDO	Beginning initial review – new selection

#48 - VOC Compliance Determinations for Coating Lines	Canton	update on progress – reviewing guide – Draft expected by end of June
#51 - Number of Sampling Runs to be Witnessed by Agency Observers	RAPCA	reviewing guide – recommended not to revoke but to revise and keep this guide.
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#58 – Definition of "Facility" for Ohio Title V Permit Program	Drew Bergman	Beginning draft revisions due to recent court decisions.
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#70 - Guidance on Evaluating Emissions of Toxic Air Pollution Compounds when Processing Permit-to-Install (PTI) Applications.	Hopkins	Hopkins review comments.
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#78 – MSW Landfill Higher Operating Values and Alternative Timeline Requests	NEDO	Revising approval procedure. (This is also a DSIWM Document)
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#82 – Ultra Low Sulfur Diesel Fuel Permitting	NWDO/CDO	New Guide. Draft distributed for review 3/7/13. Comments until 4/8/13. Addressing comments & then will resend another draft to review.
#83 – Asphalt Testing Production Rates	Todd Brown/Alan	Draft out for review. Comments until 11/2/12. –> On hold until asphalt plant testing issues are resolved.
#84 – Non-road Engines	SEDO	update on progress

8. **General Permits** –

Crematories GP- Cleveland	Ben Cirker assigned to this project.
Shale Oil & Gas GP	Waiting for comments from Oil and Gas industry, should be able to finalize once those comments are addressed.
Compressor Stations GP	Cheryl sent GP out to several facilities for review.
Miscellaneous Metal Parts GP	They got comments back and they are getting close to sending a package of 8 GPs to Mike for review.

9. **Training** –

Advanced NSR Training in March is postponed for a future, unknown date.

Stack testing training expected after June.

10. **New Items –**
None.

11. Pending Action Items –
Petroleum Dry Cleaner Exemption – Rick Carleski sent out a 2-page fact sheet that explains the most common alternatives to perc dry cleaning. It was derived from a very good technological study by the Toxic Use Reduction Institute (TURI) at the University of Massachusetts. OCAPP referenced that study among other sources to propose the new 31-03 permit exemption for non-perc dry cleaning machines. He believes this guide could be very useful for DO/LAA permitting staff that deal with dry cleaners. Rick sent the 31-03 exemption language to Jenny Avellana to include with the rest of the 31-03 amendments to go out for IP review.

P&E Minutes are available in Answer Place Topic ID 2140.

----------Next meeting is Tuesday, March 11, 2014.

March 11, 2014

Permitting & Enforcement Committee Meeting – March 11, 2014

Lazarus Government Center

Ohio EPA

6th Floor Conference Room A "Autumn Room"

Attendees: Chair – Sean Vadas (Akron)

Minutes – Cheryl Suttman (CO)

John Paulian, Mike Hopkins, Mike Ahern, Cheryl Suttman, Briana Hilton, Lynne Martz, Paul Koval (CO); Rick Carleski (OCAPP/CO); Todd Scarborough, Kelly Saavedra (CDO); Duane LaClair, (Akron); Eric Bewley, Kevin Fortune, Rick Smith, Matt Campbell (NEDO); Carl Safreed, David Hampton (Canton); Jeff Canan (RAPCA); Sarah Harter (SEDO); Craig Osborne (SWDO); Matt Freeman (Portsmouth); Kurt Bezeau (Toledo); Paul Tedtman (SWOAQA); Scott Winograd, Mary McGeary (CDAQ); Jan Tredway (NWDO)

1. **Enforcement issues –** John Paulian

CATEP: The Compliance Assurance through Enforcement Policy (CATEP) is being reviewed by the Director's office. But Drew was not at the P&E meeting and he would have any updates. John does not expect major revisions.

The inspection and CETA records are being tweaked in STARS2; they are revising timelines and adding multi - media options to CETA. Compliance for TV facilities was 97.2%; and for non-TVs facilities compliance was 95.1%.

U.S. EPA HPV Enforcement Policy: In the proposed new U.S. EPA HPV enforcement policy any pollutant can be used as the basis for a violation at a TV facility, i.e., any pollutant exceedance can be a violation. If the exceedance is for a federally enforceable limit, it must be identified in the record for the NOV. U.S. EPA is reducing the categories of violation and they have provided a short comment period on their new policy. Jeff Cana will provide Sean with a copy of the draft policy to forward to the P&E mailing list.

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

Region V. Audit: The U.S. audit report, for their audit of our permit program last year, is being reviewed by Mike Hopkins and Andrew Hall. Last month Andrew drafted a response to their comments. We are waiting for the Director's review or our response. Most of their findings were minor; permit renewal for TVs was the only major issue. The audit was pretty good overall.

PM 2.5 rules: We received some comments on the PM2.5 rules during the public comment period and we are working on some minor changes to address them. Following these small revisions these rules are ready to be

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sent to JCAR. It will take another 2 weeks for the Director to sign them and a week or so to prepare the final rules for JCAR.

Oil & gas: We are close to issuing the final General Permits for oil and gas well sites, GP12. The two GPs include the requirements of NSPS OOOO. Mike is working on modifying the GP for unpaved roadways, to not require VE readings or road treatments during those time when no one is at the site. The Director needs to OK the final draft and we might be issuing it final as early as next week. In 2012 we issued 58 GP12 permits. In 2013 we issued 165 GP12 permits, about 10 midstream permits, and a bunch of compressor station permits (not counted).

Colorado has recently drafted rules for well site operations; we are covering well sites in our permits. In their rules, Colorado has developed their leak detection frequency based on the estimated uncontrolled emissions. We are basing our leak detection frequency on the percent of leaks detected during each inspection, since we do not have a record of the emissions before the permit is issued. Initially if there is less than 2% leakage detected during quarterly inspections, the frequency can revert to semiannual, and to annual if there is less than <2% detected during the semiannual inspections. The leak detection frequency reverts back to quarterly with any inspection that demonstrates leaks exceed the 2%.

BAT Policy: There have been many questions asked regarding the 2/7/14 revised BAT guidance. Mike has changed the guidance in relation to BAT determinations for fugitive dust sources and how to decide when to use or not use a short term emission limit. SB 265 has triggered the BAT revisions based on the date the application is received and sometimes it references, instead, the installation date. Mike has drafted a flow chart to help figure it out.

Short term limit or BAT changes to TV permits should be resolved in the PTI and should not slow down TV renewals. If the BAT determination does not follow the guidance it needs to be modified in the PTI. BAT changes at a TV facility should be discussed with the company and implemented in a modification of the PTI, then transferred to the TV.

Proposed Regulatory Scheme for Fugitive dust sources and roadways: Mike passed out spread sheet on how to permit fugitive dust sources. He proposed that we modify OAC 3745-31-03 to include an exemption for roadways for small fugitive sources; and cover the next level of emissions in a PBR for slightly longer or busier roadways. The next levels would be issued the “small” and “large” roadway General Permits. The longest or busiest roadways would be issued a site-specific permit for significant mileage that exceeds the emissions allowed in the GPs. Mike has proposed that the thresholds be based on the vehicle miles traveled and/or the estimated TPY emissions. Lynne Martz is working on establishing these levels and is drafting the language for the exemption and PBR for Chapter 31, and before Chapter 31 is submitted for public comment. Comments should be sent to Lynne by this Friday, March 14th.

Erik Bewley suggested that we lose our enforcement capabilities by creating the exemption and what good is a permit if it cannot be enforced, i.e., with no opacity limit and “minimize emissions” sets no standard or boundary to enforce.

Sarah Harter added that SEDO gets a lot of complaints from these smaller sources that would meet the exemption or PBR “level”.

Mike Hopkins suggested that we could take pictures of a “dusty event” and use the nuisance rule (OAC 3745-15-07) for exempt facilities or where there are subjective control requirements and no opacity limit in a permit.

Jan Tredway suggested that the new BAT policy is limiting our ability to enforce any BAT determination made. For example, work practice plans may require the permittee to minimize or eliminate emissions, but “minimize” is judgmental and provides no tools for enforcement. By removing opacity restrictions, compliance is now subjective and not enforceable.

Mike Hopkins said that only larger fugitive dust sources would need to submit a draft of their work practice plan. This plan would need some kind of response from us regarding our approval or any problems we have with it. The permit would need general language identifying the submitted plan used to minimize or eliminate fugitive emissions. For smaller sources the application should contain their proposed control measures, which could be used as BAT. No detailed emission limit or opacity should be used; if they want their existing language in a renewal, they need to tell us. Appendix A sources also need a plan to control drag out dust from the facility property.

Mike said that the exemption(s) will relieve us of enforcement responsibility; that we don’t want to spend a lot of time on small dust sources. The GP, PBR, or site-specific permits identify their requirements; if they are not following their terms or the requirements of the PBR, GP, or exemption, we can call them on it.

Questions on BAT stuff:

<u>When to use OAC rule 3745-31-05(A)(3) or ORC 3704.03(T)</u>?

Erik Bewley said that NEDO uses ORC when the potential to emit is greater than10 TPY and OAC when the emissions are less than10 TPY. Jan Tredway said that NWDO does the same.

Sarah Harter said that SEDO always uses both and Jeff Canan said that RAPCA also cites both.

Cheryl Suttman is adding both ORC and OAC in her revisions to the engine templates, with an “OR” between, so either could apply. And in a template, either could be deleted.

Mike Hopkins said that when referring to greater than 10 TPY, ORC and OAC can be cited together, but only OAC should be cited when referring to less than 10 TPY.

Craig Osborne of SWDO asked if/when SB265 gets approved in the SIP, will citing the two together (ORC and OAC) cause any problems. Mike responded that he did not think so.

Todd Scarborough suggested that at least 12 sample permits be included in the BAT guidance.

Sarah Harter said that SEDO uses a flowchart to determine BAT and it includes the rule citations; Sarah will share this flowchart with the group.

<u>When is a permit strategy write-up required</u>?

Mike Hopkins said that a permit strategy write-up should be included in the NSR section of the draft for synthetic minor permits. BAT determinations only need to be documented in the file and they do not need a permit strategy write-up. All BAT determinations should be documented in the files.

<u>What determines when to use OAC 3745-31-05(E) or when to use OAC 3745-31-05(F)?</u>

Both (E) and (F) are for voluntary restrictions.

OAC 3745-31-05(E) is a State only enforceable, whereas (F) limits the potential to emit to avoid federal standards.

31-05(F) was originally crafted to restrict the PTE; 31-05(E) was designed for miscellaneous state only restrictions.

E is not in SIP, but F is.

E would, for example, be used for state modeling or the State toxics policy; F would be used to meet federal rules or qualify for an exemption from them.

What is the difference between the 12-month rolling average language in 31-05(D) and 31-05(A)(3)?

Mike Hopkins said: The new guidance for BAT does not change synthetic minor determinations. Both restrictions can function as BAT and a synthetic minor permit can cite both rules.

Specific BAT questions

Erik Bewley asked if a Low NOx Burner would be considered BAT, or is BAT what it is rated at, e.g., lb/MMBtu. Mike Hopkins said that the fact that the burner is designed to meet a specific limit, can be considered BAT, rather than the limit itself.

Submerged fill is a work practice that can be considered BAT. BAT can either be the work practice or equipment standard (submerged fill) or BAT can be the rolling 12 average month limit, but it cannot be both. The 12-month rolling monthly average emissions would indirectly restrict the throughput because it is calculated from the throughput. Erik Bewley suggested that if "submerged fill" was put in the EU description, it would not be considered BAT and the ton per month average, that indirectly restricts the throughput, could still be used for BAT. Mike Hopkins agreed that this would work.

What is acceptable to use for BAT when it is based on design? Sources for a BAT based on design might include: vendor design specification sheets, efficiency curves, vendor guarantees on grain loading, lbs/MMBtu, ppm for VOC, etc. We have no guidance on design requirements. Mike Hopkins said that "we need to experience what we are getting". We need to get something from vendor, supplier, or applicant on the design. For now it is fuzzy and we will learn as we go.

Someone submitted that we have no stack test or demonstration available for compliance where the BAT is based on the "designed to" option; and there would be no record keeping requirements to verify the equipment is being maintained as suggested by the manufacturer.

Do we need to review the manufacturer's recommendation for maintenance?

Mike Hopkins said that we do not envision reviewing the maintenance recommendations from the manufacturer, unless there is a problem. The manufacturer's maintenance and spec sheet must be maintained at the facility and made available if requested.

3. **STARS2 and Permit Issuance update –** Mike Ahern

Mike Ahern is working with the agency to establish procedures for document handling and storage of requests to comply with Clean Air Act requirements (e-doc).

We have a problem with asbestos demolition and open burning requests because they are submitted in hard copy and in most cases are not submitted by a facility; so they cannot be retained in STARS2.

Mike is developing a draft memo for different submissions. In it he needs to identify document types, in what ways they can be submitted, where they should be stored and other details specific to the document type. Mike is working with Legal and Region V to make sure the EDOC system meets federal and state submission requirements. Mike will create cross references to EDOC in answer place. Submitted through e-mail Air services, update this in answer place topic.

Asbestos demolition requests are forms that contractors fill out, sign, and send to each office as a hard copy. Asbestos demolition requests are entered into the Asbestos Notification and Tracking System (ANTS). OAC Chapter 20, for asbestos emission control, says that a hard copy must be sent by U.S. postal service. Traditionally, any form that was faxed, needed to be followed up with a mailed hard copy. As the EDOC management system has developed, it was determined that hard copy notifications or requests can be scanned and will serve as the original signed document.

After a document is scanned and saved in the appropriate system, the original hard copy should be recycled or destroyed. With a public records request, we need to locate every document requested and multiple copies would be included; they are legal documents that must also be made available. Any notes made to a file copy that was scanned without the notes, creates a revised document to the original that was scanned. STARS is the repository for all documents for facilities.

Documents should be scanned and entered into STARS 2 or EDOC system, then they need to be recycled or disposed of. We must confirm the scanned copy is the only record. There should only be one record, in one place. Working copies of permits should be deleted after the permit or draft is issued. After hand written inspection notes are entered into STARS, the original hand notes should be recycled. If it exists, it is a legal document. See Answer Place #2363.

Mike Ahern is asking for comment on his draft memo. Tell him what is missing. Mike would like comments by the next P&E meeting.

Every office may need to set up a mail box to receive notifications.

U.S. is decommissioning AFS to ICIS; AFS will be turned off in September. We need to get our data to ICIS by September.

Changes to STARS to accommodate the changeover to ICIS. By June all Director's letters need to be scanned into EDOC.

STARS2/EDOC Priorities-now September

1. AFS to ICIS Air
2. Process Directors Actions to EDOCS
3. Additional Non-structural changes to STARS2, per doc types add to a pick list. Scan to appropriate areas.
4. Begin Open burning Permissions and denials scanned into EDOCS, Dir's actions
5. Plan for Structural changes to STARS2 for all doc types (IT help)

June-Forward goals, all Directors actions issued permits directors signature of signed docs as agent for Dir. EDOC project by June.

1. AFS to ICIS Air
2. Implementations STARS structural changes to accommodate all document types

3. Hard copy files scanned into STARS2, what are priorities, by facility or type of doc

Everything in file cabinets needs to be scanned if it is business related. The district offices have the rights to scan and upload documents to EDOC. However, some local offices are not set up yet to access the on-base EDOC system; but steps are being taken to get the local offices onboard. IT needs to reprogram the places tool so local air agency can create place IDs for scanning documents. Until ITS changes the existing places program the local offices cannot start scanning.

4. **Terms & Conditions Library**-Cheryl Suttman

Cheryl is updating the 595 engine templates for the new BAT policy. She is not significantly changing the synthetic minor templates, but they are also getting a face lift for smaller revisions.
The NSPS and/or MACT limits (or work practice standards (tune ups)) would still be BAT, but where there is no limit (e.g. criteria pollutants in MACT), the TPY limits will be deleted and the average monthly rolling language will be added, based on an emission factor from AP-42 or an emissions factor chosen by the owner, where it is "guaranteed" (e.g. in certificate of conformity) by the manufacturer.

Engineering Guides mentioned

#38 Use of Exempt Organic Compounds to Satisfy BAT requirements. The EG will be revoked and replaced with a document that explains why we are revoking it and the original EG will be moved and preserved on the Answer Place.

#51 Number of Sampling Runs to be witnessed by Agency Observers. RAPCA is accepting comments till 4/7.

General Permits.
Crematory: Ben Cirker is working on this (not present).

Miscellaneous Metal Parts: Rick Carleski. This work group had submitted 8 template drafts to Mike Hopkins for review; but during their last monthly call it was determined that they need revisions for the new BAT guidance.

Compressor Stations: Cheryl Suttman. Cheryl has finished the first draft of this GP. The existing Oil and Gas work group has volunteered to review the initial draft and the group provided Cheryl with 7 sample permits to use to complete her file. Cheryl was working with eight consultants, facilities, and/or engine manufacturers on her initial draft, but their review has been put on hold until the Oil and Gas group is finished with their review. We still need to determine how many GPs we will need to cover most facilities.

Training opportunities
Sean has highlighted the significant training events that would interest us, three of them include:

NSR training
Oil & gas permitting training
Stack test training

Mail any training opportunities to David Hearne

There was a short meeting, after the P&E meeting adjourned, for those interested in enforcement of the Stage 2 gas station decommissioning PBR.

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May 20, 2014

Permitting & Enforcement Committee Meeting – May 20, 2014

Lazarus Government Center
Ohio EPA
6th Floor **Conference Room A "Autumn Room"**

Attendees: Chair – Sean Vadas (Akron)

Minutes – Jenny Avellana (CO)

- John Paulian, Mike Hopkins, Mike Ahern, Erica Engel-Ishida, Erin Mundorf, Cheryl Suttman, Briana Hilton, Alan Lloyd, Lynne Martz (CO), Rick Carleski (OCAPP), Drew Bergman, Steve Feldmann (Legal), Todd Scarborough, Bryon Marusek, Kelly Saavedra (CDO), Eric Bewley, Jana Gannon (NEDO), Carl Safreed (Canton), Sarah Harter, Jessica Kelley (SEDO), Chris Clinefelter (RAPCA), Kurt Bezeau (Toledo), Paul Tedtman (SWOAQA), Mary McGeary, Scott Winograd (CDAQ), Anne Chamberlin (Portsmouth), Andrea Moore, Morgan Bauer (NWDO)

1. **Enforcement issues –** Drew Bergman and John Paulian

Drew Bergman – a while ago he mentioned we will be reevaluating the CATEP. We are in the process, with nothing concrete to announce today. At this point we will probably end up discarding most of the CATEP. The plan is to essentially go back to Jim Orleman's 2001 enforcement policy. That will have to be reevaluated and brought up to date. We will take elements of the CATEP that are useful and incorporating that and issuing the combined policy as a brand new policy. We will hopefully have a draft by next meeting. We have complete backing of Cindy Hafner, Chief of Legal and Jim Canepa, Assistant Director. Bruce has taken the lead and we'll be following up with him. The locals have contracts that require them to continue to implement the CATEP. We will have to amend those contracts. We'll have to figure out how we can do that. Question from Sean: Will that involve getting rid of resolution of violation letters? It sounds like they want to retain those. Is that an issue? They are kind of burdensome and odd. We've never in the past sent such correspondence. Sean says if there is one thing he'd like to change, he'd like to see those gone. John doesn't like those either. They are called RTC in Stars2 (Return to Compliance letters). Erica talked to Bruce about still going forward and implementing some of the changes we have added in Stars2. We are adding a couple of initial steps onto the enforcement workflow. Bruce and Bob approved going forward with this change in Stars2. Erica is going to go ahead and implement that change in Stars2. The CEP or initial recommendation, whatever it will be called, has been approved.

Compliance – John – Everyone should continue to put FCEs in Stars2. Something came up recently, an instance where initial certification for CEMS was sent directly to field office. This needs to be sent through Stars2. CO is required to go out and observe. Make sure you enter it through Stars2 so CO can get this scheduled.

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2. **Permitting** – Mike Hopkins

PM2.5 rules got through JCARR and they have been signed by the director. Once he signs it takes 10 days before they become effective. We also submitted a SIP package, through a procedure called parallel processing, so US EPA can start reviewing the package before the rules are final. Rules will become final in a couple of weeks and getting approved into the SIP will take 6-10 months. The SIP approval timeframe depends on US EPA's review. This should make things a little easier in terms of citing the rule.

Asphalt burner tuning changes – we have drafted some language to the burner tuning language for asphalt plants – goes away from the approach of doing a sampling during initial test as a basis for future burner tuning and instead we are saying they have to go through a burner tuning process initially, then one in June, one in August. Essentially will record the burner tuning and what the results were, but they won't have to get to a certain level. This is to give a little more flexibility in ambient conditions that a tuner would see. We just told one or two field offices that they can go ahead and start using those. Everyone can start using those. Everyone should have a copy. Go ahead and use the new version. You can convert to this new version when you do a renewal. It should be less burdensome for the companies. Cheryl will replace the permit terms in the library.

We've drafted a revised template for asphalt plants and we just got some comments back from SEDO that we'll look at, once we look at those we'll get that out for wider distribution. There will be more changes in the future. The idea was to figure out what an asphalt plant permit should look like under new BAT guidance. The new terms are just for newer plants and for any that we've established burner tuning in a renewal. If it has not been established, we don't have to add the new terms, but it is an option to use if company isn't taking care of their burner.

We had a grant meeting with US EPA last week. It went pretty smoothly. No particular concerns with working with US EPA.

We are continuing discussions with US EPA concerning recent BAT guidance. They have concerns with parts of it and we are having discussions with them. There are no results to report, this is ongoing. US EPA has 2 areas with most concern – BAT approach for design standard and concerns with the monthly emissions limit. Part of that concern has more to do with when you have sources close to tripping major NSR, they are concerned with how we can restrict emissions to avoid major NSR and Title V.

We've issued the draft GPs for misc metal painting. Rick and OCAPP put this together, evaluated all kinds of scenarios. No internal review. Looked pretty good. Field offices should take a look and see if there are any comments, send in by June 27. These will replace existing GPs. Terms are on the internet.

We are starting to work on what we need for a GP for compressor stations. The biggest thing to figure out is the scope of what entails a compressor station. How many engines? What is the total size of the engines? How many dehydrators? How many tanks? We have issued a fair number of permits for these so we should have a good start. But what will avoid modeling, what will avoid major NSR? Where can we establish the restrictions so that we encompass most of these compressor stations and still not trip major NSR or violate any standards? Do we use grouped approach for the GP with one GP that includes all units? Like we did for Oil & Gas well sites. Or do we split it up? We want to use the most efficient approach. There is still quite a bit of work to be done. We do have drafts of T&Cs and

have issued some permits, so there are examples out there for developing permits for compressor stations in the meantime.

Any work on when to use which 31-05 references? Mike wants to look at the rule a little more. There are issues with the greater than 10 tpy terms and when to use ORC vs OAC. Also, when do you use 31-05((E) or (F) or (D))? Have we decided on (E) and (F) based on discussion in last meeting? NEDO will send an email to Mike so he can take a look. SEDO has a flow diagram and examples in their office that they use. Sarah can send that on, though it is not a final version.

Permitting scheme for roadways – haven't made any progress since last meeting. The overall approach is what we want to do, we are incorporating into 31-03 exemption package. That will include both the new exemptions and permit by rule. We will still need to update the other roadways and parking areas GPs.

Erin Mundorf – new permitting intern – we are teaching her all about asphalt plants. She is going to be working with Alan on slag stack tests and try to get a better handle on what additional sulfur emissions come when you are using slag. Original number 0.53 pounds SO2 per ton of slag. This was based on 4 tests that Shelly initially did. We've data from more tests from other asphalt plants, with higher emissions from their slag. She's going to help try to figure out a more precise number for SO2 emissions from using slag. Let Alan know about any scheduled stack tests from plants using slag. Get Alan a permit number and he'll make a list to work off of. Now we do a combined lbs/hr, previously ran tests with slag and without and had different lbs/hr for each. Send whatever fuel they were stack testing at and the basis for that. He might need to ask for follow up information.

USEPA issued April 30 revised guidance on compliance certification and SOB for Title V issuance. They issued this guidance because inspector general's review several years ago reported recommendations on this very issue. It wasn't really any new information, it was a compilation of where to look for guidance on these issues. When Andrew took a look at it, there may be some changes on what we put in the SOB. If you are interested in working on this project, contact Andrew. This was an attachment to the P&E meeting agenda and follow-up email.

3. **STARS2 and permit issuance update –** Mike Ahern and Erica Engel-Ishida

Mike Ahern – the main thing to report is some advancement on the eDocument management project and making changes to Stars2. Non-facility related documents. With respect to the document types in Stars2, we talked about adding additional pick list items to account for documents that weren't part of the original structure design of Stars2. Some of the pick lists Erica couldn't go in and add items. We've shoehorned a change in Stars2 that will allow her to add changes to those pick lists, so that project has been a little delayed. Will have to make code changes to Stars2 and deploy before she can start adding those. You'll get more information from Erica as we make more progress.

For non-facility – documents that are non-facility related – Mike got some feedback and put together a draft. He compiled the comments and identified what type of program document type and document subtype the comment fell into. Just as an overall approach, the eDoc project uses 3 tiers, program level (permits vs orders vs authorizations, etc), then we have document types (long term permits), then we have document subtypes (inspections subtypes – field notes, photographs, etc, for non-facility inspection). This document goes out today, take a

look as you get back to your office. Give feedback between now and next meeting so we can continue to refine this.

Edoc project – documents and types and subtypes in spreadsheet that will be posted to the edoc answer place topic – various programs in Air (permits, right to know, TRI, open burning, etc). As you index the document you would index it based on document type and subtype. That's where we are with the non-facility related documents. Q – Where do we put responses from companies to NOVs? From an eDoc perspective, "correspondence" covers both incoming and outgoing correspondence. Where to put in Stars2? We are modifying Stars2 to make sure we have the ability to add all of these attachment types we need to have identified to put these documents in eDoc management. Erica is coming up with a plan for where to put documents in Stars2. When she puts out this document of where we want to map those things, we can discuss if we need to add types of documents and where they should go. If it doesn't apply to something specific, it goes in attachments area of facility profile, and we can add a specific attachment type to that area.

Adding an event date to the attachment table so that when you are uploading an attachment – it currently uses the date uploaded, and we are adding the ability to add the date you received the document. We are going to try and have an attachment search, to search by type of attachment. We are making sure we have the ability to add attachment types in Stars2 to add what your specific needs are. We are adding the ability to upload trade secret attachments where we don't currently have that ability. Erica has finalized the mapping from everything we currently upload (has a list of types of documents, will put this list out for comment in case they didn't think of a type of document), types of documents, she has mapped to the specific type and subtype of document in eDoc. In the meantime if you have something you need to upload to Stars2, contact her, otherwise hold off scanning for now. They are working on getting the AP topic completed.

This is part of phase 2, which we are in. These are supposed to be director's actions. Locals don't have ability to create place IDs yet.

Erica – We have been seeing a ton of formatting issues, where outlines and styles are out of whack in permits. When Stars2 first came out, we established a template file, since installing windows 7, people don't have this file on their computers. When you are copying T&Cs, outline structure has been lost. Soon we will be coming out with guidance and emailing where to get this file and where to put it on your computer. We'll be working with Cheryl to make sure we are using those same styles. When we copy from library, some symbols are changed. There is a setting within Word that is not being consistently applied for all of us. Ignore this for now, chances are when Toi opens it up the symbols will be fine when she sees and issues the permit. When copying from T&C library, if you right click, different options for pasting – don't use source formatting or text only, paste as format of native document. Try that, it will try to force the formatting of the original document.
Last meeting – passed out a draft memo – no progress.

Update on issues with Stars2 and air services – if it is still not fixed – Erica needs to know what it is. We need to work individually with the company typically, because there might be a specific issue.

4. **Terms and Conditions -** Cheryl Suttman

The amendments of March 3, 2010 to Subpart ZZZZ added existing compression ignition engines at area sources as subject to the subpart under GACT. In another amendment to Subpart ZZZZ the existing area source spark ignition SI were also became subject to Subpart ZZZZ, almost certainly as GACT as well.

Since most to all diesel engines use an oxidation catalyst for control, it would be difficult for the control device to be considered a device that is achieving the average emission limitation of the best performing 12% of existing sources? It would be difficult to define common control as MACT.

J6 is an area source MACT for coal fired boilers with limits for PM, Hg, CO (CO- surrogate for polycyclic organic matter and non-Hg HAP) and a GACT for oil and biomass-fired boilers with a PM limit.

The GACT / MACT determination is found in the Preamble to the rule or amendments when they are published in the FR. So you need to find the appropriate FR date. The MACT / GACT determinations are not in the CFR. We may regret not regulating the area source half of the NESHAPs for major sources of pollution, like boilers & engines. Do we really want Region V to regulate our NESHAP area sources for us? We are more likely to lose our delegation of Part 63, than we are to get more money from the Feds to cover GACT. It takes additional time to determine a source is a GACT, that we are not regulating. Then we regulate it anyway, as BAT, with possibly the only source of this determination (limit/requirement) in an additional write-up. A footnote under the Summary Table to identify the source of a GACT BAT limit would be a more efficient way to identify the source of the BAT.

The SI MACT engine template terms have been updated for the initial revised BAT guidance; but then the guidance changed before the updates were finished. For example, a BAT for 12-month rolling PM limits were not drafted for 17-11.

In NSPS Subpart JJJJ, the initial notification report includes the serial number that you need in order to follow compliance testing of the engines. A term for the initial notification report has been added to the 2 new GP12s and draft GP14 (for compressor stations), and are in the Library. The GP12s are named GP12A and GP12B. If you need the serial numbers of the engines at a compressor station or well site, these files can be used until the actual GP12s are modified. Terms have not normally been drafted for the initial notification reports because the reporting requirement is met by submitting the application. At Compressor stations they do not know what engines they will be using when they submit the application, so the requirement to provide this information later is needed.

In “What’s New” Cheryl added a Table that shows the terms and conditions and permit templates that have been drafted for Federal rules for the Library. The Table shows the amendments for which the terms have been updated, as well as, those amendments for which they have not been updated. If amendment s to these rules are not tracked and the terms not updated for new or revised applicable requirements, they will no longer be correct or useful. Except for amendments not yet showing up in the CFR, the Federal terms in the Library have been updated for the amendments that would affect the terms in a permit. If this is not kept up, these terms will slowly become useless. And any one of them could have an amendment in the FR that has not yet been added to the CFR (that I have missed).

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Most of the MACT terms are now by reference only; and they were initially meant for TV permits. Subpart MMMM's (misc. metal coatings) compliance limit is in pounds of HAP per gallon of coating solid; Subpart IIII (automotive coatings) is in kg of HAP per liter of coating solids deposited; and Subpart PPPP (plastic parts coatings) is in pounds of HAP per pound of coating solids (or kg/kg). The best place to get the recordkeeping to document compliance with each of these limits, is still the Library.

Cheryl is drafting terms for NSPS Dc and they will be done soon. The boiler NSPS set will be complete with this template completed for small steam generating units.

The Library was such a good idea, it is so much easier to write it once and make it available to everyone; and store it in a place where it can be easily and quickly revised for mistakes and amendments. What a difference it could make, volunteering one permit writer at each district office to be a Terms & Conditions "Librarian". It has been impossible for 1 person to keep up with all of the requests for terms.

5. **MACT Update-** Briana Hilton

- National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins; Pesticide Active Ingredient Production; and Polyether Polyols Production Final Rule/Final Amendments (40 CFR 63 Subparts A, JJJ, MMM and PPP):

  - In Federal Register: March 27, 2014
  - Dates: This final action is effective on March 27, 2014. The incorporation by reference of certain publications listed in this final rule was approved by the Director of the Federal Register as of March 27, 2014
  - Summary: This action finalizes the residual risk and technology review conducted for nine source categories regulated under the National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins; Pesticide Active Ingredient Production; and Polyether Polyols Production. Today's action promulgates amendments concerning the following: Residual risk reviews; technology reviews; emissions during periods of startup, shutdown and malfunction; standards for previously unregulated hazardous air pollutant emission sources; revisions to require monitoring of pressure relief devices that release to the atmosphere; and electronic reporting of performance test results. This action also lifts the stay of requirements for process contact cooling towers at existing sources in one Group IV Polymers and Resins subcategory, issued on February 23, 2001. The revisions to the final rules maintain the level of environmental protection or emissions control on sources regulated by these rules.
  - http://www.gpo.gov/fdsys/pkg/FR-2014-03-27/pdf/2014-04305.pdf

6. **Engineering Guide update (updates highlighted)-**

Engineering Guide Revisions		
#6 - PTI for Coal to Oil Conversion	Misty Parsons	reviewing guide
#8 – Compliance Tests at Bulk Gasoline Terminals	CDO	Final recommendation submitted to Bruce on 7/23/2012.
#18 - SO2 Compliance Determination Methods for Boilers	Toledo	Resubmitted to Bruce 5/16/13

#20 - Determination of Compliance with Visible Emission Limitations for Stack Source	Akron	Final recommendation submitted to Bruce on 05/09/2012.
#23 - Determination of Significant Figures for TSP Emission Limitations	SEDO	Comments received and making revisions.
#24 - Application of Fugitive Dust Requirements to Affected Facilities	Toledo	Final recommendation submitted to Bruce on 08/14/2012.
#26 - Inclusion of Weight of Water in the Weight of "Refuse" Charged for Incinerators	NEDO	Resubmitted to Bruce 5/15/13
#29 - Applicability of the PTI Rules to Increases in Capacity of a Derated Boiler	CDO	update on progress
#38 - Use of Exempt Organic Compounds to Satisfy BAT Requirements	Akron	"Reasons for Revocation" document sent to Bruce 1/15/14. Requested that the EG be preserved on Answer Place and included a document explaining the reasons for revocation to be posted in its place.
#42 - Definition of BAT for New Sources	NWDO	Beginning initial review – new selection
#44 - Permit Issuance Policy for Relocation of Portable/Mobile Facilities	CO/SEDO	Erica and Sarah Harter working on changes. – On Hold until rules/forms changed. Carl suggested a language change that Erica and Sarah will incorporate.
#45 - Calculation of "Potential to Emit" for Surface Coating Lines	Canton	Draft revisions distributed for review 9/9/13. Not many comments were received although there are significant changes throughout the guide. Carl plans to put the guide out for draft issuance soon.
#46 - Determination of Cost-Effectiveness for BAT and RACM Evaluations	NWDO	Beginning initial review – new selection
#48 - VOC Compliance Determinations for Coating Lines	Canton	update on progress – reviewing guide – Draft expected by end of June
#51 - Number of Sampling Runs to be Witnessed by Agency Observers	RAPCA	Draft sent out 3/6/14. Jeff is still addressing comments.
#53 - Interpretation of Open Burning Standards	Paul Braun	update on progress – reviewing guide
#55 - Precautions in Use of Method 24 for Water-Based Coatings	Akron	Final recommendation submitted to Bruce on 09/24/2012.
#58 – Definition of "Facility" for Ohio Title V Permit Program	Drew Bergman	Beginning draft revisions due to recent court decisions.
#69 – *Guidance on Air Dispersion Modeling*	Jennifer Van Vlerah	This is with Bob to review and give the OK for issuance.
#70 - Guidance on Evaluating Emissions of Toxic Air Pollution Compounds when Processing Permit-to-Install (PTI) Applications.	Hopkins	Hopkins review comments.
#74 – Stack testing for PM2.5	Hall	On hold until asphalt plant testing issues are resolved.
#78 – MSW Landfill Higher Operating Values and Alternative Timeline Requests	NEDO	Revising approval procedure. (This is also a DSIWM Document)

#80 – Methods for Calculating PTE	CDO	Issued Final 3/02/12 - additional revisions made by CDO on 9/24/12 and forwarded directly to Bruce. 1/29/13 revisions sent from P&E to Bruce, just in case. Bruce needs to re-evaluate it based on recent BAT guidance.
#82 – Ultra Low Sulfur Diesel Fuel Permitting	NWDO/CDO	New Guide. Draft distributed for review 3/7/13. Comments until 4/8/13. Addressing comments & then will resend another draft to review.
#83 – Asphalt Testing Production Rates	Todd Brown/Alan	Draft out for review. Comments until 11/2/12. –> On hold until asphalt plant testing issues are resolved.
#84 – Non-road Engines	SEDO	update on progress

We need to find out if someone else can be assigned to issuing Engineering Guides.

7. **General Permits** –

Crematories GP- Cleveland	Problems meeting the mercury TLV under assumed conditions. SIP/Modeling section looking to see what restrictions may be needed (stack height/fence line distance). Hoping to be done by end of the month.
Shale Oil & Gas GP	Final on 4/4/2014
Compressor Stations GP	Discussed above under permitting.
Miscellaneous Metal Parts GP	8 templates issued draft May 13, 2014. Accepting comments until 6/27/14.

8. **Training** –

Oil & Gas Hydraulic Fracturing Permitting – May 28-29 - FULL

Advanced NSR Training in - July 15-16

Stack testing training expected after June.

Eric Bewley has a list of asbestos training that he will send to Paul Koval and Steve Freidman to get some training scheduled at central office.

9. **New Items –**
None.

10. **Pending Action Items –**

Permit Fees guidance – Ben Cirker has drafted a guidance to be published. Contact Ben with any questions.

P&E Minutes are available in Answer Place Topic ID 2140.

----------Next meeting is Tuesday, July 15, 2014.

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