

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 Riggelman, 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 utilize sub-groups. RAPCA suggested the engineering guides be updated, possibly handled by subcommittee. 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 consistent, 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 then 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 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 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, only 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 crematories 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 whether 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 graphics 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 commitment 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 - - -