

Permitting & Enforcement Committee Meeting - July 10, 2007
Lazarus Government Center
Ohio EPA
7th Floor conference room

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

Minutes - Ed Fasko (NEDO)

- Mike Ahern, Mike Hopkins, Andrew Hall, Cheryl Suttman, Jennifer Hunter, (CO), Rick Carleski, (OCAPP), Jeff Canan, Chris Clinefelter, (RAPCA), Mark Budge, (NWDO), Sara Harter, (SEDO), Duane LaClair, (Akron), Joslyn Summers, (Toledo), Cindy Charles, (Portsmouth), Bud Keim, (Canton), Craig Osborne, Rao Dasari, (SWDO), Paul Tedtman, (HAMCO)

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 burning 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 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. **Terms 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.

7. **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.

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

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

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

Next meeting is September 11, 2007