

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 and 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 their 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 calendar 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 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 received 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 crematoriums** - 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 determination that the 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, especially 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 was 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 the SOB 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 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 legality 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 \*\*\*\*\*