

September 10, 2002
Permitting and Enforcement Committee Meeting
Lazarus Government Center
122 S. Front Street, Columbus, Ohio 43215

Attendees: Jim Orlemann, Rick Carleski, 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 (similar to forms currently in 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!**