

P & E minutes September 11, 2007

Permitting & Enforcement Committee Meeting - September 11, 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, 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 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

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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 renewals. (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

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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 stragglers 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 preliminary completeness letter and be aware of the NSPS IIII issue surrounding PBR's.

3. **Terms 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.

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- #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, applications, 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

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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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LAAs who are not on the DAPC intranet need to use the following link:

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

Next meeting is November 13, 2007