

## P & E minutes September 12, 2006

Permitting & Enforcement Committee Meeting - September 12, 2006

Lazarus Government Center

Ohio EPA

6<sup>th</sup> Floor conference room

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

Minutes - Ed Fasko (NEDO)

- Mike Ahern, Andrew Hall, Mike Hopkins, Cheryl Suttman, (CO), Rick Carleski, (OCAPP), Todd Scarborough, Adam Ward, (CDO), Angela Glosser, (Canton), Jenny Marsee, Christine Swetz, (RAPCA), Don Waltermeyer (NWDO), Sara Harter, (SEDO), Brad Miller, (HCDOES), Cindy Charles, (Portsmouth)

- 1. Enforcement issues** - Jim Orlemann first addressed the question that was raised about the duplicity in the EAR, specifically to the initial table which is the summation sheet. Jim indicated completing the summary sheet was now optional; it is acceptable to either complete it or not. Eventually the form will be revised. Jim handed out the schedule of resolution of the old cases as well as a set of graphs regarding case resolution progress. The first graph was the tracking of EAR's and the timely submittal in 2006. Jim referred to the statute of limitations, reminding us that any violation older than 18 months will not be pursued for penalties. Out of 46 EAR's submitted so far in 2006, 14 were **not** submitted within the 18 months time frame. The second graph was the compliance percentage pulled from CETA. The data pulled from CETA has been reliable thus far. We are looking at a goal of 97.4% compliance. The third graph was of cases resolved; 28 so far this year with a goal of 90. Fourth graph was final F & O's; 12 so far, goal of 50. Fifth graph was old case resolution; 36 of 48 left to go; that looks like about 12 a month. In regard to the new open burning rules, Jim said EAR's should still be sent; template orders will be developed in Central Office on the next case; possibly in the future orders could be prepared in the field offices based on the template.

**Action Item:** DO/LAAs are to be prepared to respond to requests for information in order to settle the cases before the end of the year. .

- 2. Title V and other permits and issuance update** - Mike Ahern indicated there are 58 FESOPS that still need to go final in addition to 64 initial Title V permits. There are 256 extended Title V permits; that is, expired but having filed a timely renewal application. There are 34 expired Title V permits that have submitted late renewal applications or no application at all. In August, 2 draft renewals were issued; 3 PPP, 6 PP and 4 final. Andrew Hall commented that FESOPS to avoid a MACT is a priority. PTO's are moving and being issued, continue with providing your reviewer with a list of prioritized permits. 1<sup>st</sup> issue PTO's after PTI's will be issued to avoid building a new backlog. Just make sure the PTO's that may be a few years old get another review to verify that the language is current. When processing PTOs, be sure to follow G.E. decision guidance and place the operating parameter range in the monitoring section of the permit unless the requirements are rule based or established in a PTI. If the parametric operating restriction was established in a PTI, then the operating restriction should remain in the PTO since BAT and the PTI are applicable requirements. However, the company can specifically requests to remove the parametric operating restriction from the PTI unless it is rule based. This can be an administrative modification. For a brand new PTI, follow the GE decision guidance and place the operating parameter range in the

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monitoring section of the permit unless the requirements are rule based. RAPCA raised a question about the changed General Terms in Title V reporting of deviations as it relates to visible emissions and excess emissions reports. To confuse the issue, further, visible emissions as a result of malfunctions are not considered violations based on the new rule language. There is confusion in industry on this. Jim Orlemann stated that a deviation is a violation, but an excess emission is not necessarily a violation. There are exemptions in the excess emission reporting program, but all emissions are to be reported and in the review of the report a determination is made as to what is truly an exemption. Apparently clarification is needed in this area. Cheryl Suttman will be working with Todd Brown on this to address the terms and conditions for both CEM's and COM's. There also should be a reference to this in the Title V Q & A's on the web site..

**Action Item:** DO/LAA's to continue weekly list for CO contact, work on FESOP's especially those involving the avoidance of a MACT. Continue working on the TV renewals and be aware of the issues involving the GE decision. CO to provide guidance on conflicts with new General Terms, excess emission program and rule changes.

- 3. New Source Review** - Mike Hopkins provided some positive news and stated that most offices are getting the PTI's out on time. He noted that our overall backlog on PTIs is low based on past data. Mike handed out the SB 265 draft guidance. Comments are due to Andrew Hall in two weeks after the meeting. (This document was electronically sent on 9/14). Mike also indicated the draft toxics rule was going to the director by the end of the week. There were a lot of comments that are still being reviewed. Paul Koval and Diane McClure are justifying the compounds on the list. Presently there are about 400. The new draft is to be filed with JCARR, and the air toxics rule is expected to be Final by the end of this year. The start construction rule is also on track to be final by the end of this year. In regard to the toxics rule, a synopsis is to be written to show the procedure of justifying the criteria for evaluating the various compounds. We imagine there will be questions in JCARR, but SB 265 does give the director power to list additional compounds in extreme cases. No permit will be required for an emissions unit that generates only non-toxic, non-VOC, non-criteria pollutant emissions. An example of this is methane generated from sources other than landfills. Per the definitions for OC and VOC in OAC rule 3745-21-01, methane is neither a VOC nor OC. Likewise, the proposed air toxics rule does not include methane on the list of air toxics. Consequently, since there are no applicable requirements for non-landfill methane emissions, an air permit is not required for an emissions unit that generates only methane emissions.

**Action Item:** DO/LAA's to review and provide comments on the revised BAT guidance to Andrew Hall by the end of September. Central office to proceed with rules.

- 4. Permit and Data Management** - Mike Ahern indicated FER program is progressing well and pointed out that George Strobel is the first contact for STARS and STARSHIP issues. A new person is to be added for web info; Title V Q& A update, etc. Data requests should now go to Mike Van Matre. Mike Van Matre is also working with Lisa Holscher on additional CETA requirements for grant committed agencies. There may be a program interface issue involved. Sandy Craig is to retire in November, replacement is to be trained. Engineering guide 65 in to

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be looked at as to the monitoring requirement issues.

**5. Engineering Guide update -**

#5 - VOC exemption for fixed roof storage tanks - Akron - Jim Orlemann reviewed and provided comments to Akron. Should go final.

#6 - PTI for coal to oil conversion - Cleveland - Mike Hopkins reviewing comments provided by Jim Orlemann

#7 - Inclusion of weight of water in PWR - NWDO - comments under review.

#9 - PTI/PTO determination for grain dryers - NWDO - , comments under review.

#10 - Applicable TSP rules for stone crushing plants. - Toledo - Jim Orlemann reviewed and ready to issue Final. -

#11 - Use of Table 1 for multiple sources permits/derating - Cleveland - Copies of draft sent out electronically on September 11 Provide comments to Jim Braun by November 14.

#12 - GDF procedures and issues - NEDO - One comment received. Final draft to be sent out in two weeks. Comments to NEDO.

#16 - Conditions for requiring additional source compliance tests. - NWDO -No progress.

# 17 - Authority and criteria for requiring compliance tests at normal boiler operating rate. - RAPCA- Comments sent to Jim Orlemann. Should be finalized soon.

#18 - SO2 Compliance determination methods for coal fired boilers. - Toledo not at meeting.

#19 - Applicable TSP rules for coke oven battery combustion stacks. - HAMCO - Should be out for draft in a few weeks.

EG #20 - Determination of compliance with VE limitations for stack sources. Akron was not at the meeting.

#53 - Interpretation of open burning standards - Rule is done and effective. Jim will contact Lee to help work on guide revision. No progress.

#74 - (new Engineering Guide) - Classification of Particulate Matter (PM) for Permitting, Testing and Reporting - Draft handed out. Comments should be sent to Andrew Hall by next meeting. (Nov.14)

#75 - 17-07, 17-08 issues and examples - Flow diagrams are holding this up and should be completed soon. No progress

#44 - Portable Plants - Comments from Flexible Pavement Association sent to NEDO. Joe Loucek preparing response.

#23 - Determination of significant figures for TSP emission limitations. - SEDO will work on this Engineering guides 13, 14 and 15 do not need updating, however, Jim Orlemann will reissue as Final without changes.

**6. Terms and conditions and Policy distribution -**

The "Operational Parameter Monitoring Record Keeping and Reporting" terms that appeared in Mike H, Jim O, Andrew, and Mike A's e-mail of 7/11/06 will be up on the Library internet soon-(possibly this week,) as will the new terms in Andrew's SB 265 question/answer memo. There are now enough terms to have a new Section, which I will call "New terms for Senate Bill 265" with a link to the ESP and Baghouse terms in the "CEM & Parameter monitoring", "J" terms, as J50 and J51. Bob Goulsh has sent us a set of HAP terms, for non-MACT coating sources; holding for Jim O's review. Terms from Part 63, Subpart A have been submitted to Jim O for review, these include:

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- a. Start-up, shutdown, & malfunction plan
- b. Site-specific test plan
- c. Quality Assurance Program & Performance Evaluation for CMS
- d. Stack testing for MACT source
- e. Semi-annual reports, Excess emissions reports, General Recordkeeping and Reporting requirements from Subpart A for the MACTs
- f. and more

Working on Industrial Boiler MACT, 63 Subpart DDDDD; anticipated completion date is the end of the year

The Cr electroplating MACT was amended on 7/19/04 and the Library terms need to be modified for this amendment. Some of these changes included:

- a. The revision and division of the hard Cr electroplating source limits into "enclosed surface" and "open surface"
- b. Modification to pressure drop requirements for composite mesh-pad systems
- c. Addition to the wetting agent, surface tension measurement records
- d. Alternative Cr emission rate calculations (2) for enclosed hard Cr electroplating tanks.

The Tub Grinder draft permit was crafted after existing PTIs and units & it did not consider "Senate Bill 265" and the lb/hr limits are "everywhere". It will need to be re-drafted for a new unit. Comments received may do that job. It is possible that a General Permit will be created. Cheryl distributed draft terms and wants comments by November 14.

Landfill Higher Operating Value (HOV) Cheryl is working with Mike Ahern on this.

**Action Item:** Submit comments on the draft tub grinder terms to Cheryl Suttman by November 14.

7. **CETA update** - Discussed under PIDM update.

8. **Stack Testing** - No update

9. **New items and parking lot** -

Cheryl Suttman stated that Central Office received an e-mail from USEPA regarding landfills. USEPA indicated that Ohio EPA does not have authority to grant approval for the changes. Cheryl said that she needs to revisit USEPA's e-mail message in order to finalize the guidance document.

Jim O. noted that he only received a couple of requests for possible multi-media inspections. If you have some good candidates in your area, contact Jim O. asap.

Jim O. noted that OAC rule 3745-21-07 has been refiled with JCARR and it should be ready by October 10. However, Jim noted that USEPA might contest the exemption from 21-07(G) applicability for mixing operations where no chemical reactions are occurring.

There has been no progress on the proposed Engineering Guide for emission factor

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changes from the PAG. Mike Hopkins decided to drop this item from the agenda.

17-11, 17-08 Guidance still being worked on. Jim O. is preparing the diagrams

Portable Drills issue is being dropped. NWDO resolved issue with control strategy.

Landfill H2S issue. Permit refers to CD & D rules Terms will be established for the Library.

**Next meeting is November 14**

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