

Permitting & Enforcement Committee Meeting  
September 15, 2005  
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, Cheryl Suttman, Mike Hopkins, Jenny Nichols,(CO), Rick Carleski, (OCAPP), Bud Keim,(Canton), John Nicora, (Cleveland), Adam Ward,(CDO), Paul Tedtman, (HAMCO), Jeff Canan, Chris Clinefelter, (RAPCA), Joslyn Summers, (Toledo), Frank Markunas, (Akron), Don Waltermeyer (NWDO), Sara Harter, Glen Greenwood (SEDO)

## **1 - Enforcement update**

*Enforcement improvements* - No update on enforcement improvements.

*Enforcement issues* - Jim Orlemann handed out a copy of the status of the old cases to be resolved during 2005. The director's goal is to resolve any old case by the end of the year. An old case is that which will be 21 months from the submission of an EAR to the end of the year. There are 28 left to be resolved by the end of the year. Jim said it had been suggested that we limit the number of cases we accept, as has been done in other divisions. A decision would have to be made at the field offices as to which cases they would develop and prioritize. Jim did not think this was a good idea. Jim also handed out the compliance status of the high priority facilities. We are at 92.7% for emissions violations and 87.1% overall. The goal is 95% for emission violations.

*Malfunctions and Natural Gas interruptions.* RAPCA raised this issue as a result of a request from a facility who was concerned about the potential interruption of the natural gas supply due to the natural disaster and flooding in New Orleans. The concern was how would they handle the situation if they had to shut down there thermal oxidizer due to lack of natural gas. This is the only fuel they burn. Mike Hopkins indicated some permits allowed for the use of other fuels, but this was not the case here. By-passing the control equipment by not using the thermal oxidizer is a violation of permit terms and conditions. Regional outage would be a consideration, but this would be a case-by-case basis. Jim Orlemann indicated this definitely is not a malfunction, as it is not a breakdown. Enforcement discretion could be considered.

## **2 -Title V Permits and issuance update**

*Title V renewals & FESOPS-* Mike indicated the renewals were going through and handed out the minutes of the September 8 PAG meeting which outlined the numbers. Of concern, however, was the initial Title V applications older than 18 months that have not been acted on. He handed out a list which included FESOP applications that have not been worked on.

**Action Item - DO/LAAS to work on these old applications**

***Title V mods*** - There was concern about aligning the NSR procedure with the Title V in order to streamline Title V mods.- particularly for Significant Modifications. Ohio is the only state that has the PPP step. The Feds have agreed that an Administrative Permit Amendment process could be used for a Significant Modification if the NSR-PTI was issued done just like a Title V permit. Region V is pushing for this; however, Ohio is not ready to process PTIs this way. Provide Mike Ahern with and suggestions that you may have for streamlining the Title V modifications.

***Title V deviation reporting format instructions*** - Instructions and template coming soon. Should be on web by next P & E meeting.

***PTO issuance and NSR staff*** - Mike Hopkins indicated a listing of field office assignments are being developed. He is matching up a NSR person with a PTO/TV person as a cross-training exercise. PTO/TV folks are to contact the field office on a list of PTO's that can be processed. This list will get an expedited review and issued permits. Mike is establishing ongoing changes on the way PTO's will be reviewed. At this point, for State PTOs, Mike does not want to update the permit completely, he just wants to get the PTO in good enough shape to issue. If a rewrite of a permit matches the general permit, or if you are processing a General Permit, the permit will not be reviewed. Permit by rule (PBR) is also available and can be used if a company wants to opt out of a permit. Central Office has left it up to field offices to contact the facility as to which permit is needed.

### **3 - New Source Review -**

***Emission Offsets*** - Central Office continues to get permits that need emissions offsets. The best thing for the permit writer to do is to discuss the project with the NSR contact as soon as possible. These permits have to be resolved on a case by case basis. A question was raised about the Republic permit in which the offsets were not yet obtained. The permit was issued Draft and is almost ready to be issued Final. The requirement is the offsets must be in place before the increase begins; the rule allows this. Constructions can start, but if offsets are not obtained, the increase **cannot** take place. If the company begins operating, the emission increase occurs and they have not secured the necessary offsets, then this will be an automatic NSR violation.

For PM 2.5 non-attainment, use PM-10 as surrogate for NSR, per federal guidance. This is a stopgap approach until USEPA provides further rules and guidance. PM 2.5 has compounds of NOx and SOx. Does this mean NOx and SOx reductions are acceptable for offsets for PM 2.5? There is a lot of uncertainty about this and a determination has not yet been made at this time.

Where appropriate, facilities can take advantage of the NSR reforms which allows for a "past actual" to "future projected actual" evaluation to determine if NSR applies. The "past actual" to "future projected actual" evaluation can only be used for existing emissions units. The potential

to emit should be used for any new emissions unit that has not been installed to determine the amount of emissions increase for the project. The “future projected actual” will not be established as a limit in the permit. Instead, all limits will be established at potential to emit in the permit. The “future projected actual” will need to be documented in the technical write up. The company must stay below the “future projected actual” amount for at least five years for existing units being modified. If projected actual is violated within five years, the injunctive relief policy has to kick in. A question was raised as to the necessity of sunset language in the permit. The feeling was that there would be no need for this, as annual reporting would be required and most often would not sunset.

Ozone offsets - A facility will be required to evaluate the need for emission offsets for ozone if they are major for either NOx or VOC. The company must secure NOx offsets for proposed NOx increases and secure VOC offsets for proposed VOC increases. Modeling will not be needed to address Ozone. Where to get them - credits needed in the same nonattainment area that the source is located in or adjacent area if the adjacent area is worse or same air quality. Tracking down of old shut down sources generally can go back to the most recent SIP year. The new SIP is using the 2002 base year for both ozone and PM-2.5. A facility might be able to use offsets prior to May of 2002 provided that the offsets are accounted for in the SIP. . However, you must be careful not to double count reductions. Note that if a facility is proposing a project that is subject to Nonattainment NSR for Ozone, then they might also have to address PSD for NOx since NOx is an attainment pollutant.

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Internal Offsets can be applied to the total amount of offsets needed if “Netting” does not work. Project emissions are key to determining if offsets are needed. The control plans for NOx and VOC for ozone have to be looked at in detail as NOx and VOC cannot be swapped; there is no ratio. Emissions from control equipment must also be included as part of the source. The installation of control equipment with combustion emissions may require a PTI but an environmentally beneficial project can be approved as long as NSR is not triggered.

***ODOT requirements in permits*** - ODOT requirements in permit regarding roadways should be long term and the ODOT requirements would be binding.

***BAT analysis guide*** - The BAT analysis guide was brought up. Jenny Nichols is looking at this. The previously developed work on this could be finalized; but it might be of value to reconvene the previous work group who handled this.

***NSR guidance*** - The NSR guidance manual is being put into an electronic format. Mike Ahern’s group will be putting it on the web. It should be available to the public and updates will be done in electronic format.

#### **4 - Permit Issuance and Data Management**

**Intranet development** - Agency wide intranet is being developed. LAA's must be able to access this as we move from DAPC intranet to agency standard for intranet.

**Permit by Rule (PBR)** - PBR's have been entered in CETA. A public web site will be set up for the listing of facilities that have obtained a PBR. The process for revoking permits is being reviewed by Legal at this time.

**Electronic PTI Application** - Application is being tested. Internal E-mail address is still needed for some offices. The address should be dedicated and not accessible by only one person. Copy of the PTI will be maintained at Central Office. A unique file will be maintained for each submittal. The program should be deployed by 9/30. The facility should submit additional information directly to the DO/LAA as well as the bulletin board receipt. As in any electronic format, the date of the receipt is the date of the application.

**Other issues** - The monthly permit call notes will be posted on with the P & E notes at <http://dapcnet/> If there is a preference between PDF or htm format, let Mike Ahern know. Also, let Mike know if you have a problem accessing the web site. It was suggested the most recent Director's letters be posted as templates on the intranet as well as the audit exemption disclosure letters.

## **5 - Engineering Guide Revisions**

**#1 - PTI/PTO for non-criteria pollutants - NWDO** - Sent out electronically on 9/14. Comments have been included, Jim Orlemann to review after NWDO reviews any additional comments. Please submit them by the end of the month.

**#73 - VE guidance** - Issued on 4/27/05 - *Not on web yet!!!*

**#5 - VOC Exemption for fixed roof tanks. - Akron** - No update at this time

**#6 - PTI for coal to oil conversion - Cleveland** - Draft handed out. Get the comments to Jim Braun by the next meeting.

**#7 - Inclusion of Wt of water in PWR - NWDO** - Progress being made.

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**#8 - Compliance Tests at Bulk Gasoline Terminals - RAPCA** - RAPCA is addressing Jim Orlemann's comments and should have a draft by next meeting.

**#9 - PTI/PTO for Grain Dryers - NWDO will work on this one**

**#10 - Applicable Rules for Stone Crushing Plants - Toledo DES** - No update

**#44 - Portable Plant - NEDO** - Flow charts e-mailed out, comments received. Jim's comments to be reviewed and guide to be modified as necessary. Approval letters and modified flow charts to be resent electronically. Jim indicated the enforcement on relocation without notification should be only an NOV the first time, providing the site was acceptable. If not an acceptable site, an EAR should be filed. Otherwise, if a pattern for failure to notify is established, an EAR should be filed.

**# 53 Open Burning Standards** - Jim working with Lee on this regarding the guidance developed regarding storm debris. Jim Orlemann handed out the rule changes and indicated the rule changes will impact the guide. It will allow for unilateral orders (see proposed OAC rule 3745-19-06) which can be appealed. He is considering a simplified EAR for these violations. The

proposed rules should be finalized by early next year. Work on this engineering guide will be on hold until the rule is finalized.

**6 - EVEL SIP Discussion** - To follow up on the last meeting's discussion, the question at renewal is whether the EVEL is needed or not. We are not obligated to issue an EVEL if we feel the facility no longer needs one. If they are in need of the EVEL, Jim indicated no additional SIP revision is needed; however, the company must demonstrate the need for an EVEL through a stack test and the procedures outlined in E.G. #13.

**7 - Library of terms and conditions.** - The request form and the instructions are available electronically at <http://www.epa.state.oh.us/dapc/terms/termsintro.html> Cheryl Suttman is working on the terms for landfills. Cheryl is also looking for suggestions for new categories - send any suggestions that you may have to Cheryl.

**8. CETA -Web-based CETA** - All inspections completed by 9/30 are to be entered into the present CETA by 10/31. The new CETA is in its final throws of development and the release is expected by 11/01. Training is planned for October 11, 19, 27. Two people from each DO/LAA will come to CO for this training. If there are any ideas for queries for CETA, please submit them to Arunee Niamlarb of the Central Office. When the data is entered into CETA, the DO/LAA's will be asked to confirm the data. fully on line November 1. The CETA group meets next week regarding testing.

**Action item - DO/LAA's to complete inspections and enter data into CETA by 10/31 and submit names of those who will attend the new CETA training.**

## **9. Stack Testing**

*No issues at this time.*

## **10. Landfill Operating Scenarios**

Cheryl Suttman is working with Bud Keim, Joe Loucek, and Paul Chad on the issues.

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Solid Waste and Air in Central Office met on the issue of the director's approval of alternative monitoring parameters and some information should be forthcoming. Cheryl handed out three documents regarding the issue. She also stated that decommissioning a well is not considered a design change, and no director's letter is needed. The wells, however, should be individually evaluated. The USEPA contact is Sheila Dsari at 312-353-4150. They would like to see data in order to make judgements on plans. The design plan has to be reviewed, USEPA will give us the guidance, but they want us to do the review and issue the director's letter. Send the draft to Cheryl and she will move it on. Presently Central Office is considering developing guidance for the NSR book or as an Engineering Guide.

## 11 - Other Issues -

**Stack Testing, at asphalt plant, High SO<sub>2</sub>** - When high SO<sub>2</sub> is an issue in a test, should the test method be an analyzer or titrations? It was stated that if the facility is burning waste oil, Then an analyzer should be used. Contact Tom Sadler at NWDO or Todd Scarborough at CDO for further input. This item will be kept on the agenda for the next meeting.

**MACT sources** - A statement was made that a company stated that if a facility chooses to employ a control option required by MACT prior to the compliance deadline, then they cannot avoid MACT through a Synthetic Minor permit. Folks in the group disagreed, and it was stated that if a FESOP or Synthetic Minor PTI is issued by the initial compliance date, the company can avoid the MACT. If the company desires to use the control method in the MACT, do they have to meet the requirements of that particular MACT? NWDO is going to follow up on this issue with Abdur Rahim.

**Deminimis issue** - A facility that has nuisance potential was required to run a method 5 test. There is a VE issue. If the test proves they are deminimis, then the source is not regulated.

**2107 Rule change** - With the proposed change, the PTE may change for facilities and potentially could throw them into Title V. Is there any plan to re-evaluate these facilities or at least identify them after the rule change? Jim Orlemann indicated there are comments on the proposed rule change by 13 different entities. This was in one of their comments also. Presently these comments are under review. If there is change in the facility status as a result of the rule change, the company will be given a time frame to come in to compliance.

**OLAPCOA combined meeting** - This was discussed again and the thought seemed to be that P & E would send a representative or two to the meeting.

### - Parking lot items -

- 1 - Multiple emissions units, common control; preparing proposed rules revisions
- 2 - Engineering guide on emission factor changes; PAG working on final review
- 3 - 17-07, 17-08 guidance; Orlemann finalizing
- 4 - RACM/BAT for portable drills - NWDO, facility inspections to be done
- 5 - Procedural issues for CEMS - NEDO to discuss with Todd Brown.
- 6 - CDD landfills H<sub>2</sub>S emissions - draft terms in (SEDO) landfill appealed. Once resolved, the monitoring of H<sub>2</sub>S should be BAT. (Or some form of it)

P & E minutes are posted <http://dapcnet/>

**Reminder - All agency staff should review permit call notes as well as P & E minutes and comment where appropriate prior to information being posted on the internal web page.**

- - - - *Next meeting is November 8 at 9:30 in Central Office* - - - -