

Permitting & Enforcement Committee Meeting – September 8, 2009

Lazarus Government Center
Ohio EPA
7th Floor DAPC conference room

Attendees: Co-Chair - Jim Braun (Cleveland)

Minutes - Ed Fasko (NEDO)

- Andrew Hall, Mike Ahern, Mike Hopkins, Cheryl Suttman, (CO), Todd Scarborough, (CDO), Jeff Canan, Jenny Marsee, (RAPCA), Sarah Harter, Steve Lowry, (SEDO), Peter Park, (Toledo), Anne Chamberlin, (Portsmouth), Mark Budge, (NWDO), Frank Markunas (Akron), Bud Keim, (Canton), Paul Tedtman, (HAMCODOES), Rick Carleski, (CO/OCAPP)

1. **Enforcement issues** - Jim Orlemann did not make it in to the meeting.

2. **New Source Review** – Mike Hopkins

Mike spoke of the recent court decision on a landfill roadway construction issue and if a continuing program of construction allows for the validity of an installation permit. The court agreed it does, but we have to look at these cases individually as to how continuing construction applies. Regarding SB 265, USEPA wants supporting data that the less than 10 TPY exemption will not cause backsliding or affect our program. Other issues regarding BAT; 9 sample permits have been developed for the director's office without short term limits; there are 4 ways to establish BAT in SB 265, but currently, the logic leads to only one; TPY. E-mail guidance a month back suggested this; right now, you should contact your new source contact to see what form of BAT can be used for applications received after 8/03/09. The "storm" discussed in the past about the USEPA reaction to our new BAT will probably depend on how we proceed. Industry has not weighed in on this so far, but if BAT is used in a post 8/03/09 permit, the permit will likely be appealed if industry has any issue with the limit imposed.

Mike handed out an e-mail about using PM10 as a surrogate for PM2.5. Apparently this is a change and we can no longer use PM10 as surrogate for PM2.5 without a justification or analysis. We will continue, however, to use PM10 as a surrogate for PM2.5 for fees.

Mike talked about the "rocket docket" and the 330 appeals that HB1 wants resolved by December 15. It also indicates that new appeals must be resolved within a year. Right now it looks like these will be one hour cases with a 15 minute break and no discovery and no depositions. About 30 cases have been dropped. There may be more that can simply be dropped. Sudhir is the coordinator on this project. He will contact the appropriate DO/LAA in the case; a certified record will be submitted and the DO/LAA person should prepare for the meeting, even though they might not be needed.

The topic of grinding houses for reduction of waste for disposal was brought up again for an update. It looks like no permit will be required, non-road engine (unless part 89 of the NSPS applies) and deminimis for the grinding operation. Canton is to prepare a recommendation for a written response for Central Office and the DO/LAA's to comment on. Upon CO approval, we will have a statewide policy on the issue. The other issue that still

seems to have some question is about the definition of a "project" for purposes of asbestos removal.

3 **STARS2 and permit issuance update** – Mike Ahern

Mike Ahern discussed some of the issues surrounding records requests. Depending on the reason for the request, different issues will come up. One question is who exactly owns the records in STARS2? Who responds to the requests? There will be a webex on this topic; check out topic 1968 in the answer place.

The links in the new website have been fixed; the DO's and LAA's should both be able to get to internal guidance.

Language is to be refined on the signature issues

There is a confidentiality issue which must be resolved if a non-OEPA person accesses information in STARS2 at a file review. Mike said that each office can choose either hard copy or electronic media to respond to a records review.

4 **Terms and Conditions** - Cheryl Suttman

Update on General Permits:

We are working with the Ohio Aggregates & Industrial Minerals Association to produce GPs for aggregate processing and mineral extraction. Jay Liebrecht has been working on these two GPs and he is getting close to a finished product.

I am working on the GP for compression ignition internal combustion engines, for the aggregate industry as well. Since these engines are subject to the requirements of NSPS Subpart IIII, with manufactures limits set in Parts 89 and 1039, there is a chance we will determine no permit is required (per Mike Hopkins earlier in the meeting).

The amended Miscellaneous Metal Parts Coating GP is ready to go out for public comment. We are waiting on the Director's decision on SB265 before moving on with the revisions.

The automotive coating MACT was amended on **4/26/04** to allow the average temperature difference across the catalyst bed to be maintained at 80% of the average temperature difference across the bed during the performance test; **and it removed the requirement to maintain the pressure drop across a concentrator, and instead allows the desorption gas inlet temperature to be 8 degrees Celsius below the average maintained during the compliance test and added temperature set point requirements.** AND if the source has a PTI or PTO and using the reporting and record keeping requirements of 60.395(c), the average 3-hour minimum operating limit for the combustion temperature for thermal incinerators and catalytic oxidizers (before the catalyst bed) may be set at 28 degrees (50 F) below the average combustion temperature during the performance test.

The MACT files never made it through the conversion to WORD last year and I am now trying to copy them into an older version of WORD to eliminate the page breaks that appear when using the 2007 version (as now linked in the Library). I hope to re-load all of the MACT files by the first of next week:
1. to get rid of the page breaks in everything already linked in WORD 2007 and 2. add the boiler MACT in WORD 2002.

The Landfill HOV guidance is ready to go final in DSIWM. It will soon be available for comments from the landfills, their consultants, and DAPC. There will be training provided before we can address the requests. The HOV and alternative timeline requests will be scanned so they can be sent to both divisions. I anticipate we will have an inspection conducted by both divisions, in order to determine what requests are still valid.

5 Engineering Guide update-

- #6 - PTI for Coal to oil conversion - Cleveland – No Progress, may need to be re-written
- #18 - SO2 compliance determination for boilers – Toledo – No Progress
- #20 - VE limits, determination for stack sources - Akron - No progress
- #21 – BAT Requirements for New Fugitive Dust; non-Appendix A Areas – Cleveland – Comments received, almost final
- #22 – Manual covers for open top degreasers – Cleveland – Comments received, almost final
- #23 - Significant figures for TSP emission limitations - SEDO – No Progress.
- #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 comments – on to Jim Orlemann to review
- #26 - Inclusion of weight of water in the weight of “refuse” charged for incinerators.- NEDO – Draft by next meeting.
- #29 - Applicability of the PTI Rules to Increases in Capacity of a Derated Boiler -CDO – No Progress
- #30 – Discontinuation of fugitive dust control measures – non- Appendix A areas – Cleveland – No comments. – finalize with Jim O..
- #31 - Grouping of similar process units, figure II – Cleveland – Comments due September 14.
- #32 – Variances from visible emission requirements. – Cleveland – Comments due October 1.
- #34 - Conditions for Issuance of PTI/PTO for an Inactive Source – RAPCA – No update.
- #35 – Registration Status for Floating roof storage tanks. – Cleveland – Comments due October 14.
- #36 – Fuel burning equipment, physically and operationally united – Cleveland - Comments due November 1.
- #44 - Portable Plants - NEDO – Changes reviewed, moved on to Erica
- #53 - Open Burning Standards - Central Office - Hearing resolved; no progress on guide, Decision appealed
- #70 - Toxics – Hopkins reviewing; #69 may need changes due to changes in #70. – No progress.
- #72 – Grouping of Emissions Units for fee purposes – Jim Orlemann and Mike Ahern to meet
- #74 - Classification of PM - Central Office – Surrogate policy issue (PM10/PM2.5) .
- #XX- New guide for crushers and non-metallic material - NSPS OOO - Mike H. - No progress
- #77- 21-07 language – Finalized 8/24.

General Permits - Cleveland made changes to the general permit for crematories. Modeling is to be done in regard to the mercury issue.

WEBEX for GDF Stage 2 will be held on 9/24.

Meeting minutes will be relocated to the answer place

-----Next meeting is Tuesday November 10.

