

Permitting & Enforcement Committee Meeting – September 14, 2010

Lazarus Government Center
Ohio EPA
7th Floor DAPC conference room

Attendees: Co-Chairs – Jim Orlemann (CO), Jim Braun (Cleveland)
Minutes – Jenny Avellana (CO)
- Mike Hopkins, Ben Cirker, Cheryl Suttman, Mike Ahern, Andrew Hall (CO), Rick Carleski (OCAPP/CO), Kelly Toth, John McGreevy, Todd Scarborough (CDO), Duane LaClair (Akron), Mark Budge (NWDO), Tim Fischer (NEDO), Terri Dzienis, Carl Safreed (Canton), Jeff Canan, Chris Clinefelter (RAPCA), Alberta Mellon, Mike Ploetz (HAMCO), Anne Chamberlin (Portsmouth), Sarah Harter (SEDO), Dan Pittman, Brad Faggionato (TDES)

1. **Enforcement issues** - Jim Orlemann

Jim handed out graphs to update where we are in terms of making enforcement goals. The first graph shows total cases resolved versus the goal of 80 for the year. The total number of cases resolved so far this year is 57. July and August were very active months for enforcement. There were 23 resolutions over the past two months, which is very good. Of the 57 resolved cases, the second graph shows that 45 of the cases have been resolved with Findings and Orders (F&Os). The goal was to resolve 40 cases with F&Os for the year. We'll probably be well into the 50s or over 60 by the end of the year. Table 1 of Jim's handout includes civil penalties assessed. Omnisource was a pretty large civil penalty, it was actually one set of orders used to resolve three cases from NWDO. The violations were fugitive dust violations and not implementing RACM sufficiently, causing nuisances. We have surpassed \$1 million for administrative penalties assessed this year. This is the 8th or 9th year in a row we've surpassed \$1 million. The third graph shows the number of old cases on the EC Docket. We have four months to resolve 18 old cases. Almost all of them are out of negotiation. We are working on enforcement documents for the director's approval for a few of them. A couple of these old cases involve large civil penalties, so they may be difficult to resolve by the end of the year. At the end of last year, we had 10 old cases remaining on the EC Docket. We want to do better than that this year. Finally, Jim's handout includes a report from CETA that shows where the field offices stand as far as meeting inspection commitments by the end of the federal fiscal year (September 30, 2010). Jim said the field offices are actively completing inspections and getting things added into CETA. A question was raised about how long after the end of the quarter do we have to get information into CETA. Jim responded that we send them to U.S. EPA by the end of the month (September 30). We give them the numbers we have at the end of the month with the knowledge that field offices are still entering information into CETA.

Jim also handed out a table of pending AGO cases. He wanted to mention that Rob James has left and they have not replaced him yet.

Revised EAR Form – The form was finalized and distributed on 8/3/2010. There was a question about where to place the summary table – should it be in the middle of the form or the front? Jim thinks it fits better right after the signature page, but you can put it on the front if you like it better there.

Fire Department Open Burning Question – HAMCO submitted a question concerning the open burning rules that is attached to the P&E Meeting final agenda. In summary, HAMCO got a complaint from a firefighter that the captain wasn't following the NFPA 1403 guidelines referenced in the open burning rules. HAMCO wanted to know if we would be expected to determine compliance with all the requirements in the NFPA guideline. Marc Glasgow is working with Dan Sowry on guidance for training burns, so he came to answer the question. Marc's recommendation is to go through the guidelines and if there are certain portions in which we have expertise and that prevent a threat to air quality, then we can reference these specific guidelines in the open burning approval letter. We have the authority to approve open burning with conditions.

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

We were able to get some of the aggregate general permits out for 30 day comment period. These include the Aggregate Processing Plant General Permit (without a baghouse and wet scrubber), Portable Aggregate Processing Plant General Permit (without a baghouse and wet scrubber) and Mineral Processing General Permit and can be found on the agency's General Permit webpage at <http://www.epa.ohio.gov/dapc/genpermit/genpermits.aspx>.

"Late" Permit Reason Analysis – Mike handed out some tables and graphs showing the results of the "Late" Permit Reason Analysis. This project was to look at installation permits and get a sense of why old permits were on long term hold (old means greater than 365 days old). Our permitting intern contacted permit writers and asked them to provide a reason why these permits were on hold. The first table shows the common reasons why permits are on hold. There are 40 permits in the top 4 categories on this table. We want to identify ways of solving these common issues. Mike and Andrew will talk about what we want to do to solve these issues. For low priority permits, we might have central office permitting staff work on these. The "Air Installation Permit World Load Trends" chart shows our current workload and our goal. Currently we have about 240 permits and we need to be under 200 by the end of the year. The "Air Pollution Control Installation Permit Workload" chart shows in-process permits by field office.

The final chart, "Installation Permit Completeness Reviews" shows the percent of applications meeting the 14-day completeness review requirement by field office. Lately these numbers are dropping, and it might be due to how field offices are using the completeness review in Stars2. Not everyone is performing this workflow task the same way. Some people enter bogus data to get through the validation checks so the application can be submitted and the 14-day task can be completed, while others wait for the correct necessary information so the clock keeps ticking beyond the 14 day mark. There were several different variations.

One specific example was given for **hardcopy** applications:

Instead of just returning an incomplete hardcopy application back to the facility, some DO/LAAs have been speeding-up the overall process by working with the facility to obtain enough information in order to enter and validate a complete application in STARS2. The "application-received" date *as entered into STARS2* would then be set as the date when enough information was available to validate the application. This same new date would also be ink-stamped on the original application. This makes sense, because only then can the application be "submitted" in STARS2, which then creates the workflow and assigns the permit number. At that point, the permit writer can immediately mark the preliminary review task as "complete," so meeting the 14-day requirement is no problem.

For applications submitted **online**:

The assigned permit-writer will receive the “preliminary review” task in his or her To Do List. Compliance with the 14-day requirement simply requires the self-discipline of regularly checking the To Do List, and then understanding that the preliminary review task must be given high priority because the clock is running. Currently there is no way in STARS2 to stop the clock for this task; i.e., it cannot be referred while you await additional information. Central Office recognizes this wide variation and plans to develop a procedure for what steps each office should be following to make it consistent.

PTE Guidance update – Mike Hopkins reviewed and commented and Adam Ward was working on reviewing Mike’s comments. The document should be redistributed for further comment.

Mike also mentioned asbestos training at the end of the month. Tom Buchan is putting the training together.

The GACT guidance was issued final. We had a few comments from industry and we may end up tweaking to clarify some things in the guidance. Contact Brittany Smith with any comments on the guidance. Jim Orlemann sent Brittany and Paul some comments on the guidance, mainly the issue where the guidance says we cannot enforce GACT even if it is in the permit. We have an enforcement case right now for a facility not complying with a GACT in the permit.

SEDO Portables Question – SEDO has over 60% of their FEPTIOS as portable sources; there are so many that scheduling inspections of these facilities is a problem. Engineering Guide 44 states that the field office that has jurisdiction over the area where the facility is should be doing the inspections. Sarah Harter handed out a table that shows each of these facilities and the field office that should be doing these inspections. Sarah also went over a summary of procedures for these inspections that her office has recommended. She would like comments on their recommended procedure. The question was raised as to whether we want to do things differently than EG 44 recommends or is there some flexibility when interpreting the guide? Such as adding a travel distance component to EG 44. Mike Hopkins and Jim Orlemann will talk to Bob, but Mike says we can go with a “case by case” approach at this point to determine which facilities should be inspected by different field offices.

SEDO Modeling Question – SEDO would like to know if the central office modeler can fill out a standardized form when the permit modeling review is complete, and then upload this form into Stars2. SEDO will show their form to Sarah VanderWielen to see if she is willing to fill it out and upload when she completes her modeling review.

Canton BAT Question – The current PTI/PTIO Application Form and Instructions are not up to date with the most recent BAT guidance. Mike Hopkins will assign to somebody to update these forms and have Erica post the newly updated forms.

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

Mike first mentioned that Loretta Foster (from the Permit Issuance Unit) will be out for a while, and Erica is doing Loretta’s tasks as well as her own, so it might take her a while to respond if you need assistance.

Mike has gone through all Title V-related webpages and put the information into one document and reorganized by topic. The purpose is to update old language (i.e., if they reference Starship). He will probably post this document or pass out for P&E to review before reposting the information on our website.

Erica has been working on the “Help” function in Air Services and Stars2. “Help” was developed by the contractor, so this needs updating from a DAPC standpoint. One of the tasks she is working on is to build field-specific help topics for the facility profile. She is going

through each field and inputting directions and examples. Mike will pass this information out for comment.

Title V Training Workgroup - Answer Place has all information related to the Title V Training Workgroup at Topic ID 2278. Recorded sessions will be available. If you want to be notified of progress on this topic (or any AP topic), click on "notify me by email" and you will get email updates about the topic.

Safaa El-Oraby will be contacting every Title V facility to get a sense of the effects of the Title V emissions reporting and facility profile as part of their data submittals. She will go through the facility profile with the facility contact to tighten up facility profiles and make sure the company has a good idea of how Air Services works. Safaa will be contacting the person from the field office that is assigned to each facility in Stars2 to see if you want to be involved in communications with the company.

File Review Work Group – Rich Boudier has returned from leave and we don't have an update on the agency's position on this guidance. Jim Braun pointed out that he doesn't think the document has been finalized. Mike will make a note to finalize the document.

4 New Rules and SIP update –

Greenhouse Gas (GHG) Tailoring Rule – Mike Ahern talked about the Initial Interested Party comments – we have many comments asking us not to move forward with incorporating the federal rules into our rules. This has gotten the attention of the Governor's office. We extended the comment period to give us time to look at what our options are. We are still not sure if we will go forward with making changes to our rules. We are looking at options for enforcing the federal rules without making changes to our rules.

Mike Hopkins talked about figuring BACT for GHGs by January 2. BACT seems that it is going to be efficiency related. US EPA has been developing white papers for industry. US EPA headquarters is training the regions on developing BACT for GHGs. We will have Region 5 staff come to our December training to describe what they have learned from headquarters. We do currently have some projects in the works that are trying to beat the January 2 deadline. Some are going to have to meet BACT for GHGs. Any of this could change based on court actions.

5 Terms and Conditions - Cheryl Suttman

The NESHAP for stationary reciprocating internal combustion engines (RICE) has been amended 3 times since March 2010. The amendment of 3/3/10 added extensive requirements for existing stationary RICE, both compression and spark ignition engines. The amendments of 8/20/10 incorporated many changes (e.g. no stack testing) to the requirements for emergency and black-start (used to start combustion turbines) engines and corrected many inconsistencies and/or discrepancies between the text and the Tables. However, there are still a few discrepancies left (e.g. in amendments in 63.6625(b)(4) for CPMS it requires a 3-hour block average, but Table 6 requires a rolling 4-hr. temperature average). This is a summation of the requirements for compression ignition RICE in Part 63 Subpart ZZZZ and the NSPS, Subpart IIII for compression ignition ICE:

An existing RICE > 500 bHP at a Major source for HAPs was constructed/reconstructed (installed) before 12/19/02; a new RICE was installed on and after this date.

An existing RICE ≤ 500 bHP at a Major or Area source for HAPs was installed before 6/12/06; a new RICE was installed on and after this date. The effective date for the existing RICE that

became subject to these new requirements with the 3/3/10 amendments is 5/3/13. The initial stack test must be completed by 11/3/13 (180 days).

The requirements of the NESHAP can be summarized as follows.

Maintenance requirements: oil change and inspections

Existing Emergency and Black Start RICE at a Major and Area source

Existing at a Major source <100 HP

Existing at an Area source ≤ 300 HP

Limit concentration of CO

Existing at a Major source ≥100 HP & ≤ 300 HP: 230 ppmvd CO at 15% O₂ w/ initial performance test

Reduce CO by 70% OR Limit concentration of CO

Existing at a Major source > 300 HP & ≤ 500 HP: 49 ppmvd CO at 15% O₂ w/ initial performance test

Existing at an Area source > 300 HP & ≤ 500 HP: 49 ppmvd CO at 15% O₂ w/ initial performance test

Reduce CO by 70% OR Limit concentration of CO & CPMS† for catalyst inlet temp. (rolling 4-hr avg.) and monthly monitoring of pressure drop across catalyst OR CEMS for CO and O₂ or CO₂

Existing at a Major source > 500 HP: 23 ppmvd CO at 15% O₂ w/ performance test every 8760 hrs or 3 yrs*

Existing at an Area source > 500 HP: 23 ppmvd CO at 15% O₂ performance test every 8760 hrs or 3 yrs *

Existing Limited Use at an Area source > 500 HP performance test every 8760 hrs or 5 yrs * (existing major source exempt) otherwise limited use follows same requirements as categories above for existing area sources.

Reduce CO by 70% OR Limit concentration of HCHO & CPMS† for catalyst inlet temp. (rolling 4-hr avg.) and monthly monitoring of pressure drop across catalyst OR CEMS for CO and O₂ or CO₂

New or Reconstructed at a Major source > 500 HP: 580 ppbvd HCHO at 15% O₂ w/ semiannual testing**

Exempt from ZZZZ

Existing Emergency RICE at a Major source > 500 HP

Existing Limited Use RICE at a Major source > 500 HP

Existing residential, commercial, or institutional Emergency RICE at an Area source

Exempt from ZZZZ except for initial notification

New or Reconstructed Emergency & Limited Use at a Major source > 500 bHP

Compliance is demonstrated through compliance w/ NSPS

New or Reconstructed at Area source

New or Reconstructed at Major source ≤ 500 bHP

New or Reconstructed Emergency, Black Start, and Limited Use at Major source ≤ 500 bHP

* whichever comes first

** following 2 consecutive compliant tests may reduce frequency of subsequent performance tests to annually

† must maintain the temperature of RICE exhaust so that the catalyst inlet temperature is ≥ 450 F and ≤ 1350 F; and the pressure drop across the catalyst must not change by more than 2" of H₂O at 100% load +/- 10% from the pressure drop measured across the catalyst during the initial performance test.

Part 60 Subpart IIII for Compression Ignition (CI) Internal Combustion Engines (ICE) -
Applicability Date: Manufactured after 4/1/06 (or 7/1/06 fire pump) and ordered after 7/11/05
< 30 Liters/cylinder: 2007 and later model year engines: compliance is demonstrated by purchasing the engine certified by the manufacturer and maintaining the ICE according to the manufacturer's operating instructions

Pre-2007 model year: compliance is demonstrated by purchasing the engine certified by the manufacturer and maintaining the CI ICE according to the manufacturer's operating instructions OR
may demonstrate compliance according to 60.4211(b): keep records of performance test data for a similar engine or records of control device or manufacturing data demonstrating compliance OR conduct an initial performance test.

≥ 30 Liters/cylinder:

Must conduct annual performance tests according to the requirements of 60.4213; if an emergency engine, must conduct an initial performance test

Note: A new RICE >500 bHP would be subject to both the NESHAP and NSPS if manufactured and ordered on/after the NSPS applicable source dates.

The Incorporation by Reference (IBR) files for each category/size CI RICE has been added to the Library through a link to the Subpart IIII Table (2nd column). However a complete update for the 8/20/10 amendments has not been completed.

1. Removal of the testing requirements from the emergency and black-start RICE has been completed.
 2. The applicable Table level numbers have changed in the amendment and have NOT been corrected. The correct Table level numbers, however, have been corrected in the "link" Subpart IIII permit template Table and the terms can be corrected by searching for "table" and changing the level #s to match.
 3. The parameter monitoring (CPMS) and CO CEMs requirements have not been drafted yet, but the Table 5 and 6 compliance requirements have been copied and pasted into permit template #70, which will provide a start until Library terms have been drafted from them. These continuous monitoring requirements would go in the testing section and added under the stack testing requirements for CO or formaldehyde (HCHO limit for new CI >500 bHP).
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The Miscellaneous Metal Coating GP is in need of repairs; it is missing the Chapter 17 overspray rule (17-11(C)) and the GACT (Subpart HHHHHH) and needs better records for recovered solvents used for emission credits.

The GP for Compression Ignition RICE < 1,100 HP, drafted for the Aggregate industry but available to all, will be completed soon, along with the update to the Library templates, both needing revisions for the 8/20/10 amendments.

The Aggregate GPs (3, portable and non-portable Aggregate processing and Mineral extraction) were public noticed between 9/3 and 9/6 in different newspapers. The comment period ends on 10/6.

6 **Engineering Guide update-**

Ben Cirker drafted a memo (might not be a new engineering guide) to explain the use of emission unit ID designations. He wants everyone to take a look at the memo and provide comments before the next meeting, by the end of October.

EG 25 – Final issued July 9, 2010.

EG 34 - RAPCA and Erica still working on.

EG 37 – Final issued August 11, 2010.

EG 74 – Andrew got an email from US EPA saying that they still have not finalized Method 201A/202. It will probably be at least 2 months before the package is signed.

SEDO is working on an engineering guide for non road engines.

7 **General Permits –**

Crematory General Permit – Sarah did modeling of the data submitted and provided the information to Jim. Even at the average stack height (24 ft), modeling still not passing for Hg, depending on amount in cremation (> 5.5 grams Hg/cremation, where range is 1-12 grams Hg/cremation). Stack height and air flow rate are the biggest factors in modeling. We need to figure out what we need to require for the stack height and other parameters to pass Hg modeling. Also manufacturers might be concerned about the primary and secondary burner temperature. We will need to define all of these factors that we want to put in the GP. We will have to make conservative and defensible assumptions.

Tub Grinders GP – CDO says they will have to write many different scenarios for BAT, to be consistent with most recent guidance, and they are still waiting to see if they should move forward with this approach or put this GP on hold.

8 **Training** – Training for reviewing stack test reports is scheduled for November 12. This is subject to change based on the fact that November 11 is a state holiday, and many people might be less likely to attend the training on November 12.

9 **New Items** – Central office will be posting an ES3 Stack Test Expert position soon.

Mike Ahern did a pull of facilities in Stars2 without latitude/longitude coordinates and will be entering this data so we can map facilities. Field offices might be getting a call for help identifying the locations of some of these facilities.

P & E minutes September 14, 2010

P&E Minutes are available in Answer Place Topic ID 2140.

-----Next meeting is Tuesday, November 9.