

Permitting & Enforcement Committee Meeting
June 10, 2003 [2](#)

Permitting & Enforcement Committee Meeting
August 12, 2003 [5](#)

Permitting & Enforcement Committee Meeting
October 14, 2003 [11](#)

Permitting & Enforcement Committee Meeting
December 9, 2003 [16](#)

Permitting & Enforcement Committee Meeting
February 10, 2004 [22](#)

Permitting & Enforcement Committee Meeting
April 13, 2004 [26](#)

Permitting & Enforcement Committee Meeting
June 8, 2004 [29](#)

Permitting & Enforcement Committee Meeting
August 10, 2004 [33](#)

Permitting & Enforcement Committee Meeting
November 9, 2004 [38](#)

Permitting & Enforcement Committee Meeting
June 10, 2003
122 S. Front Street
Lazarus Government center

Attendees: Don Waltermeyer (NWDO), Frank Marcunas (Akron), Bridget Byrne & Ed Fasko (NEDO), Adam Ward & Mike Riggemann (CDO), Misty Parsons, Rick Carleski, Mike Ahern, Jim Orlemann, Tammy VanWalsen (CO), Jim Pelligrino (SWDO), Adam Zolciak (TESD), Cindy Charles (Portsmouth), Harry Schwietering (Cincinnati), Bud Keim (Canton), Jennifer White & Chris Clinefelter (RAPCA)

Item #1- Title V permits & Issuance Updates- Jim Orlemann-As of 5/31/03, 5/1/03 commitment was met on 6/1/03. June 20, all drafts need to be in. Lists by premise number of those remaining to be issued draft. USEPA has not yet given us an extension of the 9/1/03 deadline. Internal performance standard set for Mike, Andrew and Dave (3 per week per person). Realistically speaking it will be until August 15 to get the drafts out. Mike A. only one draft issued this month. Other Region 5 states had a June 1 deadline, curious to see how they did. Should be getting information regarding the other states soon. PPP meetings going on almost everyday. Some new applications included in the list (Mike A. to revise according to the date received.) Jim Braun- the largest facilities are still outstanding, any indication as to how that will effect the larger facilities? Jo whatever the extension is, all of them will have to be done regardless of the size of the facility. Some of the complicated ones, two days set aside for the PPP meeting (Sun Oil's meeting the week of the 23rd.),

Item #2- Enforcement Improvement- two more management group meetings since the last P & E meeting. Close to finalizing the projects. Handout. Few things to highlight. Workgroups to be formed on different topics. Director's Office assigned key people, did not open it up to anyone else.1(a)(1)- for the "minor" violations that shouldn't be referred (Curt Marshall, Don Waltermeyer, Tom Kalman, & Doug Curran). Recommendations due October 1. Will be distributed for comment. Second workgroup assigned to develop rule for minor violations. Only division that has statutory authority to do rules. Example, failure to get permits, open burning, etc. First workgroup will define those things that we don't want EAR's for and those are the ones that the second group develops a rule for. Small, less egregious violations only. Second group (tom kalman, jeanne mallet and one more person) Once they have a draft rule, it will then be distributed for comment. Joe wants a rule proposed by the end of the year. Workgroup to revise EAR form (more comprehensive). Revision being reviewed by AGO. When we send it out we will be providing guidance on how to complete the form. Will be distributed by August 1. Training. There was a lot of comments regarding training in this area. Large training (Joe called it Enforcement 101) next spring 1-2 days for all enforcement staff. Workgroup formed (Jack McManus, Curt Marshall & Paul Cree) to put together the training. By December 1 they will have together an agenda, where and when, how many days. Other items include the idea of quarterly meetings on enforcement with each office. Before we do that, Joe wants to see if the DOLAA's really want to do something like that. Joe wants input as to whether or not the field offices are interested in such visits. When we give the guidance on the EAR, DOLAA's will be encouraged to draft F & O's to expedite the process. Many offices won't be interested, EAR prep is enough for them; however, for those offices interested, it will be encouraged and the j drive will be used to hold the documents electronically.

Item #3- New Source Review- Misty parsons- Jim Braun- Radhica has left and is this still the plan? Misty tried to talk with Abdur but wasn't able to. She has nothing new to report. MACT page of CETA will be given to Abdur to finalize. List Servers (coming up with a list of folks for specific topics.) Trying to establish a place where questions and answers can be quickly obtained and distributed. Adam (Toledo), quarterly meetings aren't as important as getting out written guidance. Trying to do a website for Title V only, guidance on permit issues, PTI's, ST & C's. Idea is that if you are working on a permit you can

go to the website, see if the answer is there, if not, ask the question and if it has state-wide implications, then more formal guidance will follow. 'Frequently asked questions', etc.

Misty- nothing to report on the two Engineering guides. Nothing to report with respect to NSR.

Item #- PMU - Mike Ahern- Progress and delays in Title V modifications. Guidance sent out in May and is posted on the web page. Based on comments received from reviewers. Procedural problems with correl/computer problems has delayed getting out the procedural guidance. Sent to USEPA Whirlpool's Title V modification and got some initial feedback. SEDO has a "hot" modification that needs to be issued. USEPA suggested using bold, red-line/strike out to show changes in addition to the SOB. Sent out a revised version and got positive feedback so far. Hopefully by the next meeting we will have gotten the process down with USEPA's blessing and we can start issuing modifications and renewals. Offices are frustrated because they cannot move anything in the meantime. Now working directly with Corel programmers (theory is that FOXpro/wordperfect is corrupting the files). Whirlpool can be used as the example (up to the revised SOB). SEDO example has very few terms so may be a better example for people to use. Another option is to use the draft to PPP but has problems too. Focus still to be on initial round of Title V's? Top priorities are the initial round. Doesn't mean it is the only permits being moved. If contact has time (getting 3 drafts to Mike Ahern per week) then they can work on other permits. Jenny still assisting in the guidance memo. Mike trying to work out computer problems before finalizing the guidance document.

Last meeting sent out list of renewals and modifications in the works. Mike is making some final changes to the documents. Offices should be reviewing applications to determine completeness (which actually starts the clock for issuance within 18 months). Took that document to the PAG meeting and would like to see guidance on the web (checklist that was included in the package). Will be placing on the web guidance for the permittees so that they can use it when preparing their applications.

NOD- rule making it's way through the process. Next stage is to submit a proposed rule package to JCARR. In the Director's Office now. Public hearing probably in July/August. This needs to be done by October of this year to avoid sanctions. Email sent out yesterday that has the revised language for the Title V permits. Also addresses the changes to the last General Terms and Conditions that were revised last spring. Comments needed on that revision. PAG also commenting. Due to noon Friday the 13th. All of the changes in the General Terms done to clarify how to report deviations. Tried to revise them so that the relationship between the general and part 3 of the e.u. specific terms. Not adding any additional but explaining how it is supposed to work.

Revised PTI application form- no word from Bob H. yet. PTI fees to be increased. Once budget approved, new fees will go into effect on July 1, 2003. Should happen automatically. Will see new categories for PTI's. Fuel operations associated with generating electricity is based on the generating capacity, not just as a process. Nothing new on grain elevators (NWDO says they have a very high fee (\$1000-\$10,000 and is very hard on them). Too late to get it in this budget but may want to consider it next round. Elisa working on getting fees updated before the July 1, 2003 new fees.

PTI revocations, on list but not a high priority.

Are we really holding back on fee invoicing? Historically while field offices are reviewing the reports, we tend to invoice them late in June and July. Legislature looking at ways of getting at our Title V fees for non-title V activities. Legislature sees money in accounts and tries to get at it or to try to justify reductions due to ignorance of how the moneys are restricted.

Item #5- Landfill Operations- None to report

item #6- Portable plants-Kenmore Asphalt terms and conditions for burner tuning issued May 8, 2003. Mar-zane letter distributed. Shelly disclosure discussed. New Jersey web-site for their rules because BACT issues are now coming up. What about the contaminated stone? When they use the contaminated stone, make them test. Adam, why can't we limit the VOC content of the raw material? Varies and may get into the problem of having the quarry complain about the loss of customers.

Item #7 VE guidance- with JO, to be distributed after he reviews it.

Item #8- CETA- #'s, upcoming visit from USEPA, audit of #'s and request for some inspection reports. Mike Matney- bad information from USEPA, originally told it was for all pollutants, now we are being told that it is only if there is a facility-wide problem. Pollutant usually associated with a violation; however, if a report isn't submitted, there is not a pollutant. Green sheets used to be used to identify what facilities have yet to submit a report, etc. Bob H. approved a team to address this issue and whether or not CETA can be used. Doesn't have to be structured rigidly. Bud, good idea to get a group together to help put it all together. Be careful when you go from tab to tab to not be in the edit function. Version 2.4 about to be released. Have users call Mike directly so that he can work through any problems directly with the users. Before we had tables and hardcopy reports now shifting to full use of CETA. Like PTI 2000 not as 'friendly' as CETA. Mike has staked his reputation on this program. Genie out of the bottle now. Committed to using this program. Anyone who has IT experience, we are going to a dot.net software and the server to make it happen. Losing a programmer and may have to tap into other DAPC experts. In general wants staff to be happy with the tools but getting a lot of negativity regarding the use of it. Wants them to feel good about it. Mike suggests that they volunteer for the workgroup. What about the electronic submittal of reports, etc/?mike working with USEPA on that and the companies that used to fear it,, now would like to embrace it. Could be brought up with the PAG.

Item #9- Inspection Form: All offices should be routinely using the new forms. To be dropped from the agenda.

Guidance with respect to OAC rule 3745-17-08. Nothing new to report.

Multi-emission units, sharing the same air pollution control equipment. Meeting scheduled for June 20. Will provide update at next meeting.

annual certifications- can be dropped from the agenda. All 3 versions OK

Guidance distributed with respect to 40 CFR Part 64, Compliance Assurance Monitoring. CAM plan must be submitted with first renewal application, or it should be sent back as incomplete.

Next meeting on August 12, 2003

Permitting & Enforcement Committee Meeting
August 12, 2003

Attendees: Don Waltermeyer (NWDO), Ed Fasko & Amy O'Reilly (NEDO) ,, Kay Gilmer & Kyle Nay (SEDO), Bud Keim (Canton), Abdur Rahim (CO), Adam Zolciak (Toledo), Jeff Canaan & Heather Kawecki (RAPCA), Matt Freeman & Anne Chamberlin (Portsmouth), Frank Marcunas (Akron), Mike Rigglesman & Adam Ward (CDO), Mike Ahern, Tammy VanWalsen, Rick Carleski, Mike Hopkins & Jim Orlemann (CO), Jim Braun (Cleveland), and Jim Pelligrino (SWDO).

Jim Braun- mini- training document re: rule applicability used in the Cleveland office, may be useful to others. One page document.

Item #1-Title V update, Jim Orlemann- Region 5 summary as of 6/1/03 indicated that Ohio had issued more finals than any other state in the Region. 608 final actions completed, 744 the final goal. Last commitment date is 9/1/03. No way it can be done. Director has not yet asked for extension. He may want to wait to see how far along we will be at that point before going to Region 5 to ask for an extension comparable to what the other states were given. DAPC thinks that we will have to shoot for 12/1/03, that way stragglers can still be done before the end of the year. Top priority is to get the drafts out. As of yesterday, still 22 actions need to be done by Friday. All but one should be issued draft (GM in NWDO) by Friday. Some of those won't have had the quality review, so we expect that there will be more lengthy comments and PPP meetings to go through them and make the corrections. One way or another, they will be issued draft. Emphasis will then shift from moving them from draft to PPP. Important that we get them all done by the end of the year. The Director gets weekly reports on the issuance of the Title V's. He knows which offices are performing and which ones that are behind. There will be a lot of meetings, and a lot of work to do for the next few months.

Mike Ahern, will revise the tracking form to reflect this shift and be better able to track multiple permit actions. When the drafts are sent out, the cover letter will ask them to mark up the permit and provide comments early (may have them waive their review period). Pending lawsuits re: SOB's makes USEPA really sensitive to that issue, in Ohio especially due to the petitions and other lawsuits throughout the country.

Mike Hopkins- Region 5 list, USEPA has talked to the other states and there was an inconsistent counting method and from the data distributed by JO, it now seems that they have resolved this and the data looks good for Ohio.

Jim Braun- MACT applicability, seems to be getting more creative with respect to how the MACT is incorporated into the permit either by attachment or by incorporation. JO- to get some of them out by Friday, they are being attached; however, not the preferred way, will have to be incorporated before it can go to PPP. Statements of Basis (SOB), seems that R5 is getting more picky re: the SOB, no additional guidance, we just have to respond to their comments and revise the SOB accordingly. How we choose which monitoring, record keeping and reporting seems to be their biggest concern. Not clear on what they (USEPA) really want.

Letter from TODCO re: request to revoke the Title V. Can we revoke a Title V? No provision in 77 to revoke "for cause". Typically "for cause" means something other than because you are now subject to the State PTO's. How should we respond to TODCO? Can't ignore the Title V. If final FESOP issued, can stop paying Title V fees. Rules need to be modified. In the meantime, one approach to be worked out is the use of Director's Orders to allow them to get out of the Title V. Trying to iron out the legal

issues first. In the past, we have issued the State PTO's, now we are not sure we should have. "For cause" in the ORC, not in the OAC. May not be a good idea to issue the State PTO's anymore until the legal issues are worked out. NWDO will draft a response and run it by Central Office for approval. Would have to wait for the Title V to expire. TODCO can then submit the State PTO's at the same time they submit the Title V renewal application and DAPC can evaluate whether or not they've gone below the thresholds. Upon confirmation that they have gone below the thresholds, then we can tell them that we will act upon State PTO applications instead of Title V. The company still has a Title V permit requirement to submit a Title V renewal application, regardless of whether or not they want to pursue a FESOP.

Item #2- Enforcement Improvements- Final summary of the improvements to be implemented distributed. No comments received, considered this to be a good thing. Joe K. met with Chris Jones and Chris told Joe that everything looked good and that there were some good ideas included in the final recommendations. Will be sent out to all DOLAA's by Friday. One work group will be lead by Tom kalman, Don Waltermeyer & Curt Marshall also in group. Their goal is to identify minor violations that we can handle through rule revision & then unilateral orders. Jeanne Mallett- lead for workgroup to develop the rules to allow for the unilateral orders for penalties under \$5,000. Will have to go through JCARR. The list developed by the first group would then be used to issue unilateral orders with a defined penalty that could be appealed to ERAC and we would have to battle it out there. Hope that because the penalty would be small, shouldn't be too many appeals.

Mike H. will the penalty figure be adjusted for inflation? Not likely.

Performance standards developed for the handling of enforcement cases. New tracking of performance standards, zero date of the violations (when you first learned of each violation), when CO puts together package (within 90 days), then hold meeting within 90 days of issuing document and then settle it or give them a drop dead date within 360 days of EAR submittal dates. Half of the time we are now given (two years from receipt of the EAR). JO meets with Joe K. quarterly to go over status of old cases. Joe will still hold us to the 2- year deadline. Adam, what about "complete EAR", must review quickly. Could an email be sent to tell offices of the deficiency or that it has been deemed complete. Major change in how we function.

Page 3- j- drive file where typical terms that are used for F & O's. Initially used by CO, but could be used for the DOLAA's. New EAR form completed. JO will be distributing it.

Training - work group established to give "global training" for enforcement. One-two days, all enforcement staff to be included. Curt Marshall is group leader. Will give recommendations by December 1 for what to include in the training.

One of the outstanding issues is whether or not to have quarterly meetings at each office to go over enforcement cases and procedures. Problem is that you can't visit each quarterly. Will ask for comments from DOLAA's regarding how to improve the communication between CO and DOLAA's. Adam "living documents" re: where all the documents are held, like the enforcement manual.

EC meetings- SEDO wants to know if that means they are invited to. JO, we don't conduct our enforcement meetings the way the other divisions do (go over each and every case on the docket) because of the number of cases. Our meetings only cover the actions by the Director during the previous two weeks.

Website to be created where all Final (not draft F & O's) Actions by the director that anyone can access

(like DHWM does now). Federal audit revealed that the general public was ignorant of all of the enforcement action taken by OEPA. Putting the final actions on the web will help to increase public awareness of our enforcement program.

Last page has the deadline associated with each of the activities to be implemented.

Federal Court ruled on the First Energy ruling re: Sammis. Slammed company and USEPA in the ruling. NSR reforms still going forward, unclear how the ruling will impact the reforms. May induce settlements from the existing cases. The company will appeal after the penalty phase is complete this spring. New rules are not retroactive. States can be more stringent, for example we can say we won't do a PAL. USEPA will argue that you get more reductions under a PAL because companies will try harder to stay under the PAL. Environmental groups would argue you are gutting the program. Director deciding upon what approach to take with respect to the rule revisions necessary to adopt the reforms. Industry pressuring Jones to adopt the reforms immediately. Environmental groups want to be included in the decision making process. Director reviewing our options. Met with industry groups and it was very contentious. They made it clear they want it done asap. Mike H. feels that no matter which direction we take not everyone will be happy and no matter which approach we take, it will take longer than industry wants. Meeting this month to go over issues. USEPA thinks that the PAL won't impact other requirements; however, industry thinks it will do away with BAT. Mike H. feels sorry for the states that have not been delegated authority because they have to implement it right away. Will USEPA come here to do NSR reform training? Mike H. probably won't for implementation but Region 5 says they will develop whatever training we want. Whether we develop it as part of our NSR training, USEPA or a combination of both. Each state will probably develop theirs differently. Will keep on the docket.

NSR- Mike Hopkins.

EG on emission factors- no progress to report. PAG technical subcommittee suspended due to PPEC workload reduction groups. No further meetings scheduled at this time. Still more work needs to be done on it. Why can't we issue the guide ourselves? Why can't we do this through P & E? Why does it have to go through the PAG? Expectation was that once they got a reasonable product, it would be turned over to P & E. PAG initiated guide, not internally motivated. Not going to change how we do things normally, just clarifies how we do things now. Jim Braun- what's the normal process? JO- Issue can be raised by anyone. Developed as draft, sent out for comments. Once final, it gets issued by Hodanbosi to everybody. In the past we've never sent them out to interested parties. Set review period for policies, but not for guides. No current mechanism for periodic reviews. Up to P & E to point out obsolete or errors in old guides.

EG- Once in always in- Radhica moved to Chicago. Abdur taking on the responsibilities. Abdur, no progress to report. Was ready to be issued final. Was going to add examples, but never received any from anyone. Could examples be pulled from the USEPA's web page? Letter from R5 re: Once in always in had examples and that was to be included in our guide. Radhica was looking for more examples. Should redistribute it and start over. Mike H. will coordinate it.

Mike H-

Sent out 180 day list and asked offices to update him on where those permits are. DOLAAs that haven't responded, need to so Mike knows how to get them moving. Doing pretty good about meeting the 180 day timeframe. List keeps growing, difficult to keep up with.

General- What about Abdur's work with respect to getting guidance on the web. Mike H. still their desire, have yet to implement it because of Abdur covering MACT questions. Implementation on hold. Intention

of the reorganization, but on hold for now.

PMU-Mike Ahern-

Modification and renewal processing guidance. Still working on open issues. What constitutes a significant change with respect to monitoring, record keeping and reporting? Will be meeting in Sept. to discuss further. During the conversion process, only the state only side of the permit was being converted. Erika will be contacting each office to let them know where this is a problem. Focus now on modifications needed for PTI incorporation. Less than 10 mods issued so far. Since the last meeting, Jim Braun talked with folks working on it and the word perfect document was so bad, it basically needed to be totally retyped. Mike A. initial permits that got converted, entire sections were cut out. A lot of formatting issues. Essentially rebuilding the permit from scratch. Prior to the guidance issuance, CO now going through the document before sent out to the offices. Minor issues (numbering with a dot) still a problem and part III of the tables, the applicable rule isn't lining up properly. When the field offices open it up, the columns shift and still problematic. Can Adobe be used? Mike will look into it. Significant mods. Have higher priority; however, what about the renewals? What priority do they have? JO- Drafts top priority then after 8/15 moving them to final is our highest priority. We tell the AGO that appeals are the lowest priority and offices are not to give them any priority. Renewals and modifications behind the first round in terms of priorities. Still to be reviewed by CO but should be so much easier.

JO/Mike H working with AGO on permit appeals. About 200 appeals on the books. 50 for Title V's. Working with the AGO to determine which ones we should be prioritized. At some point, a list will be sent out to the DOLAAs which ones will be handled as priorities. Top priorities will most likely be the ones that the companies are really pushing us on. Priority must be on the renewal, not on the appeal language. For those offices that are done with their Title V's, we have 18 months to issue after deeming it complete. Many sites are in the position where the 18 months is ticking away. SEDO says that all of the ones they sent in have just sat here in CO. Mike A will get together with JO to prioritize the list for those to go first. Mike's group focusing on the modifications due to the PTI issuance that conflicts with the final Title V. A part of the guidance document, the permit writer is asked to compare the wordperfect document with the permit. Permit writer review of this very important (eliminating shut down units, including new ones) or instances where permittee forgot to include emission units, improperly characterized (insignificant vs. non-insignificant). Upon receipt of the wordperfect document, tracking of the permit no longer done in STARS, how is it being tracked in other offices? Can do activity log update thru STARS but can't pull up the permit itself. Can DOLAA's be given access to the j drive? Mike A. not sure, would recommend setting it up the same way that PTI tracking is done. Each version of the document will be given a different name, but when the applications are amended, tracking will be a problem.

Changes to general terms and conditions sent out for comments to clarify the deviation reporting requirements and added language to address the effect of shutting down emission units during the life of the permit. Still incorporating comments received. Will be presented to PAG this afternoon. Once these changes are made to the General Terms, they will impact all facilities. Must comply with the most recent version. Will add a new General Term with respect to the shutdown units so that they don't have to keep sending in deviation reports.

NOD- On July 29, comment period for the revisions to OAC chapter 3745-77 ended. Ohio Chamber of Commerce and the Chemical Technology folks have submitted comments indicating their opposition to the rule change. JCARR hearing 8/9/03. Director to attend hearing. Will begin using the language for renewals only at this time (including insignificant units on the STATE/FED side). De minimus units will remain on the state only side.

P & E minutes August 12, 2003

Revised PTI application form now on web. 8/1/03. No cutoff date for acting on old forms. Should be still considered complete if old form is used. Also if title v application comes in with old EAC forms, Bob H. says to let them use the old ones unless substantially deficient.

Checklist for renewal applications? Working on it. Biggest issues for incompleteness, CAM plan submittals, EAC forms for insignificant units and failure to include stack test results as part of the application.

Asphalt plants, use of newly established id's not a problem, but converting the old ones still being worked on. NEDO looking at their workload, so not changing old stuff. Phase 2 will be to change the old ones. SEDO sending mike a foxpro file of all of the portable facilities to reassign the id numbers. Erin will assist to do the conversions. Each office needs to develop the list. Will start with SEDO and see if there are any problems before requiring them all to convert.

Jim Braun- what about portable boilers? Mike H. is it a boiler they will continue to own? They can be done as portable but trouble is that it could be a major modification at certain locations. Still have to deal with the PTE and how it impacts Title V applicability. SEDO, no consistency in how permits are being issued throughout the state for the portable units. Can see what they've recently sent out through the PTI tracking. Clearly states that if you move it to a new location, you have to consider the impact on the new location with respect to Title V. Cheryl Suttman and Bruce W. working on updates of all permit terms and conditions, should make sure they are in the loop. What about a company that wants to try a new piece of equipment, but not sure they want to buy it.

Can use the Director's exemption letter. Example, the rock crushers that are rented need a permit either from the owner that is renting it out (typically done as a portable unit) or the company that rents it needs a permit. Need to have either permits or Director's exemption letter (not to exceed 60 days of operation). If it doesn't fit into one of those exemption categories, then need a permit.

Mike Ahern- Sandy Craig is converting the NSR manual to electronic.

Landfill- no progress to report.

EG-VE's guide revised. Need comments by mid Sept. Will send out email around Labor day to tell folks to send in comments.

CETA update- Lisa Holscher has told CO that she is withdrawing from our periodic enforcement calls to focus solely on the AFS database and how the states are doing with respect to the CMS grant commitments and uploading of the compliance and enforcement stats to USEPA's database. CETA stats will be incorporated

Inspection form- need to send out the electronic version to everybody., including the table version.

17-08- not ready for distribution yet.

Multiple emission units- Jim Braun, they met on August 8, 2003. Don Vanterpool feels that either a new rule and/or modification of existing rules is necessary to do what we needed. As the meeting progressed, Don was no longer so sure that rule revisions are necessary. Biggest hurdle is that we would allow someone to group them, then if they pulled out one of the units and installed a new one, it would effectively eliminate the public's ability to weigh in on the change. Would feel more comfortable with a rule change that explicitly states when and how someone can group the emission units. Example of a NWDO permit for Sauder Woodworking that was grouped together as one emissions unit. Tom k.

P & E minutes August 12, 2003

reviewed it and said it was OK for Sauder; however, he didn't think it would be appropriate for bigger units. Jim B. thinks that is unfair to other companies. If ok for Sauder, then should be OK for everyone. Basic concern comes back to installation of new units without allowing public comment. NWDO, Sauder different because the sawdust is used to fuel the boiler, so the baghouse became the conveyance for the sawdust. Grinders/routers, etc. no NSPS, etc. can't change flow rates or increase production, otherwise they would be applying for PTI's every day for changing out of woodworking equipment, grinders, etc. SEDO has similar operations where the baghouse collects the sawdust for resale and therefore permitted the same way. The source is the baghouse, not the saws. Product collection versus emission sources. Jim B. Thinks it should be fair and equitable across the board. Jim B. still thinks that legally it is not defensible. Don W. they could have looked at each of the woodworking stations are de minimus, but because when it gets added up they are huge. Where do you go from here? Jim B. proposes that we do come up with a rule change to make it equitable across the board. Ford Casting, SIP revision example can be used as the starting point. Pollutant specific? Conclusion is that it shouldn't be pollutant specific, should be general. Need to gather data to support it, just like FMC did to get the SIP approval. What would be the cost and effort to go through a rule revision? Jim Braun feels strongly that it should be made to happen. If we don't do it now, 5 years from now we will still be struggling with it. Haven't looked at what other states are doing. Genevieve equating it to a PAL. Benefit would be in saving time processing the permit and companies would jump on board because they could replace units without the need for obtaining a PTI's. JO have had internal discussions in the past, grouping and for identical emission units (ex. 6 identical boilers going in, can we just give them the same language without having to issue separate permits. Other issue where we would define "emission unit" thru BAT can be done as a group limit; however, when applying the other rules and can conclude that the other rules are less stringent, then you can do it in the PTI. Conditions, doing it to establish BAT, limit is more stringent than existing rules, etc. Could identify many situations where there could be benefits. Administrative for sure and some could be chapter specific. Need to get permission from Bob H. to expend resources to work on this. 4-6 months to put it together, 6-8 months for JCARR. Must clearly define where grouping can occur both administratively and from an emissions stand point. Need to put together a memo to Bob H. outlining the benefits and justification for working on this. Other option would probably have to go in the PTI and PTO rules and perhaps pollutants.

St. Louis- had a meeting with respect to National accreditation push from USEPA. Did have a small session with respect to annual certificates of compliance. Feds issuing fines related to late filing of annual certification. Bud keim, initiating enforcement on incomplete certifications, from USEPA. ST & C's with respect to testing needs to be updated. Honda gave a presentation on how they review the certificates of compliance. GM's presentation wasn't very good.

CAM, credible evidence to be dropped from agenda until specific issues brought up. Stack testing to remain. NWDO wants to drop the requirement to witness all runs.

Next meeting- October 14, 2003

P & E minutes October 14, 2003

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Lazarus Government Center
Ohio EPA
Room C, DAPC

Attendees: Mike Hopkins, Tammy VanWalsen, Mike Ahern, Rick Carleski, and Abdur Rahmim(CO), Bud Keim (Canton), Adam Zolciak (Toledo) ,Mike Riggelman (CDO), Kyle Nay & Sarah Harter (SEDO), Mike Kramer (HAMCO), Matt Freeman & Cindy Charles (Portsmouth), Jenny Marsee & Jeff Canan (RAPCA). Ed Fasko (NEDO) tied in via phone.

Title V Permits and Issuance Deadline update: Every one that had to go draft went draft. All of the commitment related Title V's are out draft which is a major accomplishment. We have to continue focusing on this population of permits due to commitments to Region 5 & the citizens' petition. 42 at the PPP stage will continue to be converted because it's easier to get and respond to their comments, especially where equations and exponential numbers are expressed. As they make it through the system, Erika is converting them to word perfect at a convenient phase. Kyle, why are we converting them in the middle of the process instead of when it's over, doesn't seem that the priorities are right. (Mike A. the company's want to do the comments right in the document and not easily done in STARs). Title V Renewal Tracking Form-in draft so far, based on issuance date, not on completeness review date in order to give the estimate of when the permit has to go out. Will there be a commitment on CO part to review these within a few weeks rather than like last time? Mike H. once the first round is over, the reorganization will finally take place and the permit folks moved over to the same unit that does the PTI's. Mike H. review should be almost simultaneously and recognizes that it's not productive to have it sit for a year and then try to move it. We have to find a better way to do it. Have met with all of the offices and got a lot of input. Process will have to improve. Summary of all Title V trackers- 0 left to draft, 81 actions left before we are done. Region 5 has indicated which permits they will not waive their review and these have been noted on the tracker.

OEPA didn't ask for an extension, will give Region 5 an update thru a letter and explain how some of them will go beyond the end of the year due to comment extensions given by Bob H. and/or the Director. Should go out in a couple of weeks.

Enforcement: Improvement projects are proceeding as scheduled. Settlements now being placed on the web electronically. Handed out the form letter to be sent to any company/party that has been referred to the CO for enforcement that was developed by the legal section. A similar letter will be sent if that case is ultimately referred to the AGO. What about those that don't end up in enforcement after this letter is sent? Good comment, they should probably be sent a letter indicating that no further enforcement action will be taken. Note: Email from the Director's Office subsequent to the meeting was received asking that this issue be placed on hold until further notice. This topic will be carried over to the next meeting.

ERAC decisions for DP & L and GE settles most of the generic comments we were getting with respect to Title V's. GE's insignificant decision trumped by the OAC rule 3745-77-07 revisions that addressed the NOD (9/16/03 effective date). Not sure if it was appealed. All renewal and new Title V applications must include the EAC forms for the insignificant units that have applicable requirements.

Mike R.- are all of them being converted into word perfect documents? Yes, in order to incorporate the MACT. They have to be.

Response to the petition, USEPA has submitted a draft delegation agreement. Now modeled like the

MACT delegation agreement. What they are proposing seems that the NSPS/NESHAPS will have to be handled like the MACT. Draft only, we will have to work with USEPA. Our legislature doesn't allow us to incorporate by reference. Environmental groups have taken the position that each and every requirement has to be incorporated into the permit. Contradicts preamble of the Title V and contradicts the white paper. CO will keep the DO/LAA's apprized of the negotiations.

NEDO: is the WTI Title V permit going to be converted to a word perfect document before going to the next stage? Yes. All of the requests have been forwarded in WP form to USEPA in order to see if we can get the pre-CFR version in WP format, then it will help a lot in expediting the conversion process.

CDO: CO needs to do a better job of communication with the field offices when there is a change in deadlines, etc. CO did not inform CDO of a change in the priorities so permit writers came in on the weekend to meet a deadline for a particular permit that had been changed to a lower priority, without telling CDO.

Issuance date versus effective date- "what is the effective date"? The intent was to shift the effective date three weeks later than the issuance date to satisfy the regulated community. Legal question...if within the two-three week time period, then would be tough to enforce. If later, 6 weeks, etc. harder to justify. Last fall was when the shift was made. To be consistent, should shift it just to be consistent with the spirit of the change. Issuance date used to be effective date, now effective date is the effective date. All offices should change any references to "issuance date" in the permit to "effective date".

PMU- No progress on the revision and renewal process guide. External guidance to be on the web to assist folks in getting their renewal applications together (starship issues as well)

NOD- rule in effect. Email went out re; the practical implications of the rule (EAC forms) and for mods. As these permits get issued, will begin to hear about deviations from the insignificant units. Went to the Ohio Chamber of Commerce meeting and explained the need for the rule, no news of an appeal.

Mike A.: New issues, monthly report format changed a few months ago. Trying to identify areas that will be in each and every monthly report. Also with the August report, "other" when we send out guidance, issues, emails, etc. will be referenced in order to better communication. Section on emission inventory now included. How frequent are the reports done? Reports due second Friday of each month for the previous month. Unreliability of support staff availability in CO primary cause of the lack of receipt of the reports in a predictable, timely manner. Revamping the non-title V fee system. Will have live access to the information as soon as CAU finishes the work.

HAMCO: Title V contract language- In stars user manual, the time frames to get each step done was established when Stars was initially developed. CO doesn't follow the time frames set for CO, yet expects the locals to follow the time frames set for them. HAMCO/RAPCA brought this up during the most recent contract negotiations. Time to re-evaluate whether or not the time frames are still appropriate. Mike K. would basically like a two-way accountability. If they get us permits in a timely manner, they should get our comments back in a timely manner. More appropriate to re-evaluate them thru P & E, reorganization, stars rebuild, not just thru the contract. Mike H. -Need to think about it more and talk about it next time.

Stars rebuild- RFP being tweaked, not out yet. What's new section best way to let people know what's up with respect to CO progress in this area..

Mike H. & Abdur Rahim- Once in Always in guide for MACT, revisions for review. Would like the

comments by the end of the month. Hope to finalize it by November 15 of this year. Find out from TK the number of the next EG.

Abdur developed a Frequently Asked Questions re: the MACT standards, to be put on the web. Would like input as to how it should look, what should it include and how often do we want to see it. Want to keep an archive of the questions and answers but every month give us a representative sample of what is doable, rather than getting burnt out. Abdur would like comments and suggestions in writing (email). Most of the time there are attachments. Should be included in the NSR guide book. Only a couple of things have been added to it. Will cc Misty in order to get these updated into the guide on a regular basis.

EG on emission factors, no progress due to suspension of technical PAG.

NSR reform rules. DAPC initiated the process of collecting "interested parties" to discuss rule revisions and get their comments due to heavy political pressure from Ohio industries and their trade organization representatives with respect to the NSR revisions/adoption of the reforms published recently by the Bush Administration. Will hold interested party meetings throughout the rest of the year. Then will draft the changes and send out officially as the rule package. Due three years from issuance date (early 2005). Have fully approved program so rules have to be changed. No change in how to deal with PTI requests until new rules finally revised. If any particular case comes up or anything specific in the meantime, refer them to your NSR contact. We can listen and may have other avenues to assist them. Director met and heard folks talk about how they wanted it done. Decided to have these meetings up front with "interested parties" to work out any contentious issues up front. Some states who have delegated saying that if you want a PAL, go ahead and ask but not interested in allowing them until Title V's are done. We are required by law to adopt the changes; however, we can be more stringent- if we can get the backing. Feds view the revisions as being "as stringent or more stringent" than existing requirements, so we have to be able to incorporate them but our rules differ greatly. Concerns and discussions will be flushed out during this process.

NSR- Annual report to the Governor (2002 timeliness) re: issuances of PTI's. Has a lot of information with respect to the various group efforts in improving the efficiency as well as stats. If anyone needs extra copies, please contact Mike H.

Rule changes- OAC rule 3745-31- package where we took the 31 rules and split them up into 3 specific divisions and included the general permit provisions are done. Will be effective on the 17th of October. Will be linked in the What's New section of our web page. More simple taking out the solid waste stuff. The general permits part- step 1 out of the 3 steps that need to happen. (Logistics of issuing them working on along with the mechanism to actually issue them). Several groups working on general permit drafts, being reviewed internally. Once revised, they can be reviewed by other interested parties and we'll have a better idea of what they will look like.

Landfill letter- prepare a memo to CJ for Bob's signature. One way is for us to take the approach in the letter, another one is to have PE's in solid waste sign off on it. Has to come from the Director. Part of the rules, so each office has to make a recommendation on each request; however, we don't have the expertise on evaluating it. Mike H. wants to make it specific and not imply that we don't do our own rule interpretation. Two facilities in Cinci that have requested the change and are out of compliance with Title V permit as finalized. Would they be considered significant change that would require a Title V modification? Needs to be discussed in the memo (Title V ramifications and concerns about the underground landfill fire issue). May have to modify the existing Title V now but build in language so that future approvals do not trigger a mod. To the permit.). Tammy to prepare the memo for Mike H's review from Bob H. to the Director.

P & E minutes October 14, 2003

VE Observation Engineering Guide: One comment received from Pat Shriver. Most of the comments were addressed during the development of the inspection form. Need to get the # of the EG from Tom K. Guide should be ready for final distribution at the next meeting upon approval from Bob H.. Get Bob Hodanbosi's approval so final guide can be distributed at next meeting.

CETA- Distributed the Compliance Monitoring Strategy stats from the 10/1/02-10/1/03 FFY. Feds extended the AFS entry deadline for this period to 11/15/03. Bob H. sent a memo to all of the DO/LAA's giving them until 12/1/03 to catch up the data entries. During conference calls with AFS & Region 5, Ohio and Indiana are the only states in the Region entering their own data into AFS, despite what Region 5 told us during the previous two years of negotiations re: grant commitments. AFS starting to create the data cells to be able to add all of the partial compliance evaluation activities into the federal database, Tammy predicts that this will be added to our grant commitments next year or the year after.

SEDO & CDO- No environmental benefit in having to document the periodic report reviews and enter them into CETA. Too much time to enter the data, waste of resources. Should stand up to USEPA and refuse to do it.

Tammy: NWDO seems to be able to accomplish entering the information and has entered over 10,000 PCE's since the last meeting.

Kyle: NWDO only completed 70% of their required full compliance evaluations, they probably couldn't meet their obligations due to all of the time spent entering data into CETA. (NWDO not at the meeting, so unknown as to whether they've completed all of the FCE's and just not entered them yet, or whether or not they did indeed miss the commitment goals.)

Tammy: Why don't you want the public to know of all of the effort that goes into the compliance evaluations? Instead of making the public go to physically to the field office and do a file review, the information can be accessed through ECHO.

Mike Kramer- objects to CO requiring the paperwork reviews to be entered into CETA thru the contract, instead, Ohio EPA should object and fight the feds on this.

Bud Keim- CETA goes way beyond the mandatory federal requirements and CO not recognizing how much time it takes to enter the data.

Jim Braun- Why not track how much time it does take to enter the data?

Kyle- Already did that and no one pays any attention to it.

Mike H. - Obviously we are not going to be able to resolve this here. Each office should present their concerns to either OLAPCOA or to Bob & Cndy during the monthly district office conference calls.

Tammy: All district offices need to submit the inspection/full compliance evaluation commitments for the FFY 10/1/03-10/1/04 to CO asap so that we can forward them all to Region 5 . (All the LAA's but the Toledo Agency have submitted theirs thru the contracts.)

17-08/17-11 guide: No progress to report.

R. Carleski - Permit by Rule Update: Industry has submitted 5 proposed categories: GDFs, natural gas boilers up to 100 MM BTU/hr, auto body shops, printing facilities, and NSPS Kb storage tanks. (See

P & E minutes October 14, 2003

handout) The current strategy is to add these new categories to the current PBR categories specified in OAC 3745-31-03(A)(4). Proposed PBR language for GDFs already on second round of comments by the 5 Stage II area field offices. Other industry groups working on rule language now, and drafts will be sent to all field offices for comment. Central Office also working on Q&A summary to address administrative processing issues related to the new PBRs. Goal is to finalize rule language for each new PBR by December 31, 2003, then combine all five PBRs into one package for the formal rulemaking process beginning January 2004. The workgroup estimates 20% of the current permit workload could be eliminated by the new PBR categories. Will be discussed more at next meeting.

EG#33 Revision- Draft distributed for review. No longer acceptable to approve on a district or local level, must be done thru Director's signature. Comments from Cleveland with respect to this revision distributed for all to see. Concerns expressed in that email and CO's response was shared as well. To be carried over to the next meeting.

Jim Braun: will include all of the topics we didn't get to as the first ones to be discussed at the next meeting. Meeting ended at 2:00 p.m.

Next meeting is scheduled for December 9, 2003 at 9:30

Permitting & Enforcement Committee Meeting

December 9, 2003

PBR

R. Carleski - talked about NSPS Kb revisions and how to proceed. Will drop the PBR and expand the exemptions in the rules.

Leaves 4 PBR:

1. Boilers - working on draft rule language. Goal by December 31, 2003. Distribute to the DO/LAAs for comment.
2. Printing - small and mid sized. Industry wanted more categories. Small <10 tons; mid-size <25 tons. J. B. - what about MACT? Shouldn't be an issue because less than 25 tons.
3. GDF - Had a lot of field office involvements. Industry has not responded to first drafts. Expects more than one draft.
4. Auto body shop - has not been submitted by Industry. One or two months max, reasonable PTE. Modeling to define no toxics problems less than 10 tons.

Format of the PBR will be different than in past. Will follow like a permit; easier to read.

Jenny M. - when will they be done? Original by January 31? Still in the works.

Adam W. - will there be any examples of how to calculate PTE? Rich said rule will contain how to calculate PTE

Mike H. - there will be a lot of other changes to the rules (NSR reform, etc.). Timing will be whether one package or several different packages. Threshold group is still working on the rules revision.

Jeff Canan - asked about whether nuisance will be taken into account.

DRAFT MEMO About Stack Testing Starting by Noon or EPA will not attend

Stack test needs to start by noon - memo draft. It seems that most people tend to work with the companies to make sure they get the testing done by a reasonable time. Memo needs formalized from Bob H. as a statement of authority

Ed Fasko will send to all in group to get comments from all.

Eng. Guide rewrite - #33.

We had a conversation about the changes the director wants to sign all maintenance shutdown approvals. SEDO shared their information regarding past approvals through director's office and gave everyone copies of one of their past approvals responding to statements made by Tammy Van Walsen in the last meeting (none had gone through DAPC/CO signoff in 2 years of records). Jeanne Mallett was at the meeting and stated that the approval letter for maintenance shutdown must be signed off by the Director to be legal. Jeanne also noted that you need to include a briefing memo with the shutdown request (example provided by SEDO).

Title V/Permit Application submittal times(guidance):

Jeanne Mallet was asked to give interpretation of the rules regarding what to do when the following situations apply and a facility submits their renewal applications.

1. If Title V permit is submitted prior to expiration and it is complete but performance testing is done after the submittal (like many of our permits require testing in the last 6 months of the permit) Do they still have shield? Yes, but they need to supplement with other information when they get it back from testing.
2. Late application that has been deemed complete? Do they have shield? They have no right to operate at all if they miss the deadline. Exercise enforcement discretion in these cases. Send an NOV.
3. If facility submits renewal after expiration, then they really are in violation. The companies must realize that they are not allowed to operate without submitting the application. So they really

should shutdown. The use of enforcement discretion in this case is harder. Put out NOV in this case.

Tammy Van Walsen will provide an edited version of Jeanne Mallett's responses.

SEDO brought up some questions about Title V application completeness. How far do we go to make sure that all information is filled in? This has to do with the Draft guidance Checklist. More on this later. CO will look into it.

Mike Ahern will coordinate minimum criteria comments. Please submit to him.

STACK TESTS-Witnessing runs

NWDO: can we only witness one or two runs instead of all three if we feel comfortable with the testing company. Long discussion about the topic. Jim O. says they recognize that additional tests and less resources. The division is having a priorities meeting December 15th to discuss these type of things. Continue the same for now.

DELTA T Discussion

Jenny Marsee - RAPCA has had problems with catalytic oxidizer unable to meet 80% temperature difference.

Jim O. - Dealt with this problem before w/MacTac and Pechiney. Changed the terms to deal with this issue, but still required other MRR. Dave Morehart can give terms to everyone. Email/writing to Kyle. It will be a minor mod because you are adding MRR.

Frank Markunas sent an email for the premise numbers MacTac or Morgan Adhesives 1677110026. This was related to STCs wording regarding the delta T problems for cat incinerators.

Dave sent out an Email on 12/09/03 regarding Pechiney. Here it is:::

Proposed Catalytic Oxidizer Language for Pechiney Plastic Packaging

(Note: Proposed language herein is for control by a catalytic oxidizer. Appropriate language will also be needed for control by thermal oxidizers).

A.II Operational Restrictions

1. The average temperature of the exhaust gases immediately before the catalyst bed, for any 3-hour block of time when the emissions unit is in operation, shall not be more than 50 degrees Fahrenheit below the average temperature during the most recent emission test that demonstrated the emissions unit was in compliance.
2. The catalytic oxidizer shall be operated and maintained in accordance with the manufacturer's recommendations, instructions, and operating manuals. The VOC conversion efficiency of the catalyst in the catalytic oxidizer, as determined by the catalyst activity testing, shall be at least 90% at a test temperature that is representative of the normal temperature at the catalyst bed inlet. Solvent loading during the catalyst analysis shall be consistent with the test laboratory's normal testing protocol.
3. This emissions unit shall be operated with an interlock system that prevents the operation of this emissions unit when materials not meeting the VOC content limitations specified in OAC rule 3745-21-09(Y)(1)(a)(i) or (ii) are utilized and the catalytic oxidizer is not in operation.
4. All ventilation fans associated with this emissions unit and the catalytic oxidizer shall be in operation at all times when this emissions unit is in operation and utilizing materials that do not meet the VOC content limitations specified in OAC rule 3745-21-09(Y)(1)(a)(i) or (ii).
5. When employing the catalytic oxidizer, all bypass dampers, actuator pins, and associated motors shall be in the correct position and in good operating condition at all times when this emissions unit is in operation and utilizing materials that do not meet the VOC content limitations specified in OAC rule 3745-21-09(Y)(1)(a)(i) or (ii), to ensure that all captured VOC emissions are vented to the catalytic oxidizer. Also, all the hooding and ductwork comprising the VOC emission capture system for this emissions unit shall be free of leaks and holes that would permit the escape of the captured VOC emissions.
6. The average, total exhaust flow rate from this emissions unit to the catalytic oxidizer shall not be less than XXXX standard cubic feet per minute (scfm), as documented during the last emission tests that demonstrated the emissions unit was in compliance with the applicable capture efficiency limitation.

A.III Monitoring and/or Record Keeping Requirements

P & E minutes December 9, 2003

1. The permittee shall operate and maintain continuous temperature monitors and recorder(s) which measure and record(s) the temperature immediately upstream and downstream of the oxidizer's catalyst bed when the emissions unit is in operation. Units shall be in degrees Fahrenheit. The monitoring and recording devices shall be capable of accurately measuring the desired parameter. The temperature monitors and recorder(s) shall be installed, calibrated, operated, and maintained in accordance with the manufacturer's recommendations, with any modifications deemed necessary by the permittee.
2. The permittee shall collect and record the following information each day:
 - a. All 3-hour blocks of time (when the emissions unit was in operation) during which the average temperature of the exhaust gases immediately before the catalyst bed was more than 50 degrees Fahrenheit below the average temperature during the most recent emission test that demonstrated the emissions unit was in compliance.
 - b. All 3-hour blocks of time (when the emissions unit was in operation) during which the average temperature difference across the catalyst bed was less than 80 percent of the average temperature difference during the most recent emission test that demonstrated the emissions unit was in compliance. The permittee may use the oxidizer's temperature chart to determine the temperature differential across the catalyst bed.
 - c. A log of the operating time for the capture (collection) system, control device, and monitoring equipment, when the associated emissions unit was in operation. The permittee may use the current temperature chart as the log documenting that the monitoring equipment and control device are operating. Each bypass of the collection system and/or control device shall be logged as to the date and time.
3. The permittee shall perform an inspection of the catalytic oxidizer, including the catalyst bed, on at least an annual basis. Each inspection shall consist of internal and visual inspections in accordance with the manufacturer's recommendations, as specified in the document entitled "Recommended Annual Inspection Points and Procedures" as submitted to the Ohio EPA on February 26, 2002, and shall include a physical inspection of the unit and checks of associated equipment, including but not limited to burners, controls, dampers, valves, and monitoring and recording equipment. Repair and replacement of equipment shall be performed as determined by the inspection. In accordance with the testing schedule in section A.V.3, a sample of catalyst material shall be collected from the catalyst bed to perform the catalyst activity tests required in section A.V.3.
4. The permittee shall maintain a record of the results of each annual inspection of the catalytic oxidizer, as well as the results of each catalyst activity test required in section A.V.3.
5. On an annual basis, the permittee shall inspect the electronics of the catalytic oxidizer interlock system used for this emissions unit to verify that the signals between the catalytic oxidizer and the emissions unit are functioning properly. The permittee shall document the results of all annual inspections. An excursion is defined as a finding that an interlock is inoperative. Any excursion shall require that the process line be immediately shut down and remain shut down until the problem has been corrected.
6. Except as noted below, each calendar quarter, the permittee shall utilize an anemometer, or any other equivalent measurement method approved by the Ohio EPA, to measure the average, total exhaust flow rate from this emissions unit to the catalytic oxidizer, in scfm. The anemometer, or other equivalent measurement method approved by the Ohio EPA, shall be capable of accurately measuring the desired parameter and shall be calibrated, operated, and maintained in accordance with the manufacturer's recommendations, with any modifications deemed necessary by the permittee. The measurements shall be taken while this emissions unit and all other printing lines at the facility are in a normal mode of operation. The permittee shall maintain records of the results of all exhaust flow rate measurements.

If the total exhaust flow rate measurements for four consecutive quarters do not identify a deviation of the applicable operational restriction, the permittee may perform the total exhaust flow rate measurements on a semiannual basis. Should the total exhaust flow rate measurements taken on a semiannual basis identify a deviation of the applicable operational restriction, the permittee shall revert to quarterly measurements.
7. Each calendar month, the permittee shall inspect the operational condition and integrity of each ventilation fan comprising the capture system. Ventilation fan observations shall include visual inspections of the fan wheel, belts, and bearings. Lubrication of bearings and replacement of parts shall occur as necessary. The permittee shall document the results of all monthly inspections, including any corrective actions taken.
8. Each calendar month, the permittee shall inspect the operational condition and integrity of all hooding, ductwork, and bypass dampers comprising the capture system. Hooding and ductwork observations shall include visual inspections for leaks or holes. Bypass damper observations shall include visual inspections to verify that the damper setting is in the correct position (i.e., to oxidizer or to atmosphere) and visual inspections of the actuator and motor to verify that the actuator pin and the motor are operating properly. The permittee shall document the results of all monthly inspections, including any corrective actions taken.

A.IV Reporting Requirements

1. The permittee shall submit quarterly summaries of the following records:
 - a. a log of operating time for the capture (collection) system, control device, monitoring equipment, and the associated emissions unit;
 - b. all 3-hour blocks of time (when the emissions unit was in operation) during which the average temperature of the exhaust gases immediately before the catalyst bed (as determined by the continuous temperature monitor) did not comply with the temperature limitation specified above; and
 - c. all 3-hour blocks of time (when the emissions unit was in operation) during which the average temperature difference across the catalyst bed (as determined by the continuous temperature monitor) was less than 80 percent of the average temperature difference during the most recent emission test that demonstrated the emissions unit was in compliance.

NOTE: Information submitted pursuant to section A.IV.1.c is not relevant for determining compliance with any operational restriction contained in section A.II.

P & E minutes December 9, 2003

2. The permittee shall submit reports that include the results of the catalyst activity tests required in section A.V.3. These reports shall be submitted within 45 days after each catalyst activity test is performed.
3. The permittee shall submit quarterly deviation (excursion) reports that identify the following when this emissions unit is utilizing materials that do not meet the VOC content limitations specified in OAC rule 3745-21-09(Y)(1)(a)(i) or (ii):
 - a. each time the interlock system stops the operation of this emissions unit because the catalytic oxidizer is not in operation;
 - b. each average, total exhaust flow rate measurement that does not comply with the operational restriction specified in section A.II.6, based on the records maintained pursuant to section A.III.6 of these terms and conditions, and the magnitude of each deviation; and
 - c. each time any bypass dampers, actuator pins, and/or associated motors are not in the correct position and in good operating condition and/or any of the hooding or ductwork comprising the VOC emission capture system contains leaks or holes that would permit the escape of the captured VOC emissions.
4. The permittee shall submit annual reports that specify the results of each annual inspection of the electronics of the ventilation fan interlock systems and the catalytic oxidizer interlock systems, based on the records maintained pursuant to section A.III.5 of these terms and conditions.

A.V Testing Requirements

1. Compliance with the capture and control efficiencies in section A.I.2 of these terms and conditions shall be determined in accordance with the following methods:
 - 1.a Capture Efficiency:

a capture efficiency which is at least 65 percent, by weight

Applicable Compliance Method:

If required, compliance shall be demonstrated based upon the emission testing requirements specified in section A.V.2.
 - 1.b Control Efficiency:

a control efficiency which is at least 90 percent, by weight

Applicable Compliance Method:

Compliance shall be demonstrated based upon the emission testing requirements specified in section A.V.2.
2. The permittee shall conduct, or have conducted, emission testing for this emissions unit in accordance with the following requirements:
 - a. The emission testing shall be conducted within 6 months prior to permit expiration.
 - b. The emission testing shall be conducted to demonstrate compliance with the 90 percent control efficiency limitation for VOC. (Capture efficiency testing to demonstrate compliance with the applicable 65 percent capture efficiency limitation was performed in January/February, 1999.)
 - c. The test method(s) which must be employed to demonstrate compliance with capture and control efficiency limitations for VOC are specified below. Alternative U.S. EPA-approved test methods may be used with prior approval from the Ohio EPA.
 - d. The test(s) shall be conducted while this emissions unit is operating at or near its maximum capacity, unless otherwise specified or approved by the Ohio EPA District Office or local air agency, and while the emissions unit is being vented to a control device.
 - e. The capture efficiency shall be determined using Methods 204 through 204F, as specified in 40 CFR Part 51, Appendix M, or the permittee may request to use an alternative method or procedure for the determination of capture efficiency in accordance with the USEPA's "Guidelines for Determining Capture Efficiency," dated January 9, 1995. (The Ohio EPA will consider the request, including an evaluation of the applicability, necessity, and validity of the alternative, and may approve the use of the alternative if such approval does not contravene any other applicable requirement.)
 - f. The control efficiency (i.e., the percent reduction in mass emissions between the inlet and outlet of the control system) shall be determined in accordance with the test methods and procedures specified in OAC rule 3745-21-10. The test methods and procedures selected shall be based on a consideration of the diversity of the organic species present and their total concentration, and on a consideration of the potential presence of interfering gases.
 - g. During each test run, the permittee shall measure the average, total exhaust flow rate from this emissions unit to the oxidizer system, in scfm.

Not later than 30 days prior to the proposed test date(s), the permittee shall submit an "Intent to Test" notification to the appropriate Ohio EPA District Office or local air agency. The "Intent to Test" notification shall describe in detail the proposed test methods and procedures, the emissions unit operating parameters, a diagram of the path of emissions from each piece of equipment to a control device, the time(s) and date(s) of the test(s), and the person(s) who will be conducting the test(s). Failure to submit such notification for review and approval prior to the test(s) may result in the Ohio EPA District Office's or local air agency's refusal to accept the results of the emission test(s).

Personnel from the appropriate Ohio EPA District Office or local air agency shall be permitted to witness the test(s), examine the testing equipment, and acquire data and information necessary to ensure that the operation of the emissions unit and the testing procedures provide a valid

P & E minutes December 9, 2003

characterization of the emissions from the emissions unit and/or the performance of the control equipment.

A comprehensive written report on the results of the emission test(s) shall be signed by the person or persons responsible for the tests and submitted to the appropriate Ohio EPA District Office or local air agency within 30 days following completion of the test(s). The permittee may request additional time for the submittal of the written report, where warranted, with prior approval from the appropriate Ohio EPA District Office or local air agency.

3. The permittee shall conduct, or have conducted, catalyst activity testing using the catalyst sample collected during the annual inspection described in section A.III.3. An intent to test notification shall not be required for the testing noted in this term. The procedures for the catalyst activity test shall be in accordance with the manufacturer's recommendations.

US EPA is requesting OEPA to fill out a new form:

The form is titled "Performance Track Applicant Compliance Screening Questionnaire". Don W. wanted to know if anyone else has had to fill out. No one else has been asked. Jim O. said to Don W. not to fill out until Bob H. says that he needs to. Don was very happy with this answer.

PM-10 limits in permits PSD triggering sources. What test should we use 1-5 or 201-202? This issue is big. When we put in these limits, how do we determine compliance with this?

Those present also explained that some NSR reviewers are requiring PM-10 limits for state only permits as well. Mike Hopkins stated that he needed to talk to his NSR staff to make sure that PM 10 limits only are inserted into permits where they are required. Much discussion about proper testing methods and the problems with them. More on this issue in the next meeting.

Mike H. doesn't have a precise answer right now.

Title V - Permit and Issuance

IEUS Moving IEUs to federal side. It seems that the How is the problem with USEPA right now. Method is too broad according to US EPA. OEPA will not be issuing any finals until the issue gets resolved.

DO/LAAs were handed out lists of remaining Title V they were asked to consult with DAPC/CO on time frames for getting remaining 81 permits issued. Several of the attendees from the DO/LAAs stated that they do not have any control over when the permits get issued. Title V permit reviewers will contact DO/LAAs soon to get their recommended schedules. The director was very concerned that the schedule is as hard as possible and that the dates will not be revised.

NSR

- E.G. of EM factors - no progress.
- "once in, always in" - Abdur submitted a revised guide. There have been some exceptions. He asked for more comments by January 5th. Several changes have been made.
- NSR reforms - collecting comment will be done with info gathering in January.
- Synthetic minor terms issues with defining all E.U.s in the permit. It looks like there are several different ways to do it. Way to do it is to list E.U.s This limit should be written explicitly and MRR must be developed to support. Mike H. - same method either TV or PSD synthetic minor.
- Portable drills - discharge of dust onto the ground. Causes a problem because the resultant piles have very fine particulate and alot of dust is generated off of piles. How are we going to handle these? NWDO will keep updated.
- Crematoriums - mercury BAT? What are emission factors for mercury? Do they have enough

P & E minutes December 9, 2003

data to support an EF. Will be establishing BAT for mercury? Not enough information right now. Continue writing permits with current data.

PMU

- Mike Ahern - questions on Title V renewal/put a statement in email subject "Title V Renewal"
- MACT - November 19th email - a lot of factors impact how we will put it in. Talked about 3 options. Look for more emails on this subject from Mike A.
- WP/STARs - stopped the conversion process. DO/LAAs can begin writing new/renewals the old way. A "patch is going to be created in STARS so that a draft can be made from a previously issued final permit.
- Patch - ITS is talking to Erica to get the patch.

Next meeting February 10, 2004

P & E minutes February 10, 2004

Permitting & Enforcement Committee Meeting February 10, 2004

Attendance

Jim Braun Cleveland
Jim Orlemann OEPA, DAPC
George Baker Cleveland
Bridget Byrne NEDO
Bud Keim Canton LAA
Mike Riggelman CDO
Ed Fasko NEDO
Cindy Charles Portsmouth
Curt M. RAPCA
Adam Zokiak TDOES
Kyle Nay SEDO
Sarah Harter SEDO
Laura Miracle Akron
Adam Ward CDO
Jenny Marsee RAPCA
Bradley Miller HCDOES
Rick Carleski COC/WDO
Mark Budge NWDO
Mike Hopkins DAPC

Co-Chairpersons: Jim Braun and Jim Orlemann

Title V Permits (Jim Orlemann)

Jim distributed two handouts: the STARS Title V Permit Issuance Tracking report, and a table of permits issued by month.

Twenty-one first round permits were issued in January 2004, but no PPPs, and only 1 PP. For February 2004, 20 PP were scheduled. Issuance is falling behind; there may be a day of reckoning. If a local or district office is falling behind, they should contact the Central Office. All offices are encouraged to meet the schedule dates. Schedules have not been given to the director yet, but when they are given, C. Jones will expect them to be met. Dates should be realistic (dates that can be met). The group discussed the responses received from the Central Office (CO). It was recommended that LAAs should check periodically once they send a Title V to CO. Most Region V states are having some problems. Ohio is not the worst. Illinois is probably ahead of most.

Area Source Title V permits: U.S. EPA extended the deadline to at least the end of the year. STAPPA/ALAPCOA may propose a rule on area sources. Last year, data was collected. They may exempt aluminum and other smelters except for lead.

Engineering Guide 61 Applicability: Presumed Inherent Limitation. Meant to be a transition guide for facilities. Transition issue was dead at the end of 2000 (?). Facility is a true minor if actual emissions are <20% of threshold. Need clarification on whether that is only for Criteria Pollutants, or also HAP. (J. Orlemann and M. Ahern to follow up)

Enforcement of Title V permits at Renewal: No new information.

PTOs and FESOPs: Title V is still the top priority, but they are moving on some FESOPs. Let Jim Orlemann know when a company's FESOP is close to being ready. State PTOs are still a low priority. K. Nay stated that about

P & E minutes February 10, 2004

850 of 900 state PTOs are expired. He suggested getting some good sample PTOs issued and using them as templates. J. Orlemann stated that LAAs can work on state PTOs if they have time. The concern is quality: they should be as good as Title V permits. CO will only do a cursory review and then send them out. Only glaring mistakes are likely to be caught. FESOPs are being reviewed as thoroughly as Title Vs.

Enforcement (Jim Orlemann)

There has not been much improvement due to lack of resources. The penalty rule was scaled down to just open burning. There has been a lot of turnover at the Attorney General's Office. The goal is to settle at least 40 cases with findings and orders by the end of the year. Another goal is to no cases on the docket older than 21 months by the end of the year. The effect is to force down the age of cases. K. Nay suggested that attorneys call the locals to let them know who each case has been assigned to. Is statute of limitations letter is coming in about 6 weeks. The "Zero Date" is the oldest date of a violation in an EAR. If older than 18 months, civil violations will not be pursued. They will still address violations if appropriate.

Clarification of Title V Operational Restrictions for Baghouses, etc. (Bud Keim)

See Handout #3, E-mail from B. Keim to J. Braun. Ohio EPA sets Differential Pressure (DP) based on stack tests. DP equipment should be installed per manufacture recommendations. But, the installation may not include adequate instrumentation (e.g. discharge to first inlet).

B. Keim suggested watching DPs during stack tests to see if the cleaning cycle significantly affects them. He would like to see any experience reports on this issue from field work / stack tests.

J. Orlemann stated there is no such thing as an administrative violation.

A. Zokiak asked: If monitoring systems detect a condition that indicates a violation, is an NOV required? There is no discretion not to send the NOV.

B. Keim Stated that they are trying to keep honest companies honest. There is a mixture of policies on sending NOVs, LOWs, or anything based on deviation reports.

Look at six month deviation reports to indicate if required record-keeping was done. Would not report deviations discovered in the monitoring. Look at quarterly reports for compliance with specifications (terms & conditions).

Because of the considerable interest, this topic will be kept on the agenda.

K. Nay stated that virtually every facility will be NOT in compliance on annual certification.

Curt M stated that he would not rate an overall facility as not in compliance if the only issue is a missed report.

Clarification is needed on CETA entries for Compliance or Non-compliance. (J. Orlemann and T VanWalsen to follow-up)

New Source Review (NSR) Topics (Mike Hopkins)

The Engineering Guide on emission factors is on hold due to time being spent on processing efficiency working groups. Will probably be the case through this Summer.

NSR Reforms: Comments received and reviewed; feedback summaries prepared (?).

The "Interested Party" package will hopefully be ready by the end of May.

P & E minutes February 10, 2004

Question: When an attainment area is redesignated as non-attainment, and a permit is in process, what kind of permit can be issued? Is the application date the important date? U.S. EPA opinion has been that the permit issuance date is the determinant. On further review, the U.S. EPA still feels this is the case. The final permit must be issued before redesignation in order to use PSD rather than NSR. Once the redesignation is published in the CFR, the areas officially become non-attainment 30 days later, and that is the critical date for permit issuance type. A 182 F waiver may be possible in parts of the state, but no areas would immediately be given 182 F waivers. States would have to apply. Reference J. Paul's testimony to the Senate Democratic Policy Committee hearing on New Source Review. There may be some fallout.

Routine maintenance and repair allowance: this issue is in the courts. It may be settled there by the end of the year, so there is no movement to revise it at this time.

Curt M. commented on J. Paul's testimony. The rollback of requirements is easier on industry, but not better for the environment and not simpler for regulators. Some Plantwide Applicability Limits (PALs) may be good in the long term; we don't know yet.

M. Hopkins stated that this is no longer NSR simplification; it is more complicated. Regulators need to be more like economists. PALs do not change the need for BAT, state PTOs, emission limits etc. They are just for the purposes of NSR.

Emission Threshold

This is not a replacement for de minimis. Emission threshold only gets you out of the need for PTI and PTO. A facility still must comply with the rules. Expect an e-mail shortly on this topic. Emission threshold will also include screening for toxics. It is necessary to reduce the number of sources requiring permits

3745-21-09 (U)(2)(f)

This was "inadvertently approved". It will be withdrawn when other sections are revised. The U.S. EPA is currently not approving, but approval is required for permit processing. Things are stuck. There will be no grandfathering when the rule changes. They are trying to figure out how facilities have them now. E. Engel-Ishida is working on this. Site-specific BAT limitations may be used if facility cannot meet (U)(2) requirements. B. Juris has been in discussion with the U.S. EPA on this issue since last Summer. 21-09 is a RACT rule whereas 21-07 is not. The U.S. EPA wants to maintain the integrity of RACT definitions. The question then is "What is RACT for the emissions unit?"

Once in always in: Should be resolved shortly. Expect an e-mail on this.

Title V scenario: A Title V facility doesn't want to be nonattainment for NSR. PTI rules say they can voluntarily restrict PTE for NSR, and get a synthetic minor to avoid NSR, but they would stay Title V until renewal. During that time they would have to comply with Title V and synthetic minor restrictions.

Multiple Emission Units Controlled by a Common Device (J. Braun)

J. Orlemann will review J. Braun's letter to R. Hodanbosi regarding multiple emission units. J. Braun is proposing an option to present to U.S. EPA that is more stringent than NSR. It would restrict PALs to controlled emission situations where you know what the emissions are. J. Braun will inform the group after he meets with R. Hodanbosi.

Landfills

P & E minutes February 10, 2004

J. Orlemann will talk with T. VanWalsen for an update.

Visible Emissions draft Engineering Guide

J. Orlemann will talk with T. VanWalsen for an update.

CETA Implementation / CMS Commitments (A. Ward)

The group has met once for a general overview of what needs to be done in the future.

Applicability Guidance Document for 3745-17-08 / 17-11

J. Orlemann will talk with T. Kalman to find out a date for when it will be done.

Stack Testing

A handout on resources was provided by E. Fasko. Guidance on appropriate methods for PM-10 limits was discussed.

CO Reorganization (J. Orlemann)

The reorganization is in effect except for J. Orlemann. He will stay on Title V at least until Title V done.

Future Agendas

E. Fasko proposed emission reports for an agenda item.

A. Ward proposed an update on the status of updating and adding Terms and Conditions for an agenda item.

Next Meeting: April 13th, 2004 at 9:30 a.m.

Minutes submitted by

A handwritten signature in black ink, appearing to read "George P. Baker". The signature is written in a cursive, flowing style.

George P. Baker

P & E minutes April 13, 2004

Permitting & Enforcement Committee Meeting
April 13, 2004

Attendees

Jim Braun, Cleve
Mike Ahern, DAPC
Adam Zolciak, Toledo
Mike Pluetz, HCDOES
Don Waltermeyer, NWDO
Sarah Hunter, SEDO
Kyle Nay, SEDO
Kay Gilmer, SEDO
Ed Fasko, NEDO
Jeff Canan, RAPCA
Jim Pellegrino, SWDO
Jenny Marsee, RAPCA
Frank Markunas, Akron
Mike Hopkins, DAPC
Jim Orlemann, DAPC
Pat Shriver, Canton
Cindy Charles, Portsmouth
Adam Ward, CDO
Mike Riggelman, CDO

Co-Chairpersons: Jim Braun and Jim Orlemann

Preliminary discussion regarding the purpose and direction of the group. Like to use the group to define the problem but continue to use subcommittees to work on specific solutions. We have to be willing to put some work in to resolve the issues rather than just discussing the problems. Strong desire from field offices to have more formal documentation of resolutions, policy or eng guides, web site postings of solutions. Would like a central location to go to for various issues and answers. How to? Try problem statement, background discussion, solution, then publication.

First, how do we utilize this meeting and/or group? Everyone needs to think about it and be ready for discussion next meeting

Agenda Items/Topics Follow

T 5 Permits etc.

Two Handouts from Jim O. Graphs prepared by Ahern showing remaining issuance steps for the last T5 permits. *Triple Ps are critical and require our attention at this time. No new deadlines have been set for getting all Title V permits issued Final. The work on the first round of Title V permits is delaying work on modifications, renewals, and appeals due to a resource problem in Central Office with not enough people to handle the workload.*

Also, a list of FESOPs to be reviewed by central office. *Please make sure technical support has been provided to Jim O. for these permitting actions.* Technical support includes but is not limited to: Permit application, PTE analysis for all EUs, FESOP strategy analysis, Syn Minor Write-up.

Renewals are second priority. Central Office is not ready to issue permits without review. Field offices should still continue to process renewals (?). **Renewal training has been delayed until the summer.**

Regarding Engineering Guide 61, USEPA will not accept actual HAP emissions less than 20% of major source threshold for avoiding MACT. The 20% allowance is for Title V purposes only.

Hearing has been set for DP&L appeal on April 28. The resolutions of this appeal may significantly affect Title V permits.

Enforcement

No real update.

New Source Review

Mike H. Time is being spent on NSR reform. Revised draft rules on schedule, now with legal for their review, then they go out to interested parties. Exemption rules following close behind; **however, these will be handled as a separate rule package from the NSR reform package.** Some work going on with Permit by Rule. Threshold rule may be close but last minute issues are delaying the process.

RACM BACT Portable drills - Don W. - Generally permitting drilling activities under mineral extraction part of the permit. Also may have portable permits for drilling operations. NWDO issued NOV for VEs and related problems of discharge pile and subsequent blasting and/or weather conditions re-entraining the collected drilling material. What should be done at this point? Some discussion on establishing BAT for drilling operations. *Don will continue to investigate and work on this problem.* **Need to see what other states are doing to address this situation. Possibly have the company do a BAT/RACM study. For Appendix A areas, at a minimum they must comply with the 20% opacity limitation. Don will also check with the Ohio Aggregate Society.**

Don W. Handout on mercury emissions from cremations. What to do at this point regarding permitting activities? *Mike H. will ask P. Koval to look at the article and decide if Ohio needs to pursue issue any further.* **Currently, we do not need to include mercury limits in the crematory permits.**

MACT in PTIs - T&Cs should be included similar to T5 (**insert entire MACT in Part II facility terms**) except when time constrained. **If rush permit, just need to cite the MACT and include key elements.** Important, only way to enforce MACT is with STCs. All MACTs should go draft except for Dry Cleaners, chromium electroplating, small printing operations, possibly more. Can we get a final list of those that do not need to go draft? *Mike H. to provide a list of MACT categories that can go direct final at the next meeting.*

Secondary Emission from Control Devices - Adam W. Must include additional emissions from control devices in Permits. (ex. incineration) Use de minimis or other exemptions as a guide for inclusion, or 1 tpy. **If emissions are less than de minimis or less than 1 tpy, do not need to include in the permit. For situations where multiple units are controlled by the same control device, need to include the control device emissions in the terms for each emissions unit and explain that they are dedicated to the control device.** This is a possible subject for "published guidance."

April 1 deadline for using new PTI form. Your discretion for accepting old form. Send back or accept. Larger companies should use the new form - more flexibility with smaller companies. If old application is used, still must provide all necessary information.

P & E minutes April 13, 2004

BAT for transfer stations - NEDO is requiring a company to revisit BAT. Need more information from other states. Need to identify BAT for similar sources.

Multiple EUs w Common Controls

Jim Braun. Meeting set up for today with OEPA to discuss this concept and issue, possibly add it to "new source review reform."

CETA

Curt Marshall issue regarding PCEs and stack testing and CETA. Other CETA issues. See attachment to e-mail from Curt Marshall regarding potential new AFS (CETA) Reporting Requirements. **Most of these issues identified are already handled by CETA. Other remaining issues have been discussed with USEPA in the past and there is disagreement. We will not make any changes to CETA unless USEPA is able to provide good reasons for making changes. Frank Markunas will be attending meeting with USEPA and will provide a summary of the meeting.**

How is noncompliance defined in CETA? Actions including warning letters on up are viewed as noncompliance. USEPA defined noncompliance in a document that Jim Orlemann will provide to the group.

PMU

Mike Ahern Modification and renewal guidance has been distributed somewhat. Additional guidance is work in progress and forthcoming.

MACT guidance provided at the MACT training seminar **for including MACT in Title V**. Consult attendees in your office for specifics.

Annual T5 Certs and dealing with new format. Questions and issues to Mike Ahern.

Notice of Deficiency will not be issued for several work related areas but T5 issuance remains a problem with DOJ.. Anything to improve T5 issuance rate will help with avoiding Notice of Deficiencies.

Landfill Operating Scenarios

Mikes Hopkins **inherited this project from Tammy**. No update.

VE Guide

May be close to complete. Problems due to Tammy leaving and responsibility for completing. *Jim O to take the lead.*

Appl Guidance on 17-11 etc. Finalize or drop from agenda? Jim O. Important enough to issue as a Eng Guide. It will be done no matter what. *Use as draft guidance and remove from Agenda.*

Stack Testing

Meeting over, 1p. Save remaining for next meeting. *June 8, 2004 next meeting, 9:30a.*

Permitting & Enforcement Committee Meeting
June 8, 2004
Lazarus Government Center
Ohio EPA
Room C, DAPC

Attendees: Co-Chairs - Jim Orlemann (CO), Jim Braun (Cleveland)
- Rick Carleski, Mike Hopkins, Mike Ahern (CO)
- Bud Keim (Canton), Mike Riggelman, Adam Ward (CDO), Paul Tedtman (HAMCO), Jennifer Marsee, Christine Swetz (RAPCA), Adam Zolciak (Toledo), Kay Gilmer, Kyle Nay (SEDO), Laura Miracle, (Akron), Don Waltermeyer, (NWDO), Cindy Charles, (Portsmouth), Ed Fasko (NEDO)

1- Utilization of the P & E group

Mike Hopkins and Jim Orlemann both indicated they would like to see the group continues as is and better utilize sub-groups. RAPCA suggested the engineering guides be updated, possibly handled by subcommittee. A question was raised as to the role of the monthly permitting call as it relates to the P & E group. All felt the calls were important, but several issues had to be addressed for the calls to have any value. Scheduling must be consistent, participation by the DO/LAA as well as the Central Office is important. Distribution of questions, answers as well as the documentation and recording of the answers is also important. During a call, questions can also be generated by the issues being discussed. Questions of the Central Office that are answered to individuals outside of the call should be provided to all permit writers for state-wide consistency purposes. The following was agreed on -

The calls have been established as the third Thursday of each month

Questions should be E-mailed to Mike Mansour early enough before the call so that information may be gathered and the questions can be sent to all DO/LAA's

These questions could be put in the form of an agenda

A suggestion was made that any E-mail regarding permitting questions, whether they are generated for the call, or by an individual, an E-mail should be sent to all P & E contacts and/or permit writers with the subject heading "monthly permit call item". Ideally, the listserver or a bulletin board was to be established for this purpose. Due to resources, that is a ways off, and this method may serve the purpose at this time.

Jim Orlemann handed out the by-laws of the P & E committee which was initially known as the Engineering Advisory Committee. The concept of the group is working, but the documentation, distribution and archiving of the information needs to be improved upon.

We then moved to our task of the Engineering guides review. It was decided to try to review about 8 guides per year, each of the field offices taking the guides on. First review assignments are as follows:

NEDO - Guide #44 - Portable plants.

NWDO - Guide #1 - PTI/PTO for non-criteria pollutants

Toledo - Guide #2 - Issuance of PTO for SO₂ sources

RAPCA - Guide #3 - Bake off ovens, Incinerator or Process?

CDO - Guide #4 - VOC definition of potential to emit

2 - Stack Testing issues

The noon start policy memo had been revised and forwarded to Tammy. Cindy asked that she be resent the final version for her and Bob Hodanbosi to review.

A discussion ensued about specifying the proper test method for PM-10. The specified methods have been questioned and the alternative of including the back half of the Method 5 analysis has also been

utilized. NWDO worked with Bruce Weinberg on this. The understanding is that the PM-10 method should be specified in the terms of the permit (Compliance Section) , with the "alternative approval" testing language. NWDO is to forward the E-mail from Bruce to the P & E Committee.

Jim Orlemann handed out the draft engineering guide regarding VE readings. Anyone that has any comments are to get them to Jim, (faxed, marked up copy) within 1 month.

3 - Title V permits and Issuance Deadline Update

Jim Orlemann indicated there are 37 Title V permits (initial) that remain to be issued. 5 PPP are to be issued by the end of the week. The rest of the PP are expected to be issued by the end of June. The plan is to have all finals issued by end of July. There are a few complicated permits that may not make this due to specific issues such as PTI's. Jim handed out a copy of the revised list of FESOP actions on his list, and a state wide listing of the remaining Title V actions. Ohio is presently tied with Illinois in getting the initial Title V permits completed. We still can be the first in the region to complete the project. USEPA may not waive their review on some of the complicated Title V's, such as ISG, AK Steel, but indicated they will do a expedited review. The US Inspector General will visit Central Office next week. The focus will be on the implementations of the Title V programs through the region, looking for consistency in permits, enforcement, etc.

Central Office will be taking action against late filers for renewal of Title V applications. Jim handed out guidance on the legal interpretation of the permit renewal application enforcement from Jeanne Mallet. Send your comments or additional questions to Jim by the end of June and wheather this should be and Engineering guide or legal guidance document.

SEDO sent out the compliance certification checklist. The Electronic version has tips in the form and can be opened in Wordperfect 8,9,10. The definition of a significant violation is listed here and should resolve the no-comply question. Jim Orlemann will look this over to make sure there is no conflicts.

4- Enforcement Update

Jim Orlemann indicated there has been no progress in the enforcement improvement activities. Look for F & O 's for the Title V non- filers. Civil penalties will be assessed, but on a sliding scale, depending on how late the application was filed. F & O's will include authorization for the facility to continue operation under the past issued permit terms. The City of Orrville was assessed a penalty of 20- 30 thousand dollars for late application. Initiative is also being developed on governmental fleet violations for E-check. F & O's will also be issued on these as well.

P&E minutes

06/09/04

Page 3 of 4

Enforcement (continued)

Old cases being worked are 21 months old or older and are to be resolved by the end of the year. There is no enforcement initiative planned for facilities operating without filing for State PTO's. The only enforcement is on the basis of not filing an application and getting a permit, unless the facility is in violation of a specific rule. Terms are not enforceable once a permit has expired. Late Title V fees are being acted on by Central Office. A grace period of 7-10 days is being considered as a no penalty situation. Drafts of the F & O's will be sent to the DO/LAA's prior to sign-off.

The enforcement information collection request (ICR) that the Feds are pursuing is of concern to the DO/LAA's as well as the Central Office. Curt Marshal of RAPCA sent our an E-mail on this. Adam Ward of CDO is on the CETA group and voiced the specific concerns of not only the additional time taken to track the information but also of how it is to be used. Presently, ony NWDO is entering all the reports that the ICR wants. Bill McDowell did not want PCE information in the past, and the requirements of the ICR are not part of the grant commitment. A uniform response should be made to the Feds on this

matter. Comments are due by July 30th.

Shelly Asphalt Plant - Operation without a permit. 114 letters by the Feds are out on these plants. All these plants should be identified and testing pursued. The only violation that can be pursued is that of no permit. No permit, no enforceable terms. See engineering guide #16 for testing requirements. The test method suggested for VOC is 25 as it includes formaldehyde as well as organics, where 25A does not identify components. Unfortunately, AP-42 numbers are based on 25A - be aware of this. Mike Hopkins has a spreadsheet on testing results of asphalt plants that he is willing to forward on request. This data could be helpful. A large number of enforcement cases on Asphalt plants are active.

5 - New Source Review.

The Engineering guide on emission factors is in the PAG. The draft NSR rules went out for comment to interested parties. Next step is to prepare the final package and hold hearings on the rules. Hope to have them finalized by the end of the year. There is training planned for the permit writing staff. Jenny Nichols has done presentations on this topic. Contact her and she will E-mail you the presentation if you want an overview prior to the official training. If application questions come up from industry, DO/LAA will have to work with their NSR contact. Permit exemption threshold, permit by rule package to go out to interested parties by end of the month. Central Office hopes to issue at least one general permit by this fall. RACM/BAT for portable drills; no update. RACM/BAT for crematories should be referred to Paul Koval. Mike Hopkins handed out the excerpt from the 2004 commitment identifying which sources do not require the PTI's go draft.

The terms and conditions group has not shown much progress as lack of resources are the issue. Contact Cheryl Suttman directly in regards to a specific term. The plan is for a web-page set up for this project, but a need for computer support is required. The Database has not yet been set up; the plan was that people were to submit changes to Cheryl, and input from Bruce and Jim was to be gotten before the terms were updated.

There was some further discussion as to weather this should be done as a group, with Cheryl as the coordinator, rather than the initiator.

Miscellaneous Metal Coating MACT - Most are putting the entire MACT into the Permit either in the body or as an attachment. Most offices are cutting and pasting the entire MACT. This makes it difficult for inspectors who did not write the permit. A discussion ensued about the enforceability of MACT, the way Ohio has to legislate rules, rather than adopt the federal rules, and the subsequent requirement of rule in the permit. If the MACT is not applicable, do not put it into the permit. The MACT is being placed in the facility level, and the specific limit is listed in the emission unit level. Since the entire MACT is listed, if a company changes its options of compliance, an administrative mod is necessary to the permit.

- - - Mike Matney stopped in to say hello. His chemo has been going well, and there is a chance that the cancer will go into complete remission. Down to 220 lbs, he feels good and is adjusting to retirement; although he still does some work for the state, and says we will continue to see him around. - - - -

A question was raised about the responsibility of putting the MACT as an attachment to a PTI. This is a necessity for equations and graphics that will not go into the permit document. The DO/LAA should develop this as an electronic file and send it with the Permit. The suggestions were to copy it from a word perfect sit such as the TTN or University of Tennessee site.

6 - Multiple EU's with common control - Jim Braun, Mike Hopkins and Jim Orlemann met with Cindy DeWulf and Bob Hodanbosi to discuss this. This policy will not be in the NSR rules, but we will look into the possibility of placing it into other rules. The first order is to address the issue with particulates. Jim Orlemann used a group of boilers as an example and asked for other situations that this might apply to. He also suggested a subcommittee be formed.

7- PMU update - Mike Ahern.

P & E minutes June 8, 2004

The USEPA stack testing guidance was handed out. The grant commitment is that 50% of the stack tests conducted be witnessed.

PTI revocations - Mike Ahern is working with SEDO on the template PMU will provide examples of various situations. DO/LAA will modify the template and send it to PMU for the specific situation of that particular facility. If the emission unit is dismantled, the PTI is may be modified rather than revoked with orders. Eventually the plan is that this be in PTI 2K.

There are still some problems with PTI 2K and different versions of wordperfect. New versions of the macros should be out by fall to correct these problems. Do not work around the problems. Contact either Mike Ahern or Erica Engle to correct them as designed. The macros are being worked on for the general permits.

8 - There was no update on the landfill issue.

- - - Next meeting is on 8/10 at 9:30 in Columbus - - -

Permitting & Enforcement Committee Meeting
August 10, 2004
Lazarus Government Center
Ohio EPA
Room C, DAPC

Attendees: Co-Chairs - Jim Orlemann (CO), Jim Braun (Cleveland)
Minutes - Ed Fasko (NEDO)
- Rick Carleski, Mike Hopkins, Mike Ahern (CO)
Bud Keim (Canton), Mike Riggelman, (CDO), Paul Tedtman (HAMCO), Jennifer Marsee,
Christine Swetz (RAPCA), Joslyn Summers (Toledo), Kay Gilmer, Sarah Harter (SEDO),
Frank Markunas, (Akron), Joe Loucek (NEDO), Mark Budge (NWDO), Jim Pellegrino,
Terry Sanner (SWDO), Cindy Charles, (Portsmouth)

1- Title V Permits and issuance update

Jim Orlemann handed out a document showing the progress of the issuance of the initial Title V permits. The 65 number includes 36 which are not part of the initial Title V. The new goal is to have all the finals issued by Labor Day. There are 29 left to be issued of the initial group. All the PPP meetings have been held. The feds have waived comment on 5 of the 29. Glastic has a draft PTI issue which may delay issuance. Jim indicated Bruce informed him the West Lorain Plant PTI should be able to go direct, minimizing the time needed for the issuance of the final Title V. These are the only 2 which would pass the labor day deadline. US EPA indicated they will definitely not waive the comment period on AK Steel. Mike Ahern commented that he will be modifying the Title V tracker to include state PTO's as well as Title V renewals.

TV Renewals - Presently there is no schedule from USEPA to get renewals issued, but renewal training is planned for the fall, USEPA wants to participate. Akron Thermal is the only renewal issued (1677010757) and is on the web page under 1/30/04 issuance date. Jim feels that next month renewals will be worked on in CO as the initial Title V push will be completed. There has been on prioritization of renewals, but the three items to be considered are level of review, time frame and exemptions. A question was raised as to how to handle an emissions unit that becomes exempt under the new rule. The response was that the facility would have to request a revocation of the PTI.

FESOPS - Jim handed out a list of FESOPS that are on his desk. This is an update of the list passed out in the past. He indicated that all DO/LAA's should check to see if they have any FESOPS in their office that are not on his list. He reminded all that a company needing a FESOP to get out of MACT must have the FESOP issued prior to the first substantial compliance date. A PTO following a Synthetic Minor Pti is not as high a priority as a FESOP.

2 - Enforcement update

Jim indicated Jeanne Mallet is to send an E-mail on enforcement issues and renewal for Title V. There is no update on the process improvement goals. Present enforcement goals are as follows: 40 F & O's are to be issued for the calendar year. 38 have been issued as of 7/28. Old cases are defined as 21 months or older from the EAR date at the end of a calendar year. The Director's goal is to have no old cases on docket by the end of the year. DAPC has 21 left to resolve by the end of the year. Penalties so far this year have been \$490,000 in administrative orders and \$3,000,000 through the AGO. Jim also reminded us of the statute of limitations and that we must keep in mind the EAR must be in Central Office within 18 months of the day of discovery of the violation or no penalty can be assessed. Within 2 years, the AG's office must settle or file a case in court. DAPC has received 102 new cases this year. Joe Koncelik will be tracking the cases through 2004 as a basis for the future.

ICR's for PCE's - RAPCA drafted a letter for Bob Hodanbosi's signature regarding ICR's

(Information Collection Request) for PCE's. (Partial Compliance Evaluation) This letter was handed out for informational purposes. Stack testing and inspection reports as they relate to PCE's are important; however, the agency has taken the stand to object to the reporting of PCE's regarding notifications, quarterly, monthly, semi-annual and annual reports. are and because of the volume of information and the concern that the PCE has not been accurately defined.

4- New Source Review (NSR)

Mike Hopkins indicated the Engineering Guide on emission factors is waiting on review by the PAG. The NSR reforms package is in the director's office, has been signed and the official comment period began on August 10. There will be three hearings in September; Cincinnati, Cleveland and Columbus. It is still on schedule for approval by the end of the year. There is some concern about a possible Federal challenge. The routine maintenance language was not included in the rule. Other groups may appeal the change, but it does not seem to be an issue at this time. Mike is looking to possible training in the fall for the changes in the NSR rules. No details yet on this. It is important to remember that rules that are in place at the time of issuance of a permit dictate how the permit is written and what applies. In general, existing rules are more likely to put a facility in NSR than the new rules.

RACM/BAT for portable drills - no update from NWDO at this time

BAT/Hg for creamatoriums - Paul Koval is working with Don Waltermeyer of NWDO on this.

General discussion on worst case conditions - RAPCA voiced the concern about as asphalt plant PTI (administrative modification) that was drafted to follow the stack testing requirements in the general permit. It was felt the stack testing was overburdensome for a fuel or material change. This guidance was sent to RAPCA from CO as draft. The concern is the problem in implementing something that is draft and not enforced statewide. Mike Hopkins indicated the guidance needs work and it was something to look at, not final procedure.

Fuel change is a issue for asphalt plants. A BAT number is to be established for whatever fuel is used. The trick is to how to define BAT without excessive limits in permit. Is the worst case lb/hr defined for each fuel? Should testing be required for all fuel changes? These issues should be flushed out with the development of the general permit for asphalt plants. Limits for at least natural gas and #2 fuel oil should be established as worst case and in short term. No finalization date has been established on the general permit for asphalt plants. Drycleaners and boilers general permits are part of the what is posted on the web for comment. There may be some permit writing training conducted with the NSR training; it was suggested advanced be offered rather than basic, as the basic was probably taken care of in the DO/LAA's

- Break-

Abdur Rahim discussed the issues concerning the Initial Notification report that a company submits regarding the applicability of a relevant MACT standard to its facility. Also discussed were issues such as when shall the facility submit initial notification report, when to keep records of applicability determination, and what we have to do when a facility notifies us that they are no longer subject to the MACT standard; due to the determination that th facility is an area source. If this is the case, and/or the MACT standard is not applicable to them, or the facility requests withdrawal of their Initial Notification report, to whom shall the Initial Notification report be addressed to? Original copy goes to Bob Hodanbosi, copy to USEPA and the DO/LAA as well as Abdur. Recordkeeping by the facility should be maintained, wpecially in the case of applicability. The standard term for reporting should be changed to reflect these items.

- Abdur will be sending a detailed e-mail regarding these issues to all DO/LAAs.

4 - Multiple emissions units

Jim Braun, Jim Orlemann and Mike Hopkins have indicated the existing rules may have to be modified in order to implement this. The working example presented by Jim Braun was three mixers with one limit (common control). The two approaches were as follows:

1 - Identify as three units with identical terms or by reference. The planned PTIO method would be to list terms only once for all three units. In order to establish compliance, a limit would be established at the control outlet.

2 - Group units in common limit, as one emissions unit. A rule revision would be necessary because of the individuality of permit.

Jim asked for examples of situations in the DO/LAA's, such as several emissions units with common egress points; foundries might be a good example; boilers that are united, landfill engines with separate units that have common terms. The effects of NSR on this concept would involve equipment change and identification of equipment.. MACT also becomes an issue that has to be addressed when units are combined. Part III of the permit would have to refer to part II for each applicable emissions unit. The identification of units in STARS also has to be addressed. The discussion is to be continued. Action Item - *Examples should be brought to the next meeting by the DO/LAA's.*

5 - PIDM (formerly PMU) update

Mike Ahern indicated the procedure of the process in PTI 2K will have an option if the project is subject to the general permit. A terms and condition document will not be necessary. Other improvements by PIDM are that all emissions units will be listed on the director's signature page on the permit, and the elimination of multiple copies of identical terms, as well as the listing of the facility ID to the cover page of the permit. Mike also reported that the FER reviews have gone smoothly and the invoices are going out. Mike handed out the Title V Renewal Application Review Document. It is important that BAT be referenced as an applicable requirement in the application. Renewal training is being planned for the end of this year or the beginning of next year. The Feds want to be part of this training. Mike also pointed out the importance of updating the SOB if the basis for a term has been changed. Mike also handed out the Feds comments on the new SOB form. He requested comments by 8/13. There are four areas in the front page that need to be addressed; the changes to the permit document must be added to the SOB. Please use the new format. The new SOB will be posted on the web page with the appropriate font by the end of next week, after Mike reviews any comments and makes any necessary changes.

6 - Engineering guide reviews

Joe Loucek of NEDO presented the work thus far on EG 44 (portable plants) by NEDO. Adam Zoliak of Toledo as well as some of the other offices had participated in the initial development of the update. A cover letter to Bob Hodanbosi accompanied the pre-draft of the new guide outlining 3 specific issues which must be resolved in order to re-write the guide;

- 1 - The director's determination on intent to relocate (ITR)
- 2 - Public noticing of the director's determination
- 3 - Mechanisms to speed up review of certain ITR's

Specifically, the director's signature and his delegation of the authority is an issue, and the definition is not clear in the rules; possible rule revisions for exemptions, meeting the 30-15 day requirements are the highlights. Two other items brought up were the fees that are associated with relocation and what to do when the home office moves. Comments should be sent to Joe Loucek. Other EG's which are under review are as follows -

- NWDO - Guide #1 - PTI/PTO for non-criteria pollutants
- Toledo - Guide #2 - Issuance of PTO for SO2 sources
- RAPCA - Guide #3 - Bake off ovens, Incinerator or Process

CDO - Guide #4 - VOC definition of potential to emit
Action item - *Drafts should be brought to next meeting*

7 - CETA update

Adam Ward was not available to give an update.

8 - Stack Testing

Start memo - Cindy talked to Bob and Jim. Bob will probably sign the memo next week.

PM-10 guidance - Bruce responded to question by E-mail. Copy of the questions and his response is listed below.

This is a pretty significant issue and NWDO has issued quite a few permits allowing the inclusion of the weight of the back half in a Method 5 test as the compliance method for PM-10. It is my understanding that this was researched (discussed w/USEPA) and approved by CO in the past. If this option is now completely off the table, we, as well as all the DO's and LAA's, need to know. Also, what are the ramifications on previous compliance tests when this method was used? Do all these permits need to be modified? Do the tests need to be done again using Method 201? The implications are significant not only for us but also for the companies. Thanks for your help,

>>> Bruce Weinberg 04/26/04 11:12AM >>>

If a site-specific PM-10 emission test alternative has been approved by our Agency or the U.S. EPA, you may cite that alternative as the compliance method for that (those) emissions unit(s). A PM-10 alternative test procedure that has been approved for one particular application can not automatically be used anytime we specify a PM-10 emission limitation. The appropriate PM-10 emission test method(s) (i.e., Methods 201 or 201A and 202, if necessary) should be referenced when we establish a true PM-10 emission limitation. Since we also should be including the statement "Alternative, U.S. EPA-approved test methods may be used with prior approval from the Ohio EPA." with any specified emission test method, we still have the ability to address site-specific conditions that warrant the use of an alternative, including the hybrid Method 5 procedure that has been used to demonstrate compliance with some PM-10 emission limitations.

9 - Landfill Operating Scenario -

Tammy was working on this with HAMCO. This involves subpart WWW and concerns municipal landfills when an alternative method of compliance and review of the gas collection system.
Action item - *find out who is handling the letter drafted to the director and where it stands* - -
-note from previous meeting. - *Handout. from Mike Cramer, draft letter to the Director about the review of landfill gas collection systems. The idea is to accept the changes in the collection system if approved by a Professional Engineer. Tammy had a concern about the legality of the authorization of the changes by the facility and will take Mike's letter and draft up a memo from Hodanbosi to the Director.*

There were additional questions as to the possible involvement of P.E.'s in Solid Waste to help review the plans. Also of concern was if there was a significant modification, would a new Title V application have to be submitted. It may be wise to restructure the language of the permit to address this matter.

10 - V.E. draft Engineering Guide. (Guidance Document)

Jenny of RAPCA handed out their comments. Mike Ahern had given comments to Jim Orlemann earlier. Tim Fischer had a number of comments. All comments will be given to Tim, who Jim feels may be best to look this over. Action item - *Jim Orlemann to get Tim's original comments along with Mike's comments to Tim; Tim has RAPCA's comments and has agreed to review the guidance.*

P & E minutes August 10, 2004

A discussion ensued about how information is distributed and a repository for such guidance as it becomes acceptable and is to be implemented statewide. As a group, the P&E committee should establish a library or index of these guidances in hard copy form. Eventually, as discussed previously, this would be ideal situation for a listserver or web page, but that is some time off. Action item - *bring ideas on how this can be accomplished to the next meeting.* .

11 - New Business.

A concern was raised about the cancellation of the last permitting call. It was determined that it was not only the lack of questions, but also the availability of Central Office staff. (depositions) It was recommended the call be held even if there are no questions as long as staff from Central Office are available. The forum could be used to revisit new issues, such as those presented in the P & E meeting or the monthly calls with USEPA.

Mike Ahern indicated the MACT web page has been revised and any comments should be sent to him.

Jim Orlemann mentioned that the Feds may be requiring only 50% of the stack tests be witnessed. *There appears no formal notification has been made in this matter. DO/LAA's should check their contracts on this. Stack testing is important for compliance but the number of tests required by Title V puts a strain on resources.*

***** The next meeting will be held on 11/09 at 9:30 in Central Office *****

Permitting & Enforcement Committee Meeting
November 9, 2004
Lazarus Government Center
Ohio EPA
Room C, DAPC

Attendees: Co-Chairs - Jim Orlemann (CO), Jim Braun (Cleveland)
Minutes - Ed Fasko (NEDO)
- Jim Carney, Andrew Hall, Mike Hopkins, (CO)
Bud Keim (Canton), Mike Riggelman, Adam Ward, (CDO), Paul Tedtman (HAMCO), Jeff Canan, Maria Cruset, (RAPCA), Joslyn Summers (Toledo), Glen Greenwood, Dean Ponchak, (SEDO), Frank Markunas, (Akron), Bridget Byrne, (NEDO), Mark Budge (NWDO), Jim Pellegrino, (SWDO), Cindy Charles, (Portsmouth)

1- Combined meeting of OLAPCOA, TSO and P&E - Frank Markunas was asked by the directors of OLAPCOA to present the suggestion of a combined meeting for the three groups. The first question was the reason for the meeting. As a working meeting, there are few tasks which are common to all groups. Updating information could be provided to the directors in either the form of minutes or as sending someone to P & E to report. The only reason to have the groups meet together would be to "break bread" Frank will check to see what the directors are looking to accomplish. The directors will be put on the mailing list for the minutes, in addition to the Air Unit Supervisors.

2- Title V Permits and issuance update

Jim Orlemann handed out 2 documents; one showing a revised list of FESOPS that are on his desk, the ones that he has reviewed are checked; either more information has been requested, or the permit has been moved to PIDM for issuance. The second list was the list of initial Title V permits that were not on our original commitment. The FESOP list includes facilities that have been issued synthetic minor PTI's and are now at the PTO stage. These permits will go direct final as long as the PTI went draft. Let Jim know if there are any other FESOPS that are in the DO/LAA's. Those not checked may need the supporting technical information that Jim has requested to review the terms. He reminded all that a company needing a FESOP to get out of MACT must have the FESOP issued prior to the first substantial compliance date. The Title V list was put together by Mike Ahern and needs to be reviewed by the DO/LAA's. There are 32 facilities listed, some with comments. These are the priority permits, Jim indicated Mike Ahern is to be notified within a week if the list is correct and the comments, such as shutdown facilities, need to be verified.

Initial Title V - Jim was pleased to announce that there are 6 TV of this group left to be issued; 3 at the PPP stage and 3 at the PP to final. There is still a possibility that Ohio may be the first in the region to complete the initial Title V commitment.

TV Renewals - CO is ready to work on renewals, Mike Ahern is working on a list that will elevate the priority for late filing.

TV significant mods - Jim indicated that these could wait for renewal, if the expiration date is less than two years out. However, if the facility needs the mod to construct and/or operate, or in the case of the mod being a result of a PTI mod, it should be worked on. In the case where the PTI mod and the Title V mod are needed to be issued concurrently, contact Mike Ahern. Jim will ask Mike to put together a list on mods, renewals and prioritize.

State PTO's - There is a list of over 100 PTO's on Loretta's list to be issued. These can be worked on as time allows.

3 - Enforcement update

There is no update on the process improvement goals, but this year was good for enforcement. Penalties have been mitigated for the late filing of Title V renewals. The orders serve two purposes; to assess penalty and achieve compliance and specify that the company comply with the past permit. Regarding Title V for MACT area sources: Central Office's position is to extend the time line by inaction. USEPA has final call on this deferral; Feds say draft deferral should be out by deadline, but the final will not make it. CO will establish state policy. RAPCA has looked at the rule and will draft up language for CO (Abdur) to include. It was suggested that the companies be advised of the situation; but the decision to file a Title V application or not file is up to the company.

Jim indicated that starting calendar year '05 EAR w/ violations older than 18 months will not be pursued. DO/LAA's will probably have to set up some sort of internal tracking for violations - delay in EAR will result in no violations. Jim handed out a memo from Joe Kolcelik regarding the statute of limitations for Civil Cases. Jim also handed out replacement pages for the enforcement manual. There have been minor changes, and the time frame stands as follows:

30 days to send NOV (from time of discovery)

30 days for receipt (green card)

30 days to process an EAR

'04 was an excellent year for enforcement; Jim thanked all

4 - New Source Review

The engineering guide on emission factors is on hold at this time

The state regulations on new source review are in effect as of October 28, 2004. Items mentioned by Mike Hopkins were the 10 year look-back, PALS (plant applicability limit) and future projected actual. USEPA is reviewing the rules, and are not final in the SIP yet, but we should use them anyway as the state rules were written to follow the federal rules and the Feds

will likely approve them. Regarding PTI exemptions, the threshold and PBR packages are going to be split up before the rules are proposed; the PBR rule will probably move quicker as the threshold rule appears to be more controversial. As industry and public seem to get these two rules mixed, breaking them up will help distinguish between the two. The only General Permit available so far is the natural gas fired boiler. Presently, the general permits for asphalt plants, roadways and parking areas, dry cleaners and concrete batch plants are being worked on. Training for NSR and Title V renewal may be combined, Misty Parson's E-mail requested attendees from the DO/LAA's. Initially early December training was planned, but now it looks like more like January. We are looking at a 2 day event, a suggestion was made about 2 - 2 day sessions.

Regarding Nox as a precursor for Ozone, Ozone non-attainment areas are considered attainment for Nox, but both VOC and Nox should be evaluated for Non-attainment NSR applicability if either pollutant is over 40 tons for a proposed modification and the facility already has a potential to emit greater than 100 tpy for either NOx or VOC. if either pollutant is over 40 tons

RACM/BAT for portable drills. - No update

BAT for crematories - No update

Break - - -

5 - Multiple emissions units

Jim Orlemann had requested examples for the discussion of this topic - specifically for situations where multiple units share a common emission limitation. Jim Braun handed out an example where several emissions units shared a common limit from 17-11 and presented the scenario as follows; 6 grinding booths, Rule 17-11 combined limit of 9.5 lb/hr. Each booth has a dedicated cartridge filter for particulate control. (it was noted that this situation could also occur where just one control device is utilized for all six booths) The proposal is to have one set of terms and conditions with the listing of all

applicable emissions units. Adam Ward pointed out that the PTIO project would look at situation such as this and issue a document identifying the units with one set of terms. This, however, would not be applicable to Title V facilities.

In order for units to be considered similar for grouping, Engineering Guide #31 requires units to be physically and operationally united, and in close proximity. Fuel burning equipment can be grouped as multiple units with one allowable heat input (17-10). Another example given was identical storage tanks. The biggest challenge is how we look at BAT in these cases. If the old standard is 85 % control, and a new unit is added with BAT being set at 95%, how could we combine this if there was only one control device? A decision has to be made as to the complexity of the problem; when do we keep them together and when do we pull them out?

Possibly only when a modification is done ? The other question raised was how is a new unit added on to this group for a Title V facility. Other examples of combined units are coating lines which contain an applicator and an oven. In looking at a process line, it is a defined set of sources. It was noted that by grouping emissions, subject to 21-07(G) for example, it could make the permit more stringent by having the group of units subject to 8 lbs/hr and 40 lbs/day rather than allowing each separate unit 8 lbs/hr and 40 lbs/day.

Another example were multiple booths with a total enclosure and one limit for the one control, which we discussed at the last meeting. Akron provided an example in the plastic compounding industry consisting of two large different mixers and two small mixers controlled by a baghouse. In regard to common control of VOC, Akron provided an example of 3 distinct operations in a glove manufacturing facility controlled by a carbon absorption system. SO₂ emissions from mold-making machines in foundries are commonly controlled by a scrubber. Another question whether to assign a lb/hr emission limit with an associated control efficiency or establish an outlet concentration for the control device (e.g., gr/dscf or ppm).

Jim Orlemann stated that we need rule revisions for at least 35-02, 35-77 and 31-02 to allow for such grouping. Possibly for 35-02, 35-77 and 31-02 to allow for such grouping. The sub-committee must reconvene to begin crafting rule revision language for the multiple emissions unit scenarios. Jim Orlemann wants the proposed language to be generic enough to accommodate the many different possibilities that exist for these types of situations. Jim O. wants the sub-committee to begin by crafting proposed revisions to 35-02. He anticipates that each of the rules noted above will be modified in the same way to address this situation. The sub-committee will layout scenarios and address the questions regarding new installations and how they would effect the permit as well as rule revisions where necessary. Of major concern is that we want to ensure that BAT is re-evaluated whenever the grouped emissions unit undergoes a modification (e.g.. adding a new unit to the group or replacing an existing unit within the group).

6 - PIDM (formerly PMU) update - Mike Ahern not present to comment

7 - Engineering guide reviews

RAPCA - Guide #3 - Bake off ovens, Incinerator or Process - RAPCA handed out the draft changes. Any comments should be given to RAPCA so that they may be reviewed prior to the next meeting.

NEDO - Guide #44 - Bob Hodanbosi responded to the request regarding sign off by the director. His recommendation is that PIDM (formerly PMU) should be delegated signature authority as well as public noticing. The next step is to secure the authorization of the director. NEDO will follow up with Ahern and try to have a re-write by the next meeting.

Toledo - Guide #2 - Issuance of PTO for SO2 sources - next meeting

CDO - Guide #4 - VOC definition of potential to emit - They will look at this for the next meeting.

The changes in 21-07 may affect this.

NWDO - Guide #1 - PTI/PTO for non-criteria pollutants. Next meeting

Action item - Drafts and updates should be brought to next meeting

8 - CETA update - Adam Ward

USEPA has accepted the proposal to drop the requirement for the in depth information on the compliance tab of CETA. The tab will be modified to reflect site visit, compliance, and inspector name and date. A user's manual is being developed, training will not be required. Adam also mentioned that the PTIO group is nearly completed with the flow charts; the web site is being periodically updated, check it out. Any questions on PTIO should be referred to either Adam Ward or Erica Engle

9 - Stack Testing

Start memo - Bob Hodanbosi to sign memo.

Monitoring requirement of stack testing is at 50%. Listed in annual agreement for DO's, LAA's should check their contract.

10 - Landfill Operating Scenario -

The question remains as to who is to sign this letter. Mike Hopkins indicated he cannot locate the letter. Paul Tetman of HAMCO is to find a copy of the HAMCO generated letter and get it to Hopkins.

11 - V.E. draft Engineering Guide. (Guidance Document)

Tim Fischer of NEDO has completed his re-write and a copy was handed out. Please get comments to Ed Fasko or Tim by the end of November.

CEM procedural issues. Ed Fasko is to get with Todd Brown regarding the issues raised by NEDO with Tammy Van Walsen that were not addressed.

12 - New Business.

Different ideas were tossed around about the central repository for guidance, permit call answers and issues resolved at the P & E meetings. Cleveland is using an intern to create an electronic database of guidance memos starting with the NSR manual. RAPCA has an electronic database of information. NEDO puts electronic documents from CO on a shared drive in the district. CO discussed the possibility of a intranet web site. PDIM (PMU) is preparing a web version of the NSR. Although the information is recorded chronologically for the P & E meetings and the permit calls, it was agreed a categorization of the information is needed. A search by keyword was suggested, and it was agreed, that unless the policy was approved as an engineering guide, the information should be internal to the Central Office (DAPC) and DO/LAA's. The further challenge is keeping the information updated. Fasko is to check with Ahern on the development of this repository; So far, the categories suggested are as follows:

Title 5

Stack Testing

Inspections

MACT

- - - - Next meeting is on January 11 at 9:30 in Central Office- Happy Holidays to all.....

Index of Key Words or Phrases

analysis	17, 26, 29
annual	4, 10, 13, 18, 19, 20, 23, 28, 34, 41
applicability determination	34
BAT	7, 10, 20, 21, 24, 27, 28, 31, 34, 35, 39, 40
Capture efficiency	17, 19
Control equipment	4, 20
Cost	10
de minimus	8, 10
definition	29, 30, 35, 36, 41
Emission factors	7, 13, 20, 23, 31, 34, 39
Emission limitations	36
Emission tests	17
Emission units	4, 8, 9, 10, 24
Emissions units	34, 35, 39, 40
Facility	2, 4, 16, 18, 22, 23, 24, 27, 30, 31, 32, 33, 34, 35, 36, 38, 39, 40
fees	3, 5, 30, 35
fuel burning equipment	40
grouping	10, 40
Incinerators	17
insignificant	8, 9, 11, 12
Jim	2, 5, 7, 8, 9, 10, 14, 15, 17, 20, 22, 23, 26, 28, 29, 30, 31, 33, 35, 36, 37, 38, 39, 40
Maintenance	16, 24, 34
Mike Ahern	2, 3, 5, 8, 9, 11, 17, 21, 26, 28, 29, 31, 32, 33, 35, 36, 37, 38, 40
Modeling	16
modification	3, 8, 9, 13, 28, 34, 36, 39, 40
Monitoring	4, 5, 8, 14, 17, 18, 23, 41
Opacity	27
Open burning	2, 23
Parking areas	39
particulate	20, 40
Permit	2, 5, 6, 8, 9, 10, 11, 12, 13, 15, 16, 17, 19, 20, 21, 22, 24, 26, 27, 29, 30, 31, 34, 35, 36, 38, 39, 40, 41
Permits	2, 3, 7, 8, 9, 10, 11, 12, 13, 16, 20, 21, 22, 23, 24, 26, 27, 30, 32, 33, 34, 36, 38, 39
Physically and operationally united	40
Portable facilities	9
potential to emit	29, 36, 39, 41
Printing lines	18
RACM	27, 31, 34, 39
RACT	24
Record keeping	5, 8, 17
Recordkeeping	34
reporting	5, 8, 18, 28, 34
specifications	23
storage tanks	15, 40
Title V	2, 3, 5, 6, 8, 9, 11, 12, 13, 16, 17, 20, 21, 22, 23, 24, 25, 26, 27, 28, 30, 33, 35, 36, 37, 38, 39, 40
Visible emissions	25