

## Permit Exemption Threshold Committee (PETC)

### **Minutes of December 11, 2003 Meeting**

**Attendees:** Chuck Taylor, GT Environmental; Mike Hopkins, Ohio EPA; Paul Koval, Ohio EPA; Misty Parsons, Ohio EPA; Bill Spires, Ohio EPA; Paul Guevin, Ohio Paint Council; Kristin Clingan, Ohio Chamber of Commerce; Tim Ling, Plaskolite; Kevin Kilroy, Smithers-Oasis; Joe Koncelik, Ohio EPA; David Newsad, RMT; Doug McWilliams, Squires Sanders; Jon Hunter, Delphi Corp.; Bill Hayes, Vorys Sater

#### **I. Introductions & Approval of Minutes**

The workgroup meeting was called to order and the minutes from the November 6, 2003 meeting were approved as distributed. Kevin and Doug started by saying that the Agency has our industry comments on the previous rule draft so we should move on to hear from the Agency.

Joe Koncelik made opening remarks regarding the Governor's announcement on adopting the federal RMRR rule by emergency rule on February 1, 2004. The rest of the NSR package is to be completed by the end of 2004.

In regard to the PET rule, Joe stated that the Agency is trying to get it done, trying to come to a good faith agreement. We may not reach a consensus viewpoint on all things. We shouldn't get caught up in the precedence of certain things since the whole rule (exempting certain sources from permitting) is precedent setting. Some level of complexity is unavoidable; goal is to increase the Agency's efficiency, so part of the Agency's front-end review will be transferred to the applicant.

He noted that the Director would not sign-off on a rule if the staff is not comfortable that it is protective of public health. With that, the rule boils down to two proposals (1) modeling vs. (2) non-modeling. Ohio EPA is comfortable with the TLV proposal as protective of public health. For a non-modeling approach, the threshold would have to be low enough that the staff would be comfortable saying it's protective of public health. In the non-modeling approach we have to deal with "Non-HAP toxics" and what that list would include. Joe stated that his goal is to leave the room with two proposals that Ohio EPA could live with and recommend to the Director. Industry can then decide which proposal to advance. It is the Director's intention to move forward with one of the two proposals.

Kevin noted his appreciation at the Agency getting to the point where we can have two proposals to pick from; we will take them to our larger group to decide.

## II. Re-draft

Mike Hopkins noted his appreciation for the work the industry group put into getting Ohio EPA a marked copy of the latest rule draft with thorough comments. He then walked through their changes to our “non-modeling proposal” (See **handout dated 12/10/03**).

Some of the changes included returning to the threshold levels from the previous draft, and attempting to deal with the Non-HAP toxics. Mike stated that we couldn't just rely on the HAP list, but that a “HAP Plus” list of some 500 compounds would be listed in the rule (See **handouts**). Mike will draft something to allow current sources, not just new sources, to be exempt under the threshold rule (ex. Sources wanting to move from being *di minimus* to being exempt under the PET rule). Discussion followed regarding going back to “uncontrolled PTE” in (iii). The definition from 3745-77-01 was distributed for everyone to review.

After discussion of the revised non-modeling approach, we returned to Ohio EPA's modeling/TLV approach. We discussed several changes to that draft based on subsequent discussions. The Agency would argue that we're losing some sources by not doing modeling because there is more flexibility in Ohio EPA's approach, even if it is more complex. We discussed “the table” in both the modeling and non-modeling approaches. It was noted that the proposals are essentially the same except for the bottom of the table that adds in the modeling approach to add more sources. It was noted that we might need to add some narrative or break out the table to make it more easily understood. It was decided that there is so much common language between the two that we would just circulate one new draft with choices within. This way everyone would have a choice if they want to pursue modeling as a second tier. It would look something like this:

1 Document (with Paul's “HAP Plus” list):

- A) If below 1.0 ton, okay
- B) If above 1.0 ton, go to TLV list
- C) If below 15,000  $\mu\text{g}/\text{m}^3$ , okay with modeling perimeters
- D) If above 15,000  $\mu\text{g}/\text{m}^3$  or can't meet modeling perimeters, get PTI

In regard to Paul's Non-HAP toxics list, there was discussion on Engineering Guide #69 that references substances always exempt (ex. Wood dust). So there will be a short list of substances that will fall off of Paul's list as it is refined.

There was then a discussion of returning to the notion of “project.” Joe noted that they want this to be a self-implementing rule, not one where applicants have to call the Agency for guidance. Bill Hayes offered to attempt a definition that would be used in a note or only specific to this rule.

### **III. Homework**

- 1) Mike circulate new draft of rule by 01/09/04
- 2) Bill Hayes new definition of “project”

Next Meeting: **Thursday, January 29, 2004**  
**10 AM**  
**Ohio Chamber of Commerce**  
**Ormet Conference Room**