

Permit Exemption Threshold Committee (PETC)

Minutes of June 19, 2003 Meeting

Attendees: Perry Bennett, Molded Fiber Glass Co.; Bill Hayes, Vorys, Sater, Seymour & Pease; Chuck Taylor, GT Environmental; Jon Hunter, Delphi; Mike Hopkins, Ohio EPA; Paul Koval, Ohio EPA; Doug McWilliams, Squire, Sanders & Dempsey; Paul Guevin, Ohio Paint Council; Kristin Clingan, Ohio Chamber of Commerce; Tim Ling, Plaskolite; Karen Walter, Brouse-McDowell; Matt Johnston, Worthington Industries; Alex Tancevski, Ohio EPA; Lisa Wiklanski, Ohio EPA; Genevieve Damico, USEPA; Misty Parsons, Ohio EPA.

I. Introductions & Approval of Minutes

The PETC met at Ohio EPA after the full PPEC quarterly meeting. The meeting was called to order and the minutes from the April 23, 2003 meeting were approved as distributed.

II. Michigan Exemptions

Chuck Taylor, GT Environmental walked the group through the information he compiled on similar permit exemptions in the state of Michigan (**see handouts**). Genevieve, USEPA warned the group that U.S. EPA has concerns with several aspects of Michigan's program and that changes there are probable. It was noted that several principals/approaches that the group had previously discussed were contained in Michigan's rule.

III. Public Health Concern Discussion

Paul Koval, Ohio EPA, walked the group through the information they compiled as their homework from the previous meeting. Ohio EPA was tasked with looking at the TLV list and trying to break it down into categories for various levels of review/eligibility under the exemption rule (**see handouts**). The initial categories they came up with were Level 1 (TLV <100); Level 2 (TLV 100-999); and Level 3 (TLV >1000). He said about a third of the total TLV list falls into each category. It was discussed that it is not the intention of the group to put such lists in the rule, which would be too complicated and cumbersome to change, especially since the potential for changes in the TLV list is great. Something like a website table that could be kept current would be preferable. Ohio EPA also noted that the list was generated for purposes of the committee's discussions and should not be used for other purposes.

Ohio EPA said they have started to work on the modeling but it is not yet complete. They're working to come up with a "model facility," modeling standard emission rates and

then comparing it to the TLV, as well as looking at stack height and other things that would make the modelers comfortable with saying the permit-exempt emissions would not be a toxics problem.

Mike Hopkins indicated that most likely the stack height and building heights would be put in rule. He wants people to be able to look at the rule and know whether or not they qualify for an exemption without having to do modeling. There was general agreement with this concept by the committee.

It was requested that Bill Spires, Ohio EPA attend the next meeting to explain the modeling, which should be complete by then.

Paul Koval will also talk to his counterpart in Michigan and see how they set up their program.

IV. BAT Update

Doug McWilliams gave the group an update on the analysis being done on BAT. As background, of the 93 randomly pulled PTIs (126 emissions units), 32 percent would be exempt under the PET rule (and another 27 would have incentive to fall under the PET). Of the 32% reduction in permits, there was a corresponding 1.67% loss in BAT emissions controlled (primarily VOC and PM). That represents a *significant* reduction in workload for a much less significant loss of BAT.

Also noteworthy, less than 10 of the 126 emissions units have identified air toxics. There is nothing to lead us to believe that there would be an increased emission of air toxics under this exemption.

Mike Hopkins distributed a memo dated May 6, 2003 summarizing a conversation he had with Genevieve, USEPA, on the issue of supporting data that Ohio EPA will need to submit with the SIP revision for the exemption rule (**see handout**). Since Genevieve, USEPA, was in attendance at this meeting, we talked through that memo, namely that the supporting data needs to be pollutant specific, source specific, etc. and then continued a discussion with Genevieve on other aspects of the BAT analysis.

She asked if the BAT requirement in these permits required controls, work practice, or just underlying SIP requirements? She also noted that USEPA is not presently willing to commit that a sample of 93 permits is a statistically significant sample. She suggested significantly increasing the sample size to around 200 permits eligible for the exemption (only 41 in current sample would be eligible for exemption). She said that while a 2% loss of BAT may well be considered *de minimus*, we need more data to indicate that 2% is an actual, defensible number. To start, she suggested we take what Doug has already done and generalize it into categories, see what's missing, and then ask Ohio EPA to track down additional sample permits in each needed category.

She also asked what source sizes are included in the current sample, suggesting that we need various sizes represented in each source category (some have to be at or near the 10 TPY level).

V. Rule Review

Bill Hayes and Mike Hopkins distributed the permit reviewer comments Mike received from his permitting staff (**see handout**). Mike stated that the permit reviewers know the current rules and we should pay attention to their input, but also cautioned the group to not take any of the comments as the “Agency’s position.” It was also noted that most of the permit reviewers had not been part of the ongoing discussions, so they may not be aware of how some language evolved or issues were addressed. Everyone was asked to review the comments prior to the next meeting in order to identify some of the likely issues that will be raised when the rule is distributed more formally.

VI. Homework

- 1) Everyone review comments received from permit reviewers.
- 2) Paul Koval continue work on breakout of TLV list and talk to counterpart in Michigan.
- 3) Doug McWilliams work on BAT analysis by source category.
- 4) Bill Spires, Ohio EPA, work on modeling and attend next meeting to explain.

Next Meeting: **Tuesday, August 5, 2003**
10 AM – 1 PM
Ohio Chamber of Commerce