

Appendix B

Title V Program Evaluation  
Document Review Questionnaire

Ohio Environmental Protection Agency

May 23, 2005

## A. Scope of review

To complete the Title V document review questionnaire, USEPA asked Ohio to identify sources that met one or more of the following criteria.

1. A source subject to either a New Source Performance Standard or a Maximum Achievable Control Technology standard: Brush Wellman, facility ID 0362000009
2. A source with a permit containing CAM: Akron Thermal, facility ID 1677010757
3. A source with that applied netting: DuPont, facility ID 0165010004
4. A source with a general permit: none, as general permits are not issued under Title V by Ohio.
5. A source whose draft permit generated public comment: AK Steel, facility ID 1409010006
6. A source that is a synthetic minor: Advanced Energy, facility ID 1318281215

During USEPA's onsite program evaluation, Ohio had each source's Title V permit file available for review. USEPA's responses to the document review questionnaire are based on a limited review of these specific Title V permit files and Ohio's standard permit format and permit conditions. Please note that some of the questions were very broad in scope, asking whether permits include all emissions units, control equipment, applicable requirements, etc. USEPA did not perform an exhaustive permit review for each source, which could have entailed additional reviews of Ohio's emissions inventory, New Source Review files, enforcement files, etc., as well as onsite source visits.

## B. What to look for in applications

The following responses address Ohio's application form requirements. The questions from the questionnaire are paraphrased and answered in a table.

	Brush Wellman	Akron Thermal	DuPont	AK Steel	Advanced Energy
1. List of non-exempt IEUs	Yes	Yes	Yes	Yes	Yes

2a. Info on all emissions of regulated pollutants sufficient to determine requirements & fees	Yes	Yes	Yes	Yes	Yes
2b. ID and description of all emission points sufficient to determine applicability and fees	Yes	Yes	Yes	Yes	Yes
2c. ID and description of control equipment and compliance monitoring devices & activities	Yes	Yes	Yes	Yes	Yes
3a. Citation & description of all applicable requirements	Yes	Yes	Yes	Yes	Yes
3b. Applicable test method for determining compliance w/each applicable requirement	Yes	Yes	Yes	Yes	Yes
4. Explain proposed exemptions	Yes	Yes	Yes	Yes	Yes
5a. Compliance plan describes compliance status	Yes	Yes	Yes	Yes	Yes
5bi. Compliance plan has statement ensuring continuous compliance with applicable requirements	Yes	Yes	Yes	Yes	Yes
5bii. Compliance plan states that source will timely comply with newly effective applicable requirements	Yes	Yes	Yes	Yes	Yes
5biii. Compliance plan describes how source will comply w/requirements not met at time of issuance	Yes	Yes	Yes	Yes	Yes
5ci. Compliance schedule with required actions, milestones	Yes	Yes	Yes	Yes	Yes

5cii. Compliance schedule is at least as stringent as any consent decree or administrative order	Yes	Yes	Yes	Yes	Yes
5d. Schedule of submission of semiannual progress reports.	Yes	Yes	Yes	Yes	Yes
6a. Requires compliance certification for all applicable requirements, signed by RO	Yes	Yes	Yes	Yes	Yes
6b. Requires compliance certification with statement of all compliance methods	Yes	Yes	Yes	Yes	Yes
6c. Requires compliance certification with statement indicating compliance status	Yes	Yes	Yes	Yes	Yes

### C. What to look for in permits

Most of the questions from this section of the questionnaire are paraphrased and answered in tabular format, but some are elaborated in paragraphs where more detail is needed. The table is broken when necessary to clarify the responses to the questions.

	Brush Wellman	Akron Thermal	DuPont	AK Steel	Advanced Energy
7. General permits: clear eligibility criteria	N/A	N/A	N/A	N/A	N/A

Ohio does not issue general operating permits.

8. All emission units addressed.	No	Yes	No	Yes	No
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Brush Wellman, DuPont, Advanced Energy: A number of emission units that were part of this source's record had not made it into the Title V permit for reasons we were

unable to determine. It was not apparent from the records whether these emission units had been shut down, had their ID numbers changed to those in the permit, or simply did not have applicable requirements. A list of these emission units is in Appendix C, along with explanations for their absence provided by Ohio EPA. In discussing these missing emission units, Ohio EPA stated that the next version of STARS will attempt to prevent the loss of emission units from the permit record sometimes caused by document conversion. Also, some permit record discrepancies can be caused when facilities take emission units offline without resubmitting permit applications (which Ohio does not require).

9. All applicable requirements included.	Yes	Yes	Yes	No	No
9a. General permits: source-specific requirements	N/A	N/A	N/A	N/A	N/A
9b. SIP requirements	Yes	Yes	Yes	Yes	Yes
9c. MACT/NSPS: compliance method indicated	N/A	N/A	N/A	No	N/A

AK Steel: The permit does not contain the particular compliance options from the applicable NESHAPs. Instead, the Federal Registers for the NESHAPs are attached to the permit. Ohio has stated that it intends to change how it incorporates such requirements in future Title V permits.

9d. Compl. method clearly stated over the reporting period consistent with required. monit.	Yes	Yes	Yes	Yes	Yes
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Brush Wellman, Akron Thermal, DuPont, AK Steel: Although a “yes” is indicated for this criterion, the permit does preface some opacity requirements and one-time tests with the language “if required.” This language may make the compliance methods less clear than they could be.

10. Origin and authority for each permit term.	Yes	Yes	Yes	No	No
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AK Steel, Advanced Energy: Some emission units have their own monitoring, recordkeeping, reporting and compliance testing requirements for which the origin and authority is not provided.

**11.** The standard terms and conditions in this question were in Part I (General Terms and Conditions) of all 5 permits, except for the permit term which was on the permit summary page. The following table indicates which federally enforceable General Term and Condition (GTC) corresponds to each federal standard term and condition.

Description	Federal citation	Ohio GTC
Severability clause	§70.6(a)(5)	5
Duty to comply	§70.7(a)(6)	6(a)
Need to halt or reduce activity not a defense	§70.6(a)(6)(ii)	6(b)
Modification, revocation, etc. for cause	§70.6(a)(6)(iii)	6(c)
No property rights	§70.6(a)(6)(iv)	6(d)
Duty to provide information	§70.6(a)(6)(v)	6(e)
Inspection and entry	§70.6(c)(2)	12(b)
Payment of fees	§70.6(a)(7)	7
Changes provided for in permit	§70.6(a)(8)	8
Certification of all documents and reports	§70.5(d) and §70.6(c)(1)	12(a)
Compliance certification	§70.6(c)(5)	12(d)
Permit term	§70.6(a)(2)	Five-year expiration date provided in permit summary.

Federally enforceable requirements	§70.6(b)	11
Permit shield	§70.6(f)	13
Reopening for cause	§70.7(f)	10

	Brush Wellman	Akron Thermal	DuPont	AK Steel	Advanced Energy
12. Permit contains all monitoring required by applicable requirements.	N/A	Yes	N/A	No	N/A

Brush Wellman, DuPont, Advanced Energy: The cited applicable requirements in the permit did not have their own monitoring requirements. The monitoring provisions in the permit served as gap-filling.

AK Steel: As the applicable NESHAPs are attached rather than incorporated into the permit, the monitoring requirements of those NESHAPs are not contained within the permit.

13. Permit has sufficient periodic monitoring or monitoring under §70.6(c)(1)	Yes	Yes	No	No	Yes
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DuPont: Some permit conditions such as those limiting NO<sub>x</sub>, CO, VOC, and PM on an hourly and yearly basis did not have monitoring requirements, and the Statement of Basis did not explain why.

AK Steel: Some permit conditions such as those limiting opacity and PM emission rate did not have monitoring requirements, and the Statement of Basis did not explain why.

14. If CAM applies...	N/A	Yes	N/A	N/A	N/A
14a. Indicators	-	Yes	-	-	-

14b. Means to measure indicators	-	Yes	-	-	-
14c. Performance requirements	-	Yes	-	-	-
14d. Means to define exceedance or excursion	-	Yes	-	-	-
14e. Obligation to conduct the monitoring & meet §64.7-64.9	-	Yes	-	-	-
14f. Minimum data availability requirements, if appropriate	-	No	-	-	-
14g. Enforceable schedule for meeting installation, testing, or final verificational or operational status requirements, if such are present	-	N/A	-	-	-
14h. CAM terms properly incorporated into permit, rather than merely in attached plan	-	Yes	-	-	-

Akron Thermal: The CAM requirements in this permit involve a continuous opacity monitoring system. Minimum data availability requirements for such a device would likely be appropriate, but are not in the permit.

**15.** “Does the permit contain adequate record keeping requirements, such as the date, place as defined in the permit, and time of sampling or measurements for all monitoring; the date(s) analyses were performed; the company or entity that performed the analyses; the analytical techniques or methods used; the results of such analyses; and the operating conditions existing at the time of sampling or measurement?”

Answer: Yes. All five permits contained, as a federally enforceable General Term and Condition (GTC 1a), requirements for the above record keeping items.

**16.** “Does the permit require the retention of records of all required monitoring data and support information for a period of at least 5 years from the date of the monitoring sample, measurement, report, or application?”

Answer: Yes. All five permits contained, as a federally enforceable General Term and Condition (GTC 1b), this requirement.

	Brush Wellman	Akron Thermal	DuPont	AK Steel	Advanced Energy
17. Permit specifies a time frame for completing the corrective action	Yes	Yes	Yes	Yes	Yes

Brush Wellman, DuPont, AK Steel, Advanced Energy: The permit requires recordkeeping for any corrective actions taken as a result of deviation detection, and the GTCs require a timeframe for completing such actions as part of the deviation reports.  
Akron Thermal: The permit requires that corrective action be taken “as expeditiously as possible” for excursions from the CAM indicator range, and the GTCs require a timeframe for corrective actions taken as a result of non-CAM visible emission checks.

**18.** “Does the permit specify a specific time by which any new monitoring must be operational?”

Answer: None of the five permits specify a time by which the monitoring requirements they introduced must be operational, but Ohio expects compliance with all permits terms (including monitoring) upon the effective date of the permits.

**19.** “Is credible evidence buster language included in the permit?”

Answer: Although all five permits have language we have deemed to be anti-credible evidence, such as “Compliance with [term] shall be determined by ...,” GTC 17 of each permit addresses credible evidence by stating “Nothing in this permit shall alter or affect the ability of any person to establish compliance with, or a violation of, any applicable requirement through the use of credible evidence to the extent authorized by law. Nothing in this permit shall be construed to waive any defenses otherwise available to the permittee, including but not limited to, any challenge to the Credible Evidence Rule (see 62 Fed. Reg. 8314, Feb. 24, 1997), in the context of any future proceeding.”

However, GTC 17 is immediately followed by the disclaimer, “This term is for informational purposes only.” We have not determined whether this is problematic.

	Brush Wellman	Akron Thermal	DuPont	AK Steel	Advanced Energy
20. Permit allows source to violate emission limit for some amount of time w/o violating.	No	No	No	No	No
21. Monitoring plans and records are accessible to public	Yes	Yes	Yes	Yes	Yes
22. Permit was public noticed	Yes	Yes	Yes	Yes	Yes
23. Affected state(s), if any, were notified	N/A	N/A	N/A	N/A	N/A

#### D. What to look for in the Statement of Basis

	Brush Wellman	Akron Thermal	DuPont	AK Steel	Advanced Energy
24. Statement of Basis justifies how the required monitoring will assure compliance, including justification if none required	Yes	No	No	No	No

Akron Thermal: Statement of Basis did not explain how the required monitoring would assure compliance.

DuPont: Statement of Basis would be clearer for certain terms if it stated that the operational restrictions were meant to assure compliance with emission limits for which there is no direct monitoring. Statement of Basis did not explain why no monitoring would be needed for certain conditions.

AK Steel: Permit included various operating requirements for the scrubber based on stack testing used to establish the emission limitations; Statement of basis should have explained that these parameters are being used to establish compliance with the emission limits. Statement of Basis did not explain why no monitoring would be needed for certain conditions.

Advanced Energy: Statement of Basis explained that recordkeeping or parametric monitoring would assure compliance with certain conditions, but did not demonstrate how.

Due to recent concerns regarding the quality of Statements of Basis, as cited in Region 5's letter of objection to the Title V permit for Midwestern Generation - Waukegan located in Illinois, our file review places greater emphasis on the Statements of Basis. Further Regional positions on Statement of Basis have been clarified on our November 11, 1997 and December 20, 2001 letters to Ohio.

## Appendix C

### Emission Units Not Accounted For (Appendix B Document Review Question #8)

#### Brush Wellman

##### IEUs

Z990: Identified in a March 23, 2005 emission report, long after the permit was issued on March 16, 2004.

#### DuPont

##### Non-IEUs

P009: Permittee failed to update STARShip properly.

P073: Permittee failed to update STARShip properly.

#### Advanced Energy

##### Non-IEUs

K003: Not found in application or records.

##### IEUs

T007, Z006, Z007, Z010: Not found in application or records.