

Appendix A

Title V Program Evaluation
Questionnaire

Ohio Environmental Protection Agency

May 23, 2005

Table of Contents

A. Title V Permit Preparation and Content	11
B. General Permits (GP)	23
C. Monitoring	25
D. Public Participation and Affected State Review	27
E. Permit Issuance / Revision / Renewal	42
F. Compliance	51
G. Resources & Internal Management Support	60
H. Title V Benefits	68
I. Miscellaneous	75

A. Title V Permit Preparation and Content

1. What % of your initial applications contained sufficient information so the permit could be drafted without seeking additional information? What efforts were taken to improve quality of applications if this % was low?

Few, if any, initial applications contained sufficient information so the entire permit could be drafted without seeking additional information. However, the majority of applications (well over 90% contained enough information to begin some development of terms for some emissions units. Consistently lacking was the proposed approach to compliance contained in the applications. This was a problem in the initial round of applications, when applicants did not know what compliance approach to take. Sometimes, applicants relied on the monitoring sections of existing construction/state operating permits, which had little to no monitoring because the rules they incorporated generally had no monitoring. Permit writers had to develop permit requirements "from scratch" after making a determination that the proposed approach contained in the application was insufficient. Applicants may have known that the permit writers would do this, so they spent less time forming compliance methods on their own.

Application quality has improved through STARShip training (STARShip is the required electronic data entry module used to develop Title V applications), working with individual facilities, conveying important topics to the air Permit Advisory Group (PAG, a group of regulated industry representatives and environmental groups), and development of Engineering Guides 58 and 59 (Definition of "Facility" for Ohio Title V Permit Program and Identification of Required Fields in a Title V Permit Application, respectively). PAG consistently provided feedback on what they liked or disliked about the permits, and the GTCs have changed over time accordingly. Environmental group participation has waned over the years. General public participation has consistently been very low. The STARShip training, held about semiannually, is still sought after; about 30 people participate in each training session, which helps applicants become familiar with the application process and shows them how to find the information they need. Ohio EPA also provides information related to Title V application requirements through the semiannual STARShip newsletter. The STARShip newsletter covers not only the STARShip software, but provides reminders and updates on Title V requirements. Ohio EPA also provides a significant amount of information related to the Title V permit program on the DAPC web site that aids in understanding the program and improving the quality of received applications. One such

document on the web is our guidance concerning modifications. We believe this guidance to be one of the most comprehensive guidance documents available covering Title V modification triggers and application requirements. Finally, Title V application and permit requirements have been ongoing topics at several conferences that are held semiannually and annually within the State. These conferences provide an opportunity to present permit application-related issues, as well as provide sessions specific to each region of the state where industry and consultant representatives can speak with Agency and local air agency representatives to ask questions.

In summary, applications are improving over time due to the efforts identified above. Ohio EPA has also provided internal guidance that is shared with the regulated community identifying key requirements for renewal applications. We have found, thus far, that renewal applications are much more adequate based on experience and the fact that the initial permit exists as a framework for the applicant drawn upon in developing the renewal application.

- Y N X 2. For those title V sources with an application on file, do you require the sources to update their applications in a timely fashion if a significant amount of time has passed between application submittal and the time you draft the permit?

Generally, the District Offices and Local Air Agencies (DO/LAAs) decide when to require updates. They often require sources to resubmit their applications in order to synchronize Title V permit issuance with NSR permit issuance.

- Y X N a. Do you require a new compliance certification?

The applicant must certify compliance or noncompliance with all currently applicable requirements. Furthermore, every application requires the signature of the responsible official attesting to the truth and accuracy of the information contained in the application.

Every time the application is submitted, a new certification is required, but this is not the same as the annual compliance certification with all applicable requirements (which is due after the effective date of the Title V permit). If the Title V permit has expired and the source applies for a renewal, the applicant must certify

compliance to the truth and accuracy of the application which includes asserting the compliance status of the existing applicable requirements.

Y X N

3. Do you verify that the source is in compliance before a permit is issued and if so, how?

Due to inspection frequency, the permit writers are generally familiar enough with the compliance status of the facilities to evaluate whether the compliance certification is accurate. The quarterly deviation reports submitted by the facilities also help with the verification. Furthermore, sources are obligated to report any ongoing deviations, whether or not they have their renewal permits yet.

Various means are used to ascertain the compliance status of the source during application review and permit development. File review at the district office or local air agency, review of existing compliance reports, and one or more site visits are routinely part of the application review and permit development process in Ohio.

Y X N

a. In cases where the facility is out of compliance, are specific milestones and dates for returning to compliance included in the permit, or do you delay issuance until compliance is attained?

Both approaches have been used in Ohio. Approximately 30 of the 755 Title V facilities were issued permits with compliance milestone dates in the permit. Ohio also worked with applicants to resolve issues prior to final issuance of the Title V permit. In some instances, this delayed the proposed and final issuances of the permit.

4. What have you done over the years to improve your permit writing and processing time?

Ohio EPA has used a series of processing goals, mentoring, internal guidance, and monthly internal permit conference calls (held on the 4th Thursday of each month) to improve permit writing and processing efficiencies. Ohio EPA has also used the internal Permitting & Enforcement Committee as a forum for discussing Title V issues related to permit development. Some of the issues have been memorialized in official Engineering Guides that are available on the DAPC web page along with a myriad of other Title V-related information that is helpful to applicants, the public, and permit writers alike.

The Committee, formed in about 1990, includes representatives from the DO/LAAs. It meets every other month to discuss permitting and enforcement questions and issues regarding working with the Central Office. An intranet website now documents the decisions made at the meetings, and the meeting minutes are searchable. Some questions raised at the meetings lead to new Engineering Guides.

The Engineering Guides are currently undergoing review for update. Engineering Guide #73 was released several weeks ago. Early on, Ohio EPA also began developing a library of terms and conditions that continues to be updated and relied upon by applicants and permit writers. This document provides consistency and aids in the efficiency of producing quality Title V permits.

Teamwork is an essential component of ensuring quality and timely Title V permits. Ohio EPA Central Office management and lead permit review engineers have conducted full day permit review sessions at selected Ohio EPA district Offices and local air agencies to improve permit development and processing efficiencies and to share permit development/review experiences. The full-day review sessions are opportunities for the Central Office to work one-on-one with the DO/LAA staff, and build working relationships and resolve issues. Generally, the Central Office initiates the visits, and the goal is for all the Central Office staff to visit their respective field offices at least annually. Sometimes, the visits are used to gage how the field offices respond to Central Office feedback on permit work.

Finally, Ohio EPA has conducted internal training on permit development and specific topics related to permit development, sometimes bring in national experts (MACT training) and U.S. EPA regional staff and management. Training is held about every 6 months.

Y X N

5. Do you have a process for quality assuring your permits before issuance? Please explain.

The process for quality assuring Title V permit requirements starts with the permit writer. Permit writers make extensive use of pre-written terms and conditions. Once the terms are written, they are reviewed by a supervisor or other staff at the district or local level. Once that review is complete, they are sent to the central office and

assigned to a permit reviewer. The permit reviewer reviews the entire permit and works with the permit writer to make corrections. Most such corrections are typographical. Other, more substantive issues can include inadequate monitoring, recordkeeping, reporting and testing (MRRT), or mismatches between the compliance certification form and the permit. Problems can recur if there is staff turnover in the DO/LAAs or if they are working with old permits. If there are substantive concerns that all the field offices should be aware of, internal policy memos or new Engineering Guides may be developed.

The permit document is then sent to a group that does the final typing. Once the typing is done, it is proofed and finally issued. Each step of the permit process goes through a similar review process. In addition to the reviews done at Ohio EPA, several steps involve review by outside parties (including the applicant, the public, environmental organizations, USEPA, and the State attorney general for appeal-related modifications), . These reviews can also identify errors that are subsequently corrected.

6. Do you utilize any streamlining strategies in preparing the permit such as:

Y X N

a. Incorporating test methods, major and minor New Source Review permits, MACT's, other Federal requirements into the Title V permit by referencing the permit number, FR citation, or rule? Explain.

Ohio EPA uses limited referencing based on limits set by the State legislature. For example, rather than regurgitating test methods, Ohio EPA references the specific test method specified in 40 CFR Part 60, Appendix A. However, based on our delegation agreement with U.S. EPA, Ohio EPA incorporates, as appropriate, MACT requirements into Title V permits rather than incorporating the requirements by reference. FR citation is generally not done. (See also Ohio EPA's answers to "b" and "c" of this question.)

Y N X

b. Streamlining multiple applicable requirements on the same emission unit(s) (i.e., grouping similar units, listing the requirements of the most stringent applicable requirements)? Describe.

Ohio EPA does not group emissions units in Title V permits. If multiple requirements overlap, all requirements are identified with the less stringent requirements being identified as “less stringent than....” the most stringent identified requirement. This happens somewhat frequently in Ohio based on Ohio Best Available Technology (BAT) requirements.

- c. Describe any other streamlining efforts.

We also have the ability to streamline MRRT in a Title V permit by having the requirements superseded in what is identified in a Permit to Install (PTI), as long as the Title V permits are at least as stringent as the PTI and reflect the same regulatory bases of those requirements. We developed standard terms for use in Title V permits that were approved by U.S. EPA. (Examples are available on Ohio EPA’s website.)

SEE PERMIT FOR:

Alpha Coatings, Inc. Port Clinton Division

Omega Pultrusions, Inc.

7. What do you believe are the strengths and weaknesses of the format of the permits (i.e., length, readability, facilitates compliance certifications, etc.)? Why?

Ohio EPA believes that the permit content in Ohio Title V permits is enforceable permit language structured in a manner that clearly identifies all applicable requirements for every regulated emissions unit at the facility. The approach Ohio EPA has taken is to clearly identify all generally applicable requirements unless otherwise specified in more specific facility-wide (PART II) or emissions unit (Part III) permit terms. Part III is repeated for each non-insignificant emissions unit and identifies all emission limits or control measures applicable to the emissions unit followed by supporting requirements to ensure the ability to determine ongoing compliance with each of the identified applicable requirements through operational restrictions when warranted, monitoring, record keeping, reporting, testing, and in some cases, other miscellaneous requirements. Thus, all permit requirements for a specific emissions unit for the most part are identified in one section of the permit (Part III). In some instances, facility-wide requirements are referenced

(Part II of the permit). Ohio EPA believes this approach to permit development minimizes cross-referencing. A drawback to this approach is that the permits can become lengthy (causing high paper usage and significant copying and pasting). This can be particularly acute when there are a large number of emissions units that are subject to identical requirements. Rather than grouping the emissions units under one set of terms, the permit repeats Part III for each emissions unit. On a positive note, however, structuring the terms in this manner makes each permit term clearly identifiable when completing the annual compliance certification.

8. How do you fulfill the requirement for a statement of basis? Please provide examples.

The SOB now accompanies all draft permits (early permits did not have an SOB, this will be rectified at renewal). The SOB is updated when permit renewals or modifications are processed. Ohio EPA posts all versions of the “issued” permits along with the SOB on the Ohio EPA web page. These documents are not removed. New rows are added as subsequent permit actions for a given facility are processed, along with the updated SOB. Please see any SOB identified in the third column on any of the linked pages identified on the following web page:

http://www.epa.state.oh.us/dapc/title_v/permits/typermit.html

9. Does the statement of basis⁴ explain:

- Y X N a. the rationale for monitoring (whether based on the underlying standard or monitoring added in the permit)?
- Y X N b. applicability and exemptions, if any?
- Y X N c. streamlining (if applicable)?

Y X N 10. Do you provide training and/or guidance to your permit writers on the content of the statement of basis?

Filling out the statement of basis has been discussed at the P&E meetings and monthly calls, which serves as training. Also, the

⁴ The Statement of Basis sets forth the legal and factual basis for the permit as required by 70.7(a)(5). The permitting authority might use another name for this document such as Technical Support Document, Determination of Compliance, Fact Sheet.

instructions for the Statement of Basis table and the individual feedback Central Office provides to field office permit writers serve as training.

11. Do any of the following affect your ability to issue timely initial title V permits:

Y N X

a. SIP backlog (i.e., EPA approval still awaited for proposed SIP revisions)

See the following text from Tennessee Gas Pipeline Station 209 (0630000001):

<u>Operations, Property, and/or Equipment</u>	<u>Applicable Rules/ Requirements</u>	<u>Applicable Emissions Limitations/Control Measures</u>
Engine No. 1A - 2000 Hp Clark 2-Stroke Lean Burn (2SLB) Reciprocating Internal Combustion Engine (RICE).	OAC rule 3745-17-07(A)	Visible particulate emissions shall not exceed 20% opacity as a 6-minute average, except as provided by the rule.
	OAC rule 3745-17-11(B)(5)(b)	Particulate emissions (PE) shall not exceed 0.35 lb/MMBtu actual heat input.
	OAC rule 3745-17-11(B)(5)(b)	See A.1.2. a below. PE shall not exceed 0.062 lb/MMBtu actual heat input.
	OAC rule 3745-18-06(G)	See A.1.2. b below. This emissions unit is exempt from this requirement pursuant to OAC rule 3745-18-06(A).
	40 CFR Part 63, Subpart ZZZZ	See A.1.2. c below. Exempt. See A.1.2. d below.

2. Additional Terms and Conditions

- 2.a The requirement to comply with this PE limitation shall terminate on the date the U.S. EPA approves the 0.062 lb/MMBtu actual heat input emission limitation as a revision to the Ohio SIP for particulate matter.
- 2.b This PE limitation shall be effective and federally enforceable on the date the U.S. EPA approves this PE limitation as a revision to the Ohio SIP for particulate matter.

Y X N

b. Pending revisions to underlying NSR permits

Some permits were delayed in final issuance until an NSR permit could be modified or issued. This is sometimes problem. Sometimes it is necessary to do this in order to avoid conflicting terms between the NSR and Title V permits. In other instances, the Title V process forced an NSR permit to be issued expeditiously even though the permittee wanted to modify it.

Ohio is working on a merged non-Title V program (PTIO), and will evaluate consideration of a merged Title V program afterward. The PTIO program is about a year and a half from implementation.

Y X N

c. Compliance/enforcement issues

A handful of permits were held up if compliance/enforcement issues were very close to being resolved. Example: Canton Drop Forge.

Y N X

d. EPA rule promulgation awaited (MACT, NSPS, etc.)

Y X N X

e. Issues with EPA on interpretation of underlying applicable requirements

Ohio EPA strives to work closely with U.S. EPA regional staff early (during the draft stage) on in the permitting process to resolve issues for a given permit. There are some issues that we continue to work on with U.S. EPA that Ohio EPA believes do not impede the issuance process (e.g., SOB content issues).

The BAT issue delayed permitting for a while.

f. Permit renewals and permit modification (i.e., competing priorities)

It is clear to Ohio EPA in reviewing the national issuance rate of the initial Title V permits that the three years allowed by 40 CFR Part 70 were woefully inadequate. Ohio experienced many delays in getting the initial round of permits issued including inadequate applications, lack of federal guidance on key topics (e.g., what constitutes adequate monitoring), keen applicant interest in the developed permit terms, "clean up" of NSR issues, preparation for three audits of the Ohio Title V program, defense and resolution of the April, 2002 Notice of Deficiency, and a learning curve for permitting staff in developing comprehensive facility-wide permit documents (including facility file and record reviews and facility inspections as part of the permit development process).

Going forward, Ohio EPA believes the number and variety of modifications produced by the structure of the 40 CFR Part 70 modification requirements will tie up much permitting activity as well

as our need to catch up on renewal permits that began to be required before Ohio EPA completed the initial round of permits. As we indicated in our recent comments to the Title V task force, the permit duration and modification requirements need serious reconsideration given nationwide experience during the initial round of Title V permit issuance. In Ohio, add into the mix additional, new, initial Title V permit applications, and approximately 100 Title V permit appeals, a significant number of FESOP and state permit-to-operate applications, and one can plainly see that the competing workloads will clearly continue to affect our ability to produce timely modification and renewal permits.

g. Awaiting EPA guidance

i. If yes, what type of guidance?

See (f) above. In addition, moving forward, national CAM guidance and a continuation of the issues surrounding what constitutes adequate monitoring and record keeping will continue to cause delays for certain permits.

More CAM Plan models are needed for utilities, as well as guidance on incorporating the Plans into the permits. National consistency of CAM requirements is also a concern—perhaps national guidance that encourages permitting authorities to use the model CAM Plans on the CAM website would be helpful. Accessing CAM plans from other states would also be helpful.

Y X N

ii. If yes, have you communicated this to EPA?

A. If yes, how did you request the guidance?

Regional staff are aware of our concerns. We have also provided comments to the Title V task force. A copy of our comments is attached.

If yes, please specify what type of EPA guidance, and how you requested the guidance

Note: If yes to any of the above, please explain.

12. Any additional comments on permit preparation or content?

Ohio EPA believes that the Title V permit, particularly the structure and content developed by Ohio EPA, provides the public and permittees with clear, enforceable permit requirements. Although our format results sometimes in lengthy documents, we believe that the largely “self-contained” operational-specific requirements will enhance understanding and compliance of the applicable requirements. Ohio EPA is beginning to investigate reducing the length of Title V permits while maintaining the high standard of the existing permit format that results in enhanced understanding and compliance of the applicable requirements at the operational level in instances where multiple emissions units are subject to identical permit requirements. Finally, documentation and reporting requirements in Title V permits will aid in ensuring ongoing compliance and the ability to ascertain the compliance status of the facility.

B. General Permits (GP)

Y N X 1. Do you issue general permits?

a. If no, go to next section

b. If yes, list the source categories and/or emission units covered by general permits.

Ohio EPA issues permits that are called general permits but are not the same as other state's general permits. Ohio EPA's general permits function more like template permits where a permit template is developed and then permittees can decide if they want the template. If they do, then an individual general permit is issued to them using the template.

Ohio EPA does not issue statewide general permits where the permit is the same document for all of the same emissions units in the state. Since the remainder of the questions seem pointed to this type of general permits, the remainder of this section is skipped because it does not apply.

Ohio EPA's general permits go through a comment period for interested parties before becoming finalized. When a general permit is issued, all qualifying facilities that already have individual permits are provided revised permits under the general permit rule.

Y N 2. In your agency, can a title V source be subject to multiple general permits and/or a general permit and a standard "site-specific" Title V permit?

a. What percentage of your title V sources have one or more general permits have more than one general permit?
_____ %

Y N 3. Do the general permits receive public notice in accordance with 70.7(h)?

a. How does the public or regulated community know what general permits have been written? (E.g., are the

general permits posted on a website, available upon request, published somewhere?)

4. Is the 5-year permit expiration date based:
- Y N a. on the date the general permit is issued?
- Y N b. on the date you issue the authorization for the source to operate under the general permit?
5. Any additional comments on general permits?

C. Monitoring

1. How do you ensure that your operating permits contain adequate monitoring (i.e., the monitoring required in §§ 70.6(a)(3) and 70.6(c)(1)) if monitoring is not specified in the underlying standard or CAM?

Permit writers and reviewers have been instructed to include "gap filling" monitoring where the applicable requirement does not require periodic testing or instrumental or non-instrumental monitoring (which may consist of record keeping designed to serve as monitoring). Title V permits are reviewed to ensure the terms and conditions (T&Cs) specify parametric monitoring "sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the permit...." [OAC rule 3745-77-07(A)(3)(ii)]

Y X N

a. Have you developed criteria or guidance regarding how monitoring is selected for permits? If yes, please provide the guidance.

*Yes - monitoring is selected through use of DAPC Engineering Guide #65 (Monitoring, Recordkeeping, and Reporting Requirements for Various Types Emission Units.) found at:
<http://www.epa.state.oh.us/dapc/engineer/equides/guide65.pdf> and the DAPC State Air Resources System (STARS) library of Standard Terms and Conditions found at:
<http://www.epa.state.oh.us/dapc/terms/standard.html>*

Y X N

2. Do you provide training to your permit writers on monitoring? (e.g., periodic and/or sufficiency monitoring; CAM; monitoring QA/QC procedures including for CEMS; test methods; establishing parameter ranges)

Yes - periodic DAPC permit training is provided and U.S. EPA CAM training.

The most recent training was the NSR/Title V workshop provided jointly with Region 5 in February 2005. Training is a frequent topic during the calls and meetings with the P&E committee. Also, individuals register for APTI training.

Y N 3. How often do you “add” monitoring not required by underlying requirements? Have you seen any effects of the monitoring in your permits such as better source compliance?

Routinely, as explained in C.1 above. Unknown.

Y X N 4. Are you incorporating CAM monitoring into your permits?

Yes - CAM applicability is evaluated and included where appropriate in Title V renewals and Title V Significant Modifications.

D. Public Participation and Affected State Review

Public Notification Process

Y X N 1. Do you publish notices on proposed title V permits in a newspaper of general circulation?

Y N X 2. Do you use a state publication designed to give general public notice?

3. On average, how much does it cost to publish a public notice in the newspaper (or state publication)?

\$_350_____ (per publication)

Y X N 4. Have you published a notice for one permit in more than one paper?

a. If so, how many times have you used multiple notices for a permit?

Infrequently. There are a couple of facilities that straddle the county lines. In those instances we have public noticed the draft issuance in the newspapers assigned to both counties.

b. How do you determine which publications to use?

A "newspaper of general circulation" list is maintained by our office of legal services. The list identifies the newspaper with the largest general circulation in each county.

c. What cost-effective approaches have you utilized for public publication?

None. Public notice is a cost of doing business for the Agency.

Y X N 5. Have you developed a mailing list of people you think might be interested in title V permits you propose? [e.g., public officials, concerned environmentalists, citizens]

DAPC maintains an e-mail list. E-mail is sent out with each issuance identifying the permits at each stage that are "issued" and the current Title V population.

Ohio EPA also produces many publications to keep the public updated on environmental issues in Ohio. These publications include fact sheets and a document known as the "Weekly Review." The Weekly Review is a listing of Ohio EPA activities including announcements of all permit applications received, issued, denied, or modified and all public or adjudication hearings scheduled. If someone is interested in receiving The Weekly Review, they can contact Ohio EPA's Legal Office at (614) 644-3037. The Weekly Review can also be viewed online. Other documents can be obtained from the Public Interest Center.

The "Weekly Review" publication is available by county. See the following web page for details:

<http://www.epa.state.oh.us/legal/pubnots.html>

a. How does a person get on the list?

See above.

b. How does the list get updated?

See above for the Weekly Review publication. Individuals can be added to the e-mail list by sending a request to be added to mike.ahern@epa.state.oh.us requesting to be added.

Less than 20 individuals, including Region 5 staff, have registered for this e-mail list.

Besides the main Title V mailing list, there is a separate list for each adjoining state.

c. How long is the list maintained for a particular source?

See above. Also, specific facilities garner significant local interest. Typically the Ohio EPA District Office or local air agency maintains a list of interested individuals for a given facility.

d. What do you send to those on the mailing list?

See above. Ohio EPA sends the permit and Statement of Basis URLs to the individuals on the mailing list. Each

iteration of the permit is sent. The Weekly Review, summarizing Ohio EPA's weekly actions, is available for \$70/year subscription (but is free online).

- Y X N 6. Aside from publications described above, do you use other means of public notification?

As indicated in 5 above, Ohio EPA has an extensive outreach program for public notification. In addition to the legal requirements, Ohio EPA maintains PDF versions of all issued Title V documents and SOBs on its web site (see, http://www.epa.state.oh.us/dapc/title_v/permits/tvpermit.html) And general information related to the Title V permit program (see, http://www.epa.state.oh.us/dapc/title_v/titlev.html).

If yes, what are they (e.g., post notices on your webpage, e-mail)?

See above. Also, the "What's New" section of the Ohio EPA website functions as notice.

- Y X N 7. Do you reach out to specific communities (e.g., environmental justice communities) beyond the standard public notification processes?

See 5.c above. Ohio EPA District Office and local air agency staff and management also meet with citizens informally and routinely provide information and knowledge with respect to specific facilities. Finally, the Ohio EPA Public Interest Center develops news releases for certain permit actions and scheduled public meetings to enhance public participation and knowledge.

For communities that USEPA would consider EJ communities, extensive outreach is undertaken.

- Y X N 8. Do your public notices clearly state when the public comment period begins and ends?

A separate notice is published if a public meeting is scheduled. The additional notice is published at least 30 days prior to the public meeting and indicates the date, place and time of the meeting and extends the comment period typically 3 to 5 days after the meeting date.

Following is a sample notice:

Butler County

Ohio Environmental Protection Agency
Public Notice of additional opportunity to comment on the AK Steel - Middletown Works Title V Permit

Ohio EPA is providing an additional opportunity to comment on the preliminary proposed Title V permit for the AK Steel - Middletown Works located at 1801 Crawford Street, Middletown, OH until Thursday July 8, 2004. The Title V permit is a comprehensive facility permit that will regulate all air contaminant sources subject to air pollution control regulations at the facility. A draft of the permit was issued on August 18, 2003. A public hearing was held on November 13, 2003. Written comments on the draft were accepted until November 17, 2003. Comments on the draft permit were considered and some changes were made to the permit as indicated in a preliminary proposed version of the permit on June 4, 2004.

Ohio EPA is providing additional opportunity for the public or any other interested party to submit written comments on the June 4, 2004 preliminary proposed permit. Comments received will be considered prior to proposing the permit to the United State Environmental Protection Agency (USEPA) for review. The Title V permit will be issued in final form upon completion of the USEPA review. A PDF copy of the preliminary proposed permit may be obtained by accessing the Ohio EPA web page at www.epa.state.oh.us/dapc/title_v/permits/1409010006ppp.pdf or by requesting a copy of the preliminary proposed permit from the Hamilton County Department of Environmental Services at the address identified below.

All written comments must be received by close of business Thursday, July 8, 2004. Written comments may be delivered in person to the address indicated below, or mailed to the attention of Mike Kramer, Hamilton County Department of Environmental Services, 250 William Howard Taft Road, Cincinnati, Ohio 45219-2660.

9. What is your opinion on the most effective avenues for public notice?

Various means employed concurrently provide the greatest chance that the public will be aware of Title V permit activities within a given community. As indicated in the list of outreach identified above, Ohio EPA places significant importance on public awareness and participation. Although the legal public notice requirements are not always the most effective means for ensuring wide-ranging public participation, it is a consistent baseline activity that the public can rely upon. However, there is no "silver bullet" that ensures maximum public participation coverage.

Y X N

a. Are the approaches you use for public notice effective?

Y N X

10. Do you provide notices in languages besides English? Please list.

Public Comments

Y X N

11. Have you ever been asked by the public to extend a public comment period?

Less than 5 such requests were received for the 745 plus initial Title V permit actions. Examples: AK Steel, CEI Lake Shore.

Y X N

a. If yes, did you normally grant them?

Yes

b. If not, what would be the reason(s)?

Y N X

12. Has the public ever suggested improvements to the contents of your public notice, improvements to your public participation process, or other ways to notify them of draft permits? Describe.

Y X N

13. Do you provide the public a copy of the statement of basis if they request it? If no, explain.

The SOB is available in PDF format along with the draft permit on the DAPC web site. Copies are also provided at no charge when requested.

14. What percentage of your permits have received public comments?

Ohio EPA received public comments on less than 5% of the initial processed permits.

Y N X

15. Over the years, has there been an increase in the number of public comments you receive on title V permits? Is there any pattern to types of sources getting comments?

No. Certain facilities receive a consistent amount of local interest. Environmental advocacy group comments have varied over time and are also largely facility-specific. Steel manufacturing, utility, and the Von Roll WTI facility routinely receive comments. In general, the number of public comments on Title V permits has been extremely small.

Y N X

16. Have you noticed any trends in the type of comments you have received? Please explain.

a. What percentage of your permits change due to public comments?

Less than 1% of the total permit population. The reason for the low rate of change is because most comments seek clarification rather than change.

Y X N 17. Have specific communities (e.g., environmental justice communities) been active in commenting on permits?

The community surrounding the AK Steel facility in Southwest Ohio has been active and interested in the permitting process.

Y N X 18. Do your rules require that any change to the draft permit be re-proposed for public comment?

No

a. If not, what type of changes would require you to re-propose (and re-notice) a permit for comment?

Ohio EPA rarely re-drafts Title V permits for additional public comment (primarily only in cases where a number of new emissions units were added to Part III of the permit and there was no prior public review through the PTI process). We do however, extend the public comment period. When permits are re-drafted, they are afforded a separate 30 day public comment period.

EPA 45-day Review

Y N X 19. Do you have an arrangement with the EPA region for its 45-day review to start at the same time the 30-day public review starts? What could cause the EPA 45-day review period to restart (i.e., if public comments received, etc)?

a. How does the public know if EPA's review is concurrent?

Y N 20. Is this concurrent review process memorialized in your rules, a MOA or some other arrangement?

Permittee Comments

Y X N 21. Do you work with the permittees prior to public notice?

Ohio EPA works with permittees to ensure adequate permit applications, and to get feedback from the regulated community. Comments from permittees are generally accepted at any time during the permitting process. Sometimes the pre-notice

interaction helps to resolve all issues and avoid a company appeal on the permit, though not always. Even when an appeal is filed, the appeal issues are minimized due to the pre-notice interaction. Some of the appealed permits are already coming up for renewal, and the appeal issues may be resolved during that stage.

Y X N

22. Do permittees provide comments/corrections on the permit during the public comment period? Any trends in the type of comments? How do these types of comments or other permittee requests, such as changes to underlying NSR permits, affect your ability to issue a timely permit?

Comments from permittees has substantially affected our ability to issue timely permits, especially for the more complicated facilities. Ohio has a fairly unique provision in the Ohio Title V permit program that stages permit issuance into draft (public comment), preliminary proposed (applicant comment/request for a meeting), proposed (U.S. EPA review), and final (appealable at the state level and petition for objection at the federal level). Most Title V applicants comment on their permit terms during the draft public comment stage and many follow-up in their Preliminary Proposed comments or during meetings requested on the preliminary proposed permit. Nonetheless, Ohio has a significant number of final permits that have been appealed at the state level (appeals are filed with the Environmental Review Appeals Commission) Comments vary in scope and complexity. Most comments are facility or emissions unit-specific. However, some appeals have involved programmatic issues such as the challenge to operational restriction language in final permits that is used to ensure ongoing compliance. Changes to NSR permits were required in a number of cases during the initial round of permitting and resulted in a delay in issuance of the final Title V permit.

A company must continue to comply with the appealed permit unless it files for a stay hearing (and the stay is granted by the Environmental Review Appeals Commission). The stay applies only to the part of the permit being appealed.

The Title V process often forces the cleanup of outstanding PTI issues when the Title V permit cannot go final until those issues are resolved.

Public Hearings

23. What triggers a public hearing on a title V permit?

The majority of the eight hearings conducted during the initial round of permits were based on requests by environmental organizations or local community groups.

Y X N

a. Do you ever plan the public hearing yourself, in anticipation of public interest?

Examples: WTI, AK Steel, Cincinnati Specialties.

Availability of Public Information

Y X N

24. Do you charge the public for copies of permit-related documents?

Ohio's public records law requires state agencies to provide public records for inspection promptly. The person seeking the records can request that copies be sent through U.S. mail or provided for onsite review at reasonable times during regular business hours. Copies can be made on paper, on the same medium which it is kept or through any other medium specified as long as it is available in Ohio EPA's normal business operations. There is no charge to copy up to 250 pages. The charge for copying more than 250 pages is five cents a page, which includes pages 1 through 250. The District Offices and Local Air Agencies (DO/LAAs) likely have similar policies. Cleveland was once charging \$1.00 per copy, but all local air agency contracts now require copying policies to be consistent with State policy.

Notwithstanding the official requirements indicated above, DAPC and local air agency staff rarely charge for copies of records unless they are in significant excess of the state minimum requirements and require extensive staff time to make the copies. Further, the ability of the agency to provide records in an electronic format (most often in PDF) has significantly reduced charges associated with hard copies.

If yes, what is the cost per page?

See above.

Y N

- a. Are there exceptions to this cost (e.g., the draft permit requested during the public comment period, or for nonprofit organizations)?

See above.

Y N

- b. Do your title V permit fees cover this cost? If not, why not?

Ohio EPA has not made a study of the costs relative to general administration of the Title V permit program. However, given the small number of requests and significant electronic information made available by the Agency, the costs are likely to be de minimis.

25. What is your process for the public to obtain permit-related information (such as permit applications, draft permits, deviation reports, 6-month monitoring reports, compliance certifications, statement of basis) especially during the public comment period? *Every public notice provides a permit contact, address, and phone number for interested parties so that they can ask questions or request information. Most requests or questions are handled informally. However, Ohio EPA does also comply with freedom of information act (FOIA) requests submitted in hard copy as a routine course of business. Few FOIA requests are received for permits or SOBs. This may be because Ohio EPA maintains this information on the DAPC web site and promptly responds to request directly via e-mail when contacted.*

Y X N

- a. Are any of the documents available locally (e.g., public libraries, field offices) during the public comment period? Explain.

The most comprehensive information concerning a given permit action is located at the Ohio EPA District Office or local air agency. This information is available for review and copying during regular business hours. Additionally, SOB and permit information is available in every public library in Ohio through library internet connectivity.

Deviation reports and semiannual monitoring reports were not available during the initial round of Title V permitting, but they should be available to the public now.

Such information is rarely specifically requested in the FOIA process. Most FOIA requests are for full file review.

26. How long does it take to respond to requests for information for permits in the public comment period?

Response time depends on the complexity and breadth of the request. Most requests are handled within a couple of days of the request.

Y X N

27. Have you ever extended your public comment period as a result of information requests?

- a. Where is this information stored?

*See response to 25.a above.
Examples: AK Steel*

Y N X

- b. Do information requests, either during or outside of the public comment period, affect your ability to issue timely permits?

Those permits that received significant environmental advocacy group interest also involved significant applicant interest (not always for the same reasons). Thus, in the end, public comments have not affected our ability to issue timely permits.

Y X N

- c. Have you ever extended the public comment period because of a request for a public hearing?

Whenever a public hearing is scheduled, the public comment deadline is extended to 3 to 5 days after the hearing (note that the comment period is automatically extended when we process a request for a public meeting because notice of the meeting must be published at least thirty days prior to the meeting. The public can continue to submit comments during this intervening time.

Y X N

28. Do you have a website for the public to get permit-related documents?

- a. What is available online?

All stages of the permit (draft, ppp, pp and final), the SOB, an outline of the Ohio Title V permit program permitting process, emissions inventory data, public notice information, policy and Engineering guides related to Title V, fee requirements, the entire Ohio Administrative code and Ohio revised code, links on the DAPC web page to the relevant portions of the OAC and ORC as well as links to the Ohio EPA District Offices and local air agencies and U.S. EPA.

- b. How often is the website updated? Is there information on how the public can be involved?

The web site is updated as policy or Engineering Guide information is updated. Permit and SOB information is posted within three days of issuance of any stage of any permit (usually posting occurs the same or next day depending on when issuance is completed and IT staff are available to post the files).

- Y X N 29. Have other ideas for improved public notification, process, and/or access to information been considered? If yes, please describe.

The Division of Air Pollution Control is working on a display that can be used at state fairs. Permitting is one component of the display.

- Y N X 30. Do you have a process for notifying the public as to when the 60-day citizen petition period starts? If yes, please describe.

Ohio EPA does not have a specific process for notifying the public specifically with respect to the 60-day citizen petition period. However, the cover letter for every issued permit identifies the state permit appeals process. Ohio EPA also processes a public notice for every final permit that is issued. This notice also identifies the permit appeal rights and process.

The date of the proposed permit is provided on the website. This date determines the petition deadline (which is 105 days later; 45-day proposed review period plus 60-day appeal deadline). Persons or organizations on the Title V e-mail list are also notified of proposed permit issuance in addition to all other Title V permit processing stages (i.e., draft, ppp, and final). Not every state provides this information.

The proposed action is also noted in the Weekly Review.

It was noted by Region 5 that there has been national guidance based on USEPA's response to petitions. This guidance is available on the Region 7 website. USEPA is working on a searchable database for the petitions.

- Y X N 31. Do you have any resources available to the public on public participation (booklets, pamphlets, webpages) ?

Ohio EPA has an extensive Title V web presence. Ohio EPA also produces a fact sheet that specifically covers Title V and several other fact sheets that reference Title V as part of the larger permit program in Ohio.

These fact sheets are also available on the website.

- Y X N 32. Do you provide training to citizens on public participation or on title V?

Ohio EPA has participated in local discussions with environmental groups and concerned citizens as well as participated in conjunction with USEPA-sponsored citizen training.

- Y X N 33. Do you have staff dedicated to public participation, relations, or liaison?

Ohio EPA's Public Interest Center (PIC) responds to inquiries from the public and the media regarding environmental issues and Agency actions.

Media relations staff members prepare news releases pertaining to newsworthy activities within the Agency, conduct news conferences and perform other activities to keep the public informed of Agency activities through media coverage.

Public involvement staff members plan, develop and implement public involvement activities for all Agency programs, including community relations plans, public information sessions, public hearings, and informal roundtable discussions with citizen organizations, community leaders and other parties interested in environmental issues. Public involvement coordinators welcome the opportunity to work with community members on specific sites or general environmental issues.

PIC maintains a statewide list of environmental citizen groups and relies on these organizations for feedback on statewide and site-specific issues. PIC also provides support to U.S. EPA with its community relations program for Superfund sites in Ohio, and conducts community relations activities for the state's hazardous waste cleanup program.

Although PIC staff members are based in Ohio EPA's Central Office in Columbus, each is assigned to serve a specific district. The public involvement coordinator spends a great deal of time within the assigned district to become better acquainted with the issues and the people of that district.

- a. Where are they in the organization?
See above.
- b. What is their primary function?

See above.

PIC staff members get involved when the public interaction reaches a more formal level, such as public hearings. Otherwise, local permit staff work directly with the public. Also, PIC sits in on the weekly director's briefings, and may issue press releases for issues that come up that are of local interest.

Affected State Review and Review by Indian Tribes

- 34. How do you notify affected States of draft permits?

Affected states are notified via e-mail.

- a. How do you determine what States qualify as "affected States" for your draft permits?

DAPC maintains a list of affected states based on whether the Ohio county is within 50 miles of the Ohio border.

- 35. How do you notify tribes of draft permits?

Not applicable.

- 36. What percentage of your permits get comments from affected States? from Tribes?

Zero during the initial round of permits.

37. Is there any pattern to the type of draft permit that gets affected State / Tribal comment? Are there common themes in comments from affected States or Tribes?

No comments received.

38. Suggestions to improve your notification process?

No comment.

Any additional comments and public notification?

No comment.

E. Permit Issuance / Revision / Renewal

Initial Permit Issuance

- Y N 1. If not all initial permits have been issued, do you have a plan to ensure your permits are issued in a reasonable timeframe? If not, what can EPA do to help?

Ohio EPA was the first state in Region V to complete the initial round of Title V permits (the “commitment” population). U.S. EPA can assist in timely future permit issuance by resolving several ongoing nationwide Title V program issues (for example. CAM, how to incorporate all applicable MACT requirements into Title V permits without copying the rule verbatim, and level of detail needed in Statements of Basis); preferably through rulemaking rather than policy or guidance. (Using the MACT example, if a rulemaking came out declaring what is acceptable, this would help Ohio’s permitting process. Notice of deficiency and petition responses that deal with such national issues are a good start, but are still not as effective as rulemakings – particularly when the decisions are inconsistent with one another.)

Permit Revisions

2. Did you follow your regulations on how to process permit modifications based on a list or description of what changes can qualify for:

Y X N a. Administrative amendment? (See § 70.7(d)(vi))

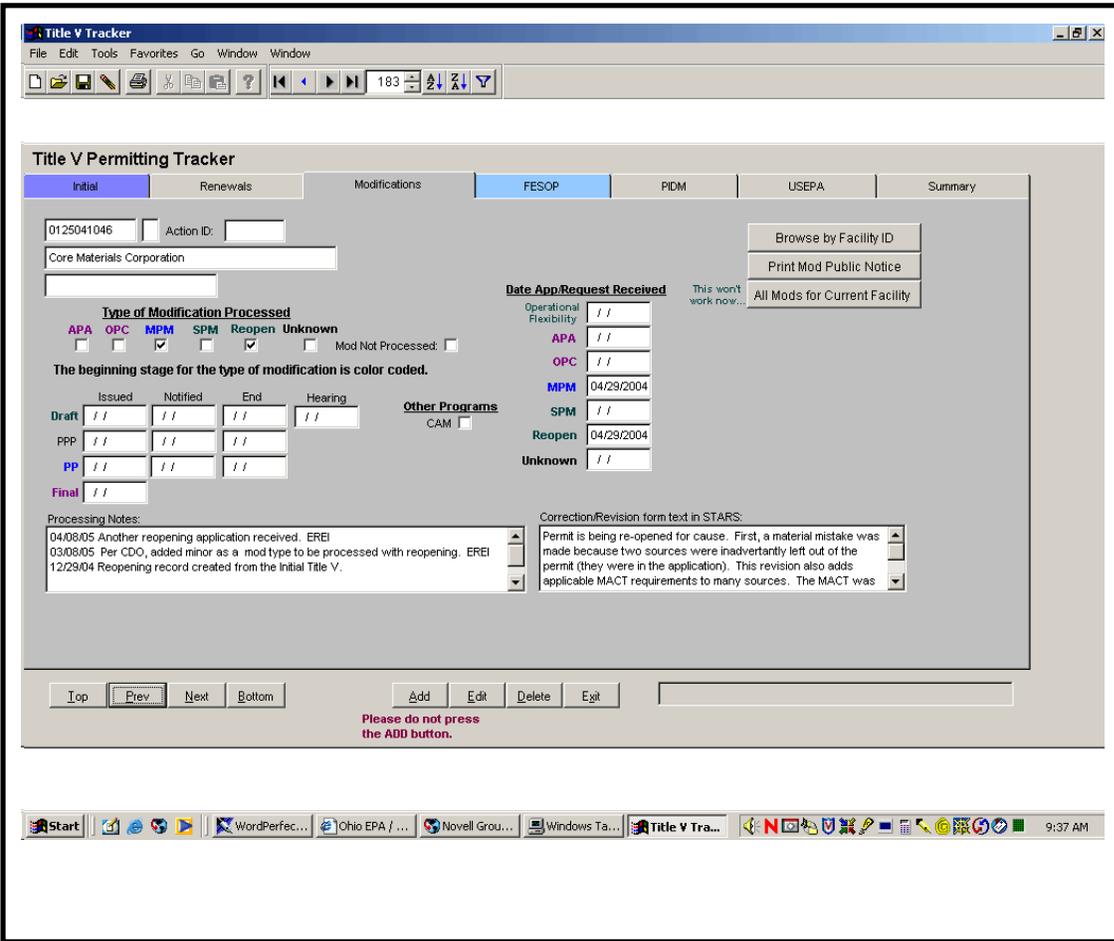
Y X N b. §502(b)(10) changes? (See §70.4(b)(12))

There has been one recent operational flexibility-based revision.

0247050278 Ross Incineration Services, Inc. 02/07/2005

Y X N c. Significant and/or minor permit modification? (See §70.7(e))

Y X N d. Group processing of minor modifications?



Grouping in accordance to procedure occurs naturally in the permitting process in order to minimize the administrative burden.

- Y N 3. If the EPA Regional office has formally asked you to reopen a permit, were you able to provide EPA with a proposed determination within 90 days? (40 CFR 70.7(g)(2))

We have never been requested by the regional office.

If not, why not?

4. For those permits that have been issued (91 as of May, 2005), and where the permitted facility has undergone a change,

how many changes to the title V permit have you processed? Mike Ahern

a. What percentage of changes at the facilities are processed as:

i. Significant - 10%

ii. Minor - 4%

iii. Administrative - 86%

Please note - percentages indicated above represent 72 modification actions that have been issued final. The significant number of APA actions is represented by a typographical error for approximately 30 documents associated with the "wrong" effective date (year) for permits issued toward the end of 2003.

b. Of all changes (291 requests as of May, 2005) that you have, how many (or what percentages) were:

i. Off-permit - 9%

These have been done to incorporate PTIs.

ii. 502(b)(10) - 0

5. How many days, on average, does it take to process (from application receipt to final permit amendment):

a. a significant permit revision? - *of the 7 processed as of May, 2005 - average processing time 355 days*

b. a minor revision? - *of the 3 processed as of May, 2005 - average processing time 292 days*

c. an administrative revision? - *of the 59 processed as of May, 2005 - average processing time 22 days*

Y X N

6. Have you taken longer than the part 70 timeframes of 18 months for significant revision, 90 days for minor permit revisions and 60 days for administrative? Explain.

The majority of delays have been based on our focus on processing the initial permits. Additionally, some of the significant permit modifications were based on permit appeals of the original permit that resulted in changes that tripped the significant modification requirements (e.g., a “relaxation” in the existing monitoring). The average processing time above is based on receipt of the significant modification application. Some of the appeals took time to resolve after the significant modification application had been received.

For example, GE Logan appealed their permit operational restrictions. This has delayed processing the permit modification.

7. What have you done to streamline the issuance of revisions?

We have a policy to parallel process PTIs and significant permit modifications where the Title V regulations would prohibit the operation of the significant modification until the Title V permit revision is issued as a final action. This can eliminate a lengthy process for the permittee after applying for and obtaining a PTI, to find out only construction, and not operation could commence, and then applying for and obtaining the Title V permit revision that would allow operation.

Permit modification types are grouped into single actions (though taking the strictest path).

Ideally, Ohio would like to explore use of the administrative amendment procedure to incorporate the PTI, but, given the preliminary proposed stage in Ohio’s process, this would result in construction delays. Perhaps USEPA waiver of the review period can help.

8. What process do you use to track permit revision applications moving through your system?

Ohio EPA has transitioned from focusing on the initial round of Title V permits to focusing on the entire operating permit workload, including the significant number of State-only operating permits. As a result, we have been working on expanding the capabilities of our Title V permit tracking system to better account for all the different types of Title V modification and revision paths, added FESOP actions, and added State-only PTO actions. Additionally, Ohio EPA Central Office is developing a draft plan that will be discussed with District Office and local air agency management to prioritize the

ongoing work. In the meantime, Ohio EPA central office provides monthly updates of the entire workload in the monthly report sent out to all offices, and also provides up-to-date to do lists as requested by Central Office permit reviewers and the field offices.

The permit tracker has been almost completely revised. The goal of the revision is to allow management and DO/LAAs to view the entire workload, which will help everyone decide how to distribute and minimize workload.

Revision applications are processed similarly to normal permit applications in the STARS system.

- Y X N 9. Have you developed guidance to assist permit writers and sources in evaluating whether a proposed revision qualifies as an administrative amendment, off-permit change, significant or minor revision, or requires that the permit be reopened? If so, provide a copy.

Yes, see attached.

- Y X N 10. Do you require that source applications for minor and significant permit modifications include the source's proposed changes to the permit?

- Y X N a. For minor modifications, do you require sources to explain their change and how it affects their applicable requirements?

- Y X N 11. Do you require applications for minor permit modifications to contain a certification by a responsible official, consistent with 70.5(d), that the proposed modification meets the criteria for use of minor permit modification procedures and a request that such procedures be used?

12. When public noticing proposed permit revisions, how do you identify which portions of the permit are being revised? (e.g., narrative description of change, highlighting, different fonts).

The revisions are identified in the Statement of Basis.

The notice itself indicates the type of change being made, but does not describe what is being revised. This information

is found at the beginning of the Statement of Basis.

13. When public noticing proposed permit revisions, how do you clarify that only the proposed permit revisions are open to comment?

The revisions are identified in the Statement of Basis. Ohio EPA lets commenters know that comments are limited to those portions of the permit that are subject to the instant modification when this issue arises. Ohio EPAs experience is that this issue arises very rarely.

Permit Renewal Or Reopening

Y X N

14. Have you begun to issue permit renewals?

15. What are your plans for timely issuance of the renewals?

See answer 8 above.

Y N X

16. Do you have a different application form for a permit renewal compared to that for an original application? (e.g., are your application renewal forms different from the forms for initial permits)
- a. If yes, what are the differences? Are 1st time requirements (like CAM, off permit changes, etc.) in a renewal application being included in the renewal?

Yes. However, CAM plans are not forms, they are plans that accompany submittal of the application forms.

The STARShip program does not have different forms for initial application, renewal, revision, etc. Instead, it allows the user to write information in a field (or to attach a document) that describes what's going on.

Off-permit changes are noted in the correction/revision form in STARShip and tracked in STARS.

Y X N X

17. Has issuance of renewal permits been "easier" than the original permits? Explain.

Yes, very much so because most, if not all, of the required permit terms are already in the permits. It is much easier to update

existing terms than create all the terms beginning with a blank page. Lack of federal guidance on what constitutes an acceptable CAM plan has hampered renewal permitting efficiency. However, facilities not subject to CAM have been processed efficiently.

18. How are you implementing the permit renewal process (i.e., guidance, checklist to provide to permit applicants)?

Guidance and checklists that have been developed for District Office and local air agency staff that are also available to the regulated community. Additionally, Ohio EPA has conveyed information through the air Permit Advisory Group and has conveyed information at conferences. Ohio EPA also sends out renewal reminder letters that provide some information. Finally, all Title V facilities are required to use STARShip, the software designed to submit applications. Ohio EPA sends out a STARShip newsletter that highlights topics such as renewal application submittal.

19. What % of renewal applications have you found to be timely and complete?

Approximately 76% of the 195 permits that required renewal applications by May 13, 2005 were submitted on time.

With respect to the remaining 24%, there are various reasons why sources haven't submitted their renewal applications. Reminder letters are sent, and sometimes a response is still not provided. There are about 20 enforcement cases going on due to failure to file, and such enforcement action has likely helped to reduce late filing.

20. How many complete applications for renewals do you presently have in-house ready to process?

Approximately 191 applications are currently being worked on.

- Y X N X 21. Have you been able to or plan to process these renewals within the part 70 timeframe of 18 months? If not, what can EPA do to help?

Ohio EPA is in the process of formulating a plan to balance the overall workload (see answer 8 above). Our ability to process timely renewal permits hinges on the overall workload and the complexity of the renewal permits. National guidance on acceptable CAM

plans for specific source categories would be most helpful (e.g., controlled utility units). Fewer program audits would be helpful as well. Although Ohio EPA is not adverse to any scrutiny and has accepted oversight of the 40 CFR Part 70 operating permit program as part of the full program approval process, the four audits conducted during the past nine years has taken considerable staff time; time that could have been better spent working on permits. With decreasing resources, there are only so many people to conduct audit-related activities. Usually the most knowledgeable people available to address audit inquiries are the same people working on the permits; particularly at the District Office or local air agency. Based on our knowledge of audits of other Title V operating permit programs across the nation, it is our impression that Ohio and a select few other states have received an inordinate amount of review over the past eight years. Again, we wish to emphasize, our program is open to oversight and review, but the plain fact of the matter is that these activities have an adverse effect on overall permitting efficiency.

Loss of staff, particularly experienced staff, is another hindrance in the issuance process. All Title V funds are already being spent to administer the program. Contracting out the work would be more expensive than hiring replacement staff (even considering raises in salary and health care), due to needs in training and oversight. However, changes in Ohio legislation have recently allowed Ohio to create new staff positions in its permit program; Ohio EPA is currently interviewing candidates to fill those positions which should help overcome obstacles to permit issuance.

New hires generally don't have developed skill sets; they are almost always fresh out of college.

- Y N X 22. Have you ever determined that an issued permit must be revised or revoked to assure compliance with the applicable requirements?
- No

F. Compliance

1. Deviation reporting:

- a. Which deviations do you require be reported prior to the semiannual monitoring report? Describe.

MALFUNCTIONS: Any malfunction, as defined in OAC rule 3745-15-06(B)(1), shall be promptly reported to the Ohio EPA in accordance with OAC rule 3745-15-06. In addition, to fulfill the OAC rule 3745-77-07(A)(3)(c) deviation reporting requirements for malfunctions, written reports that identify each malfunction that occurred during each calendar quarter.

QUARTERLY DEVIATION REPORTS: Written reports of (a) any deviations from federally enforceable emission limitations, operational restrictions, and control device operating parameter limitations, (b) the probable cause of such deviations, and (c) any corrective actions or preventive measures taken, shall be promptly made to the appropriate Ohio EPA District Office or local air agency. Except as provided below, the written reports shall be submitted by January 31, April 30, July 31, and October 31 of each year; and each report shall cover the previous calendar quarter. These written reports shall satisfy the requirements (in part) of OAC rule 3745-77-07(A)(3)(c) pertaining to the submission of monitoring reports every six months and to the prompt reporting of all deviations. OAC rule 3745-77-07(A)(3)(c) is not fully satisfied until the permittee addresses all other deviations of the federally enforceable requirements specified in the permit.

MORE FREQUENT DEVIATION REPORTING: If an emissions unit has a deviation reporting requirement for a specific emission limitation, operational restriction, or control device operating parameter limitation that is not on a quarterly basis (e.g., within 30 days following the end of the calendar month, or within 30 or 45 days after the exceedance occurs), that deviation reporting requirement overrides the reporting requirements specified in this General Term and Condition for that specific emission limitation, operational restriction, or control device parameter limitation. Following the provisions of that non-quarterly

deviation reporting requirement will also satisfy the requirements (in part) of OAC rule 3745-77-07(A)(3)(c) pertaining to the submission of monitoring reports every six months and to the prompt reporting of all deviations, and additional quarterly deviation reports for that specific emission limitation, operational restriction, or control device parameter limitation are not required pursuant to this General Term and Condition.

The 30-day and 45-day reporting requirements are established in OAC rule 3745-21-09.

Y x N

- b. Do you require that some deviations be reported by telephone?

Yes - malfunctions, verbally in accordance with OAC rule 3745-15-06

After the deviation is reported, the field office places a record of the conversation in the facility's file. If the incident lasts more than 72 hours, the source has to submit a written report within 2 weeks. Within the two months following that, the source must submit another report on corrective action and reduction of recurrence.

Y N

- c. If yes, do you require a follow-up written report? If yes, within what timeframe?

Written reports that identify each malfunction that occurred during each calendar quarter (including each malfunction reported only verbally in accordance with OAC rule 3745-15-06) shall be submitted by January 31, April 30, July 31, and October 31 of each year in accordance with General Term and Condition A.1.c.ii below; and each report shall cover the previous calendar quarter.

Y x N

- d. Do you require that all deviation reports be certified by a responsible official? (If no, describe which deviation reports are not certified).

Y x N

- i. Do you require all certifications at the time of submittal?
- ii. If not, do you allow the responsible official to "back certify" deviation reports? If you allow the responsible official to

“back certify” deviation reports, what timeframe do you allow for the follow-up certifications (e.g., within 30 days; at the time of the semiannual deviation reporting)?

2. How does your program define deviation?

Deviations are each record of monitoring data, testing data, and support information required by the federally enforceable requirements in the Title V permit showing values outside of the specified requirements for emission limitations, operational restrictions, control device operating parameter limitations, monitoring, record keeping, and reporting requirements.

- | | | | |
|-----|-----|------|---|
| Y | N x | a. | Do you require only violations of permit terms to be reported as deviations? |
| | | b. | Which of the following do you require to be reported as a deviation (Check all that apply): |
| Y | N x | i. | excess emissions excused due to emergencies (pursuant to 70.6(g)) |
| Y | N x | ii. | excess emissions excused due to SIP provisions (cite the specific state rule) |
| Y | N x | iii. | excess emissions allowed under NSPS or MACT SSM provisions? |
| Y x | N | iv. | excursions from specified parameter ranges where such excursions are not a monitoring violation (as defined in CAM) |
| Y x | N | v. | excursions from specified parameter ranges where such excursions are credible evidence of an emission violation |
| Y | N x | vi. | failure to collect data/conduct monitoring where such failure is “excused”: |
| Y | N x | A. | during scheduled routine maintenance or calibration checks |
| Y | N x | B. | where less than 100% data collection is allowed by the permit |

Y N x

C. due to an emergency

Clarification: failure to recordkeep the reason and time interval for the lack of data collection must be reported as a deviation.

vii. Other? Describe.

3. Do your deviation reports include:

Y x N

a. the probable cause of the deviation?

Y x N

b. any corrective actions taken?

Y x N

c. the magnitude and duration of the deviation?

Y x N

4. Do you define "prompt" reporting of deviations as more frequent than semiannual?

Yes, see F.1 above

Yx N

5. Do you require a written report for deviations?

Y x N

6. Do you require that a responsible official certify all deviation reports?

7. What is your procedure for reviewing and following up on:

a. deviation reports?

b. semiannual monitoring reports?

c. annual compliance certifications?

Review based on the Title V permit; appropriate enforcement action taken (e.g., warning letter, NOV, etc...) based on the nature, magnitude and duration of the violation

Ohio EPA policy requires the review of all the above. A checklist system is used to track the review.

Are monitoring and record keeping being performed?

Do the monitoring and record keeping comply with T&Cs?

Are deviation reports required to be submitted?

Do the required deviation reports comply?

Are emissions unit reports required to be submitted?

Do the required emissions unit-specific reports comply?

Did the review of operational logs and usage records show compliance?

Did the operational parameters show compliance with rule or permit limits?

Is Air Pollution Control Equipment required?

Was the APCE operating?

List operational parameters observed:

Was the APCE operating in compliance with permit T&Cs?

Do the level and frequency of maintenance appear adequate?

Is the facility required to have a CAM plan?

Does the CAM plan comply?

8. What percentage of the following reports do you review?
 - a. deviation reports
 - b. semiannual monitoring reports
 - c. annual compliance certification

All the above reports are reviewed at the local level.

9. Compliance certifications

Y X N a. Have you developed a compliance certification form? If no, go to question 7.

Y X N i. Is the certification form consistent with your rules?
ii. Is compliance based on whether compliance is continuous or intermittent or whether the compliance monitoring method is continuous or intermittent?

The phrasing of this question is no longer applicable. Ohio EPA requires the permittee to indicate whether compliance with each federally enforceable permit term is continuous, intermittent or not applicable (some terms are explanatory in nature). If a Permittee uses an intermittent method for monitoring compliance (e.g., weekly VE checks) and all the checks indicate compliance, the permittee may indicate "continuous" as the compliance status for the applicable limit.

Y X N iii. Do you require sources to use the form? What percentage do?

99% - permittees may also supplement the form with additional attached information.

Y X N iv. Does the form account for the use of credible evidence?

Y X N v. Does the form require the source to specify the monitoring method used to determine compliance where there are options for monitoring, including which method was used where more than one method exists?

The compliance certification form is available online.

10. Excess emissions provisions:

Y N X a. Does your program include an emergency defense provision as provided in 70.6(g)? If yes, does it:

i. Provide relief from penalties?

- ii. Provide injunctive relief?
 - iii. Excuse noncompliance?
- Y N X
- b. Does your program include a SIP excess emissions provision? If no, go to 6.c. If yes does it:
 - i. Provide relief from penalties?
 - ii. Provide injunctive relief?
 - iii. Excuse noncompliance?
 - c. Do you require the source to obtain a written concurrence from the PA before the source can qualify for:
 - i. the emergency defense provision?
 - ii. the SIP excess emissions provision?
 - iii. NSPS/NESHAP SSM excess emissions provisions?
- Y N X

11. Is your compliance certification rule based on:

- Y N X
- a. the '97 revisions to part 70 - i.e., is the compliance certification rule based on whether the compliance monitoring method is continuous or intermittent; or:
- Y X N X
- b. the '92 part 70 rule - i.e., is the compliance certification rule based on whether compliance was continuous or intermittent?

OAC rule 3745-77-07(C)(5) conforms to the June 27, 2003 Federal Register "State and Federal Operating Permits Program: Amendments to Compliance Certification Requirements; Final Rule" that allows compliance certification to be based on continuous or intermittent data rather than '97 revision that based compliance certification on whether the monitoring method was continuous or intermittent. "No" was also marked because the '92 rule is no longer applicable.

12. Any additional comments on compliance?

Revaluation of the language used in 40 CFR Part 70.6(c)(5)(iii)(A) to allow a responsible official to identify permit terms where intermittent compliance occurred during the reporting period and certify that any permit term not identified in the compliance certification was an indication of continuous compliance would greatly reduce the reporting burdens associated with the compliance certification. Ohio EPA believes such a change would be welcomed by citizens, regulators, and industry alike because it would not compromise the due diligence associated with certifying compliance, would enhance highlighting intermittent compliance and would significantly reduce paperwork associated with compliance certifications.

This would help because currently, permittees must declare C/I for each term. These reports must be reviewed by the field office, which takes time. Changing the focus to intermittent compliance (and asserting through a general negative declaration by the responsible official that unreported time intervals are compliant) would provide a shorter document that takes less time to review and decreases the chance that the reviewer will overlook a compliance problem amidst the declarations of continuous compliance.

G. Resources & Internal Management Support

Y X N 1. Are there any competing resource priorities for your "title V" staff in issuing Title V permits?

a. If so, what are they?

Ohio EPA has had to adjust to several strains that have affected the staffing for Title V permits. One issue that has affected funding is the fact that many facilities that were initially considered Title V, and that paid Title V fees, were able to FESOP out of the Title V program. This resulted in a drop of Title V fees from early projections.

Ohio EPA has also had to absorb significant cuts in state funding due to State of Ohio budget issues. This has resulted in a cut back of about 20 per cent of the air program's staffing, forcing staff to spend more time in non-Title V work to make up for the staff lost outside of the permitting department..

On top of the above cuts, Ohio EPA is also facing significant work to develop the SIPs needed to bring our areas into attainment. This has resulted in the reassignment of central office staffing from permitting to SIP work.

Other demands include the significant workload for processing non Title V permits. Ohio EPA currently has a large backlog of permits that need to be processed for non Title V emissions units. We also have expended significant effort in trying to revise our program to make it more efficient. We expect to spend considerable effort in the near future to develop a new Stars system and to develop a revised non Title V permit system that will combine PTIs and PTOs into PTIOs.

2. Are there any initiatives instituted by your management that recognize/reward your permit staff for getting past barriers in implementing the title V program that you would care to share?

Management is very limited in being able to reward staff for reaching major milestones. At this point we can utilize individual awards, positive responses, support events, but we have no ability to reward staff with additional funds or additional staffing.

3. How is management kept up to date on permit issuance?

See question 8 above.

Y X N 4. Do you meet on a regular basis to address issues and problems related to permit writing?

P&E meetings and calls serve this purpose. Also, the lead permit reviewers at Central Office have their own calls with DO/LAAs. Visits to the DO/LAAs are done by Central Office as previously described.

Y X N 5. Do you charge Title V fees based on emission volume?

a. If not, what is the basis for your fees?

b. What is your Title V fee?

\$25/ton adjusted to the consumer price index. The adjusted fee for calendar year 2004 emissions is \$38.29

6. How do you track title V expenses?

Expenses are tracked through time accounting systems at both Ohio EPA and the contracted local air agencies.

7. How do you track title V fee revenue?

Revenues are tracked through the Ohio EPA REVENUES accounting system.

8. How many Title V permit writers does the agency have on staff (number of FTE's)?

Office	FTE - NOTE: <i>Numbers represent persons, not FTEs</i>	Exclusive Title V Permitting
CDO	3	0
SEDO	8	0
NEDO	10	0

NWDO	4	0
Akron	6	0
Canton	3	0
HCDES	14	0
RAPCA	6	0
Portsmouth	2	0
Toledo	7	0
DAPC Central Office	4	0
Total	67	0

Y N X 9. Do the permit writers work full time on Title V?

a. If not, describe their main activities and percentage of time on title V permits.

This figure varies significantly from office to office. In some offices permit writers work exclusively on Title V permits. But in most offices, permit writers work on many tasks including working on Title V, PTI, PTO, citizen complaints, inspections and other tasks.

b. How do you track the time allocated to Title V activities versus other non-title V activities?

Ohio EPA and the local air agencies code time in the various time accounting systems to either Title V or non-title V work.

Y N X 10. Are you currently fully staffed?

Ohio EPA only has 80% of the staff level it feels would be optimal. However, recent legislative changes have allowed Ohio EPA to create new permit staff positions. Candidates for these positions are currently being interviewed.

11. What is the ratio of permits to permit writers?

This has never be calculated.

12. Describe staff turnover.

Ohio EPA has lost a significant number of staff due to budget cuts and attrition since the inception of the Title V program in 1996.

a. How does this impact permit issuance?

The reduction in staffing and the expansion of the work that needs to be produced (more terms and conditions, extensive SOB) has significantly reduced our ability to keep up with the expected work.

b. How does the permitting authority minimize turnover?

We have had to reduce staffing so any turnover has been used to eliminate positions.

Y N X 13. Do you have a career ladder for permit writers?

a. If so, please describe.

Y N X 14. Do you have the flexibility to offer competitive salaries?

Y N X 15. Can you hire experienced people with commensurate salaries?

16. Describe the type of training given to your new and existing permit writers.

Ohio EPA utilizes a number of training programs for new and existing staff. These include:

1. *DAPC Training Committee (DAPC and local air agencies (LAA) staff work together to identify training needs of DAPC and the LAAs. The training committee is comprised of a representative from DAPC Central Office, a district office, and a LAA. The training committee has completed the following:*

A. *Coordinated training sponsored by either the LAAs or Ohio EPA to bring a training course to Ohio. In August 2001, Ohio EPA hosted "Keeping a Paints and Coatings Facility in Compliance with Air Pollution Control Regulations." In October 1998, Ohio EPA hosted "Advanced Air Pollution Inspector" training.*

B. Conducted a survey in November 1999 of all DAPC and LAA employees to identify future training needs.);

2. participating on the STAPPA/ALAPCO training committee;
3. Ohio EPA internal training courses to LAAs when requested (Ohio EPA's negotiation training was held for LAA staff.);
4. US EPA satellite courses (DAPC has a satellite link in a conference room so that staff may readily view US EPA courses. In 2001, courses regarding air toxics, solid waste, inspections for fugitive emission sources, and stack testing were viewed.);
5. permit training for Title V permit applications [DAPC sponsors training for industry in using the electronic permitting software (STARShip)];
6. initial training for all permit staff in the Central Office and the field offices concerning the review of Title V permit applications and the preparation of Title V permits (At the outset of the Title V permit program, a 2-day training course was given to all staff involved in the processing of Title V permits. In addition, monthly conference calls are routinely held with all the field offices to discuss ongoing changes and questions regarding Title V permits and permits to install.);
7. US EPA training conducted out-of-state on specific technical issues such as the MACT standards, emission inventory, NSR, PSD and monitoring;
8. providing or participating in technical training necessary for specific positions, such as "smoke school" for certified smoke readers, and asbestos training necessary for certified asbestos inspectors;
9. Ohio EPA leadership training (Ohio EPA has created a one-year training program, entitled "Developing Excellent Agency Leaders" (DEAL).
10. Personal Development Programs (PDP) (For every position that is created at Ohio EPA, a PDP must be included to identify the training that should occur with that position. This provides the employee and the supervisor with the specific training goals that should be accomplished for that position.)
11. Public hearing training to help staff understand what they need to do during public hearings

17. Does your training cover:

Y X N

- a. how to develop periodic and/or sufficiency monitoring in permits?

Y X N

b. how to ensure that permit terms and conditions are enforceable as a practical matter?

Y X N

c. how to write a Statement of Basis?

See question 6 above with regard to “a” and “b.”

P&E meetings also serve as training for “c.”

Y X N

18. Is there anything that EPA can do to assist/improve your training? Please describe.

See answer to question 21 above with respect to acceptable CAM plans. A compilation of CAM plans or CAM permitting examples from other states would help.

19. How has the PA organized itself to address Title V permit issuance?

Ohio EPA has reorganized the Central Office permit review resources to consolidate NSR and Title V permit reviews. This should result in greater consistency between NSR and Title V permit requirements at a time when Title V permit modification requests will be increasing and the Title V permit program/NSR permit program interface will become more prominent.

20. Overall, what is the biggest internal roadblock to permit issuance from the prospective of Resources and Internal Management Support?

Overall reduction of available resources has hurt other program areas at the expense of Title V permitting. For example, the state permit to operate program has suffered considerably as Ohio EPA has focused on meeting Title V permit program requirements. However, Ohio is now able to hire additional staff for the Title V program due to recent legislative changes, and is now interviewing candidates to fill newly created positions.

Environmental Justice Resources

Y N X

21. Do you have Environmental Justice (EJ) legislation, policy or general guidance which helps to direct permitting efforts?

If so, may EPA obtain copies of appropriate documentation?

We do not have any developed guidance. Each situation is evaluated on a case-by-case basis.

- | | | | |
|---|-----|-----|--|
| Y | N X | 22. | Do you have an in-house EJ office or coordinator, charged with oversight of EJ related activities? |
| | | | <i>Joe Koncelik was leading the efforts on EJ. It is unknown if these duties have been reassigned since he became director.</i> |
| Y | N X | 23. | Have you provided EJ training / guidance to your permit writers? |
| Y | N X | 24. | Do the permit writers have access to demographic information necessary for EJ assessments? (e.g., soci-economic status, minority populations, etc.) |
| Y | N X | 25. | When reviewing an initial or renewal application, is any screening for potential EJ issues performed? If so, please describe the process and/or attach guidance. |

H. Title V Benefits

1. Compared to the period before you began implementing the Title V program, does the Title V staff generally have a better understanding of:
- Y N X a. NSPS requirements?
 - Y N X b. The stationary source requirements in the SIP?
 - Y N X c. The minor NSR program?
 - Y N X d. The major NSR/PSD program?
 - Y X N e. How to design monitoring terms to assure compliance?
 - Y N X f. How to write enforceable permit terms?

“No” is being marked as the answer to most of the above because, although the Title V process does provide experience, the same experience would have been had even without the Title V program. For “E,” the amount of experience would not have been as much without Title V due to the need for gap-filling.

Also, the manner in which a Title V permit incorporates all applicable requirements into one document helps Ohio EPA understand more complex regulations such as MACT.

2. Compared to the period before you began implementing the Title V program, do you have better/more complete information about:
- Y X N a. Your source universe including additional sources previously unknown to you?
 - Y N X b. Your source operations (e.g., better technical understanding of source operations; more complete information about emission units and/or control devices; etc.)?
 - Y N X c. Your stationary source emissions inventory?
 - Y X N d. Applicability and more enforceable (clearer) permits?
Mainly due to the fact that as time goes on permits get better and because all applicable requirements must be placed in the permit.

3. In issuing the Title V permits:

Y X N

- a. Have you noted inconsistencies in how sources had previously been regulated (e.g., different emission limits or frequency of testing for similar units)? If yes, describe.

This is something that happens naturally when you have a decentralized program and when you are processing so many permits statewide.

Y X N

- b. Have you taken (or are you taking) steps to assure better regulatory consistency within source categories and/or between sources? If yes, describe.

We continue to develop guidance and template terms and conditions which help this process.

4. Based on your experience, estimate the frequency with which potential compliance problems were identified through the permit issuance process:

Never Occasionally Frequently Often

- | | | | | |
|---------------------------------------|---|--|---|--|
| a. prior to submitting an application | X | | | |
| b. prior to issuing a draft permit | | | X | |
| c. after issuing a final permit | | | X | |

5. Based on your experience with sources addressing compliance problems identified through the Title V permitting process, estimate the general rate of compliance with the following requirements prior to implementing Title V:

- | | | | | |
|--|---|--|---|--|
| a. NSPS requirements (including failure to identify an NSPS as applicable) | X | | | |
| b. SIP requirements | | | X | |
| c. Minor NSR requirements (including the requirement to obtain a permit) | X | | | |

d. Major NSR/PSD requirements (including the requirement to obtain a permit) X

6. What changes in compliance behavior on the part of sources have you seen in response to Title V? (Check all that apply.)

Y X N

a. increased use of self-audits?

Y X N

b. increased use of environmental management systems?

Companies are devoting significant resources for developing compliance tracking systems for the terms in a Title V permit.

Y X N

c. increased staff devoted to environmental management?

Y X N

d. increased resources devoted to environmental control systems (e.g., maintenance of control equipment; installation of improved control devices; etc.)?

Y X N

e. increased resources devoted to compliance monitoring?

Y X N

f. better awareness of compliance obligations?

h. other? Describe.

Y X N

7. Have you noted a reduction in emissions due to the Title V program?

Y X N

a. Did that lead to a change in the total fees collected either due to sources getting out of title V or improving their compliance?

We had multiple facilities obtain FESOPs to get out of Title V. This resulted in a loss of funding for Title V compared to early estimates. This resulted in mostly reductions in allowed emissions, not reductions in actual emissions. In some instances, particularly where MACT forces emission control, reductions in actual emissions did occur.

Y N X

b. Did that lead to a change in the fee rate (dollars/ton rate)?

8. Has title V resulted in improved implementation of your air program in any of the following areas due to Title V:

- Y N X a. netting actions
- Y N X b. emission inventories
- Y N X c. past records management (e.g., lost permits)
- Y N X d. enforceability of PTE limits (e.g., consistent with guidance on enforceability of PTE limits such as the June 13, 1989 guidance)
- Y N X e. identifying source categories or types of emission units with pervasive or persistent compliance problems; etc.
- Y X N f. clarity and enforceability of NSR permit terms
- Y N X g. better documentation of the basis for applicable requirements (e.g., emission limit in NSR permit taken to avoid PSD; throughput limit taken to stay under MACT threshold)
- Y N X h. emissions trading programs
- Y N X i. emission caps
- Y N X j. other (describe)

Y X N 9. If yes to any of the above, would you care to share how this improvement came about? (E.g., increased training; outreach; targeted enforcement)?

The quality of the permit terms and conditions have improved over time. This would have occurred in Ohio even if Title V was never implemented.

Y x N 10. Has Title V changed the way you conduct business?

For the most part, the fundamentals have not changed. Prior to Title V we issued an installation permit (PTI) and an operating permit (PTO). Each permit had the applicable rules, the applicable limits, any necessary operational restrictions, any necessary record keeping, reporting, and testing requirements listed. Post Title V we are basically doing the same. The only difference of significance is the compliance certifications and the fact that significant penalties

can occur for false reporting. Because of the compliance certifications, permittees did more testing and more self monitoring and identified more unpermitted sources. This is probable the single biggest positive change associated with the implementation of Title V.

On the down side, Title V in Ohio has too many steps, takes too long and causes too many delays when a new source is installed. The fact that a significant modification must be processed before a company can begin operation of their modified source is counter productive when Ohio already issues a PTI with all the necessary terms in the permit to account for the change.

Y N X

- a. Are there aspects of the Title V program that you have extended to other program areas (e.g., require certification of accuracy and completeness for preconstruction permit applications and reports; increased records retention; inspection entry requirement language in NSR permits). If yes, describe.

This has really only happened when we are processing a PTI for a Title V source and we have to include the Title V terms.

Y N X

- b. Have you made changes in how NSR permits are written and documented as a result of lessons learned in Title V (e.g., permit terms more clearly written; use of a statement of basis to document decision making)? If yes, describe.

Y N X

- c. Do you work more closely with the sources? If yes, describe.

Y N X

- d. Do you devote more resources to public involvement? If yes, describe.

Y X N e. Do you use information from Title V to target inspections and/or enforcement?

Recordkeeping and exceedance reporting are used to target inspections. Those facilities with recurring compliance problems will likely be inspected more often. Also, intermittent compliance is typical of certain processes; if continuous compliance is certified by the source, a closer look may be warranted

Y N X f. Other ways? If yes, describe.

Y X N 11. Has the Title V fee money been helpful in running the program? Have you been able to provide:

Y X N a. better training?

Y X N b. more resources for your staff such as CFRs and computers?

Y N X c. better funding for travel to sources?

Y X N d. stable funding despite fluctuations in funding for other state programs?

Y N X e. incentives to hire and retain good staff?

Y X N f. are there other benefits of the fee program? Describe.

The main benefit is that without the fees, we would not have the money to run the program.

Y N X 12. Have you received positive feedback from citizens?

Posting permits on the web has received positive response. Otherwise, OEPA receives no feedback from citizens aside from complaints about the complexity of the permits or insufficient time to review them.

Y N X 13. Has industry expressed a benefit of Title V? If so, describe.

Y N X 14. Do you perceive other benefits as a result of the Title V program? If so, describe.

Y N X 15. Other comments on benefits of title V?

I. Miscellaneous

1. Good Practices not addressed elsewhere in this questionnaire

Are any of the practices employed that improve the quality of the permits, or other aspects of title V program that are not addressed elsewhere in this questionnaire?

No

2. EPA assistance not addressed elsewhere in this questionnaire

Is there anything else EPA can do to help your title V program?

*Get the guidance out sooner when EPA develops a new program.
Get the PM2.5 and Ozone guidance and rules out ASAP.*