

Permitting News

Limits on Potential to Emit

FOCUS: Printing and Packaging Facilities

The "Printing & Packaging" source category encompasses a number of different sources. These include newspaper publishers; book and periodical publishers; greeting card, loose-leaf binder, and business form printing; as well as printing of a multitude of commercial products. Currently, very few of these facilities are permitted in the State of Oklahoma. Those that are permitted have permits that may be somewhat dated, having been issued prior to the implementation of the Title V program (March 6, 1996) in Oklahoma. Thus, some permits may not include conditions that reflect current EPA requirements for enforceable limitations on potential to emit to avoid major source status ("synthetic minor"). It is a permittee's responsibility to review their current permit to assure that changes are not needed to comply with this requirement. Conditions that are considered to contain "enforceable limits" typically include both an emissions limitation along with a throughput limit that requires periodic monitoring, typically on a rolling monthly basis, with recordkeeping sufficient to document compliance. In addition, control device monitoring is also required periodically, e.g., baghouse pressure drop weekly.

Another concern is that EPA, in 1996 (May 30, 1999 compliance date), promulgated a final rule for the Printing & Publishing Industry, 40 CFR 63, Subpart KK. This maximum achievable control technology (MACT) standard includes organic HAP emission limits for publication rotogravure, product and packaging rotogravure, and wide-web flexographic printing. The MACT standard applies to both existing and new, area and major sources of HAPs. However, those sources that commit to usage restrictions that ensure potential HAP emissions will be below the major source cutoffs need only meet simplified reporting and recordkeeping requirements.

In order to address these problems the Air Quality Division has recently issued a new General Permit for Printing and/or Packaging Facilities. This permit is written consistent with current EPA policy for enforceable limitations on a source's potential to emit. In effect the facility is granted a facility-wide cap on emissions, established just below major source thresholds. The permittee is required to monitor material usage and calculate emissions periodically so that it remains a minor facility.

Current permits should be reviewed to determine if changes are needed to incorporate enforceable limitations on potential to emit, if the intent is to remain a minor source. If there are concerns about the enforceability of current permits, AQD encourages application for coverage under the General Permit as soon as possible. If there are any questions concerning this matter please contact Dave Dimick at (405) 702-4100.



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Renewed Emphasis on Facility Compliance

Recent changes in EPA's Compliance Monitoring Strategy (CMS) have affected the Air Quality Division's (AQD) compliance assurance and enforcement activities. The CMS was created to provide national consistency in developing stationary source air compliance monitoring programs while allowing states the flexibility to address local air pollution and compliance concerns. Recent changes in the program allow for more emphasis to be given to Title V and synthetic minor sources, compliance determinations made using self-certifications, stack tests, deviation reports, annual and semi-annual compliance assurance monitoring, and the utilization of full compliance evaluations, partial compliance evaluations and investigations in place of traditional inspections. The Enforcement and Compliance Sections of the AQD have expanded existing programs to emphasize compliance. The changes affect excess emission reporting, Leak Detection and Repair (LDAR) reporting, self-disclosure reporting, portable engine analyzer testing, and compliance with area source MACTs such as the dry cleaners MACT.

Changes in the Excess Emission Reporting Program focus on the information submitted. New forms were created along with a computerized tracking system in the TEAM database. The information reported can be searched and sorted according to various criteria including company or facility name, standard industrial code, date, or quarterly summary of the percent of excess emission time compared to operating time. This information can be used to pinpoint areas of concern and assist in targeting inspections and mitigating problem areas.

The LDAR requirements are part of the New Source Performance Standards (NSPS, 40 CFR Part 60) and the National Emissions Standards for Hazardous Air Pollutants (NESHAP, 40 CFR Part 61 and Part 63). Some of these standards have been in effect since January 20, 1984. In general, LDAR regulations require affected facilities to monitor for VOC leaks and schedule repairs. AQD and company staff or contractors will conduct side-by-side leak detection tests using portable VOC monitors. The intent is to verify results reported by facilities.

Another emphasized area is self-disclosures. This little-known rule found in OAC 252:4-9-5 addresses the self-reporting of violations. In the past, facilities

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Your opinion is important to us! We would like to know what you think of the *Air Quality Update* and the types of articles you would like to read. Please send suggestions and comments to randy.ward@deq.state.ok.us or kevin.tallant@deq.state.ok.us.

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Inside This Issue

AP-42 Emission Update (New).....	2
Lead-Based Paint Corner.....	2
Emissions Inventory Changes.....	3
Air Inspector Workshop.....	4
Air Quality Council News.....	5
Smoke School.....	5
Permitting News.....	6

continued from p. 1

would contact the Department and request consideration for the mitigation of penalties and cite this rule. Without a program in place to coordinate with facilities and track these self-disclosures, the issue could become confused or cause problems in enforcement actions. If facilities detect and report violations to the AQD, they could receive credit for the actions taken to alleviate the problem. The Department and environment benefit from the self-disclosure process by eliminating emissions greater than allowed. While not all facilities will meet the criteria for full mitigation of penalties, many facilities that report their violations can still receive partial credit for self-disclosure.

Additional subjects of interest have included the Portable Engine Analyzer Program (PEAP) and the Drycleaners Program. Permitted major and synthetic minor facilities are required to monitor stationary internal combustion engine (SICE) emissions. The PEAP establishes guidance for conducting periodic testing for NOx and CO by using either the Department's protocol or a Department approved alternate protocol. See the AQD web page for the Portable Analyzer Guidance Document. The Drycleaners Program involves conducting inspections at drycleaning facilities and identifying facilities that currently do not have a permit. Since the DEQ's Customer Service Division has already offered compliance assistance to dry cleaners, any non-compliance found during the inspections will likely result in enforcement actions.

Through implementation of these additions and changes to its enforcement and compliance assurance efforts, the Air Quality Division will continue to assist facilities to obtain and remain in compliance.

AP-42 EMISSION FACTOR UPDATES

Currently, EPA lists only one section as being under review: AP-42 Section 11.19.2 - **Crushed Stone Processing and Pulverized Mineral Processing**. EPA has a draft available at <http://www.epa.gov/ttn/chief/ap42/index.html#drafts>. Comments are due by August 27, 2003.

Air Quality Council News

The Air Quality Council met on Wednesday, July 16, 2003 in the multi-purpose Room of the DEQ Building, 707 North Robinson in Oklahoma City. All Council members were present including Ms. Sandra Rose who was recently appointed by the Governor to fill the vacancy left by Dr. Fred Grosz. Ms. Rose is affiliated with the Sierra Club and will represent the General Public.

The Council held hearings on a statutory change to the agency's Administrative Proceedings, a permit exemption proposal that is still in workgroup, and a proposal to make permanent a ruling that was passed as an emergency rule earlier this year.

On April 22, 2003, the Governor approved House Bill 1019. One provision of the new legislation relieved the Air Quality Council of its statutory authority to conduct individual enforcement proceedings. Agency rules relevant to the new statute are in OAC 252:4, "Rules of Practice and Procedure". The agency deleted language from Subchapter 9, "Administrative Proceedings" that authorized the Air Quality Advisory Council to conduct individual enforcement proceedings so that the rules conform to the state statute. The Council approved that the changes be forwarded to the Environmental Quality Board.

The hearing on the Permit Exempt Proposal consisted of an update on activities since the April Council. A workgroup has been formed to discuss the exemption of facilities emitting under 40 tons of regulated criteria pollutants. The

workgroup has met twice and has created a subcommittee that will explore the feasibility of gathering information on smaller facilities by means other than permitting and the traditional emissions inventory submission. The Oklahoma Independent Petroleum Association (OIPA) presented the group with their recommendations for facilities in petroleum exploration and production. The workgroup is equally interested in the effect of these rule changes on other industries. This matter was continued to the October Council Meeting.

Modifications to Subchapter 33 require owners/operators of glass-melting furnaces wishing to be exempt from the NOx emission limits in Subchapter 33, to demonstrate that Best Available Control Technology (BACT) will be used in the design and operation of their furnaces. The provision was passed as an emergency measure by the Council in January and by the Environmental Quality Board in February and was signed by the Governor and became effective March 17, 2003. The agency had agreed to explore its applicability to other industries and having done so asked the Council send the measure on to the Board for permanent adoption. The Council approved the proposal and the Environmental Quality Board will hear it on September 10, 2003 in Cushing.

The next Air Quality Council will be held on October 8, 2003 at 9 a.m. in the multi-purpose room of the DEQ Building at 707 N. Robinson, Oklahoma City.



The Lead-Based Paint Corner

State Attorneys General and the National Paint and Coatings Association Lead-Based Paint Agreement

In May 2003, the National Paint and Coatings Association and the State Attorneys General reached an agreement regarding Lead-Based Paint. The agreement establishes a national program of consumer paint product warnings, point of sale information, and education and training regarding the potential exposure to lead-dust during the remodeling or renovation of buildings which may contain old lead based paint. You can read more about the agreement at the National Paint and Coatings Association website at <http://www.paint.org/media/index.htm>.

Updated Training

HUD and EPA released an updated training course to instruct renovators, painters, and maintenance personnel how to work safely in homes with lead-based paint. This course is approved by HUD, in accordance with the Lead-Safe Housing Rule (24 CFR Part 35), for training contractors working in federally owned or assisted housing. You can view the curriculum at <http://www.epa.gov/lead/epahudrmodel.htm> or http://www.hud.gov/offices/lead/training/rp/rp_course.cfm.

Smoke School

The Air Quality Division, in conjunction with CenSARA, is offering the Visible Emissions Evaluation Training Course for the Fall of 2003. Training will be provided at two locations:

Oklahoma City – September 23, 24, and 25.

Tulsa – October 21, 22, and 23.

In addition to the field certifications, a classroom lecture describing visible emissions evaluation procedures will be offered at both locations.

These courses will meet EPA Method 9 and Method 22 training requirements. Individuals successfully qualifying will be certified to make valid emission readings.

For more information contact Jeff Dye at (405) 702-4118.