# Air Regulations & Compliance: Practical Tips and Best Practices to Staying Compliant

MEC 31st Annual Business & Industry's Sustainability & Environmental Heath & Safety Symposium







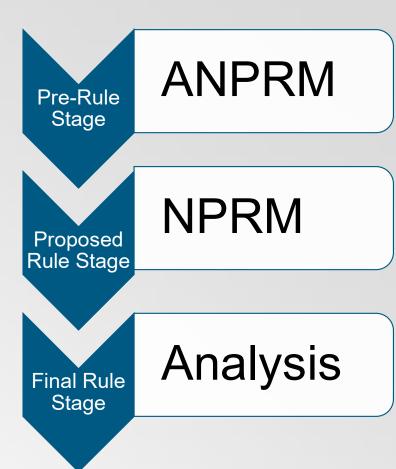
### Agenda



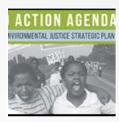
### Regulatory Plan & EPA Semiannual Unified Agenda

- Executive Order 12866 (58 FR 51735)
- Semiannual Regulatory Agenda
  - Fall (October December)
  - Spring (April June)
- Plans prioritize important regulations
- RegInfo.gov
- Regulations.gov

Regulatory Agendas and Regulatory Plans | US EPA Regulations.gov



### **Emerging Topics & Focus Areas**



#### **Environmental Justice**

Environmental justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.

Office of Environmental Justice in Action (epa.gov)



#### Stakeholder Engagement

Companies engage with stakeholders for a variety of reasons. Identifying innovative solutions to complex challenges, garnering support for expansion, new technologies or services, or developing stronger, trusting relationships are a few examples of the benefits of engaging with stakeholders.



#### **Executive Orders**

The President of the United States manages the operations of the Executive branch of Government through Executive orders.

Federal Register :: Executive Orders



#### Environmental, Social & Governance (ESG)

A set of standards for a company's operation. Environmental criteria consider how a company performs as a steward of nature. Social criteria examine how it manages relationships with employees, suppliers, customers, and the communities where it operates. Governance deals with a company's leadership, executive pay, audits, internal controls, and shareholder rights.

### Resources



## Tips & Tricks

- Be Prepared
- Think outside the box
- Analyze
- Collaborate









## **QUESTIONS**

# Rule Changes: Agency Insight

Presented by: Amy Kesterman, Permit Area Supervisor



# Why Do Rules Change?

There are many different reasons to change a rule:

- Incorrect rule reference
- Limited change to clarify interpretation or application
- Routine 5-year rule review
- Changes to state or federal law



 Announcements on Ohio EPA's Division of Air Pollution Control (DAPC) website



Air Pollution Control

Announcements

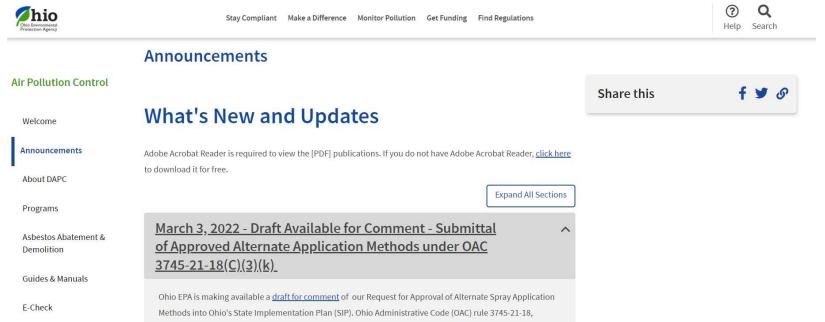
epa.ohio.gov/divisions-and-offices/air-pollution-control/announcements



"Commercial motor vehicle and mobile equipment refinishing operations" regulates emissions of volatile

organic compounds (VOC) from commercial motor vehicle and mobile equipment refinishing operations. VOCs

**Open Burning** 





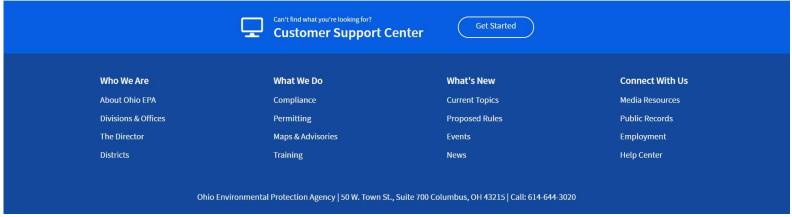
 Subscribe to updates via Ohio EPA's Customer Support Center



https://ohioepa.custhelp.com/











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?
Help

( amy.kesterman@hamilton-co.org ▼

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#### **Subscriptions**

Sign up for electronic mailing lists maintained by Ohio EPA's divisions and offices. You can choose to receive resources such as rule updates, division newsletters, fact sheets, training announcements, information on funding opportunities, etc.

#### **Ohio EPA Notifications and Newsletters**

Please review the information below and check the appropriate boxes to subscribe to any of the mailing lists you are interested in.

eive notifications of trainings, webinars and conferences for Ohio EPA divisions and programs.	* O Subscribe   Unsubscribe
sion of Air Pollution Control	
nformation on rulemaking activity and regulatory notifications from the Division of Air Pollution Control	Subscribe  Unsubscribe
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pdates on the Asbestos Program including the transition of the Ohio Dept. of Health to Ohio EPA, software, and pcoming webinars.	Subscribe    Unsubscribe



State of Ohio's Rules E-Notification System



governor.ohio.gov/priorities/common-sense-initiative/enotifications



### eNotifications Sign Up

All proposed state agency rules that impact Ohio businesses undergo an analysis and are subject to review by CSI to determine if the regulatory intent of the rule justifies the impact to businesses.

As rules are being drafted and reviewed, registered users will receive emails alerting them that the rule is open for review and comments. View descriptions of the categories.

Email address:	
☐ Administrative	☐ Health - Disease Prevention/Surveillance
☐ Agriculture	☐ Health - Environmental Licensure, Permits and Regulation



- Early Stakeholder Outreach
- Interested Party Review
- Proposed Rules
- Each phase has a comment period.



- Early Stakeholder Outreach
- Ohio EPA added this additional step to ensure stakeholders are brought into the rule process as early as possible.
- Stakeholders are encouraged to provide early feedback before the rule language has been developed by the Agency.
- epa.ohio.gov/divisions-and-offices/air-pollutioncontrol/regulations/early-stakeholder-outreach/earlystakeholder-outreach



#### **DAPC Early Stakeholder Outreach**

The first step in the rule-making process is for Ohio EPA to identify that a rule needs to be amended, rescinded or created. Ohio EPA may also review a rule pursuant to the five-year rule review requirements (ORC 106.03) and determine that the rule should be filed with the Joint Committee on Agency Rule Review (JCARR) as 'no change.'

In response to Executive Order 2011-01K, Ohio EPA has added an additional step to ensure stakeholders are brought into the rule process as early as possible. This additional interested party notification and request for information will allow for early feedback before the rule language has been developed by the Agency.

The following rules are currently in the early stakeholder outreach rulemaking stage:

**Expand All Sections** 

#### OAC Chapter 3745-77 Title V Permitting Program Rules - Comment Ends March 8, 2022

<u>February 4, 2022</u>: Ohio EPA is requesting stakeholder input on potential amendments to rules in Ohio Administrative Code (OAC) Chapter <u>3745-77</u>, "Title V Permitting Program Rules." The rules in this chapter contain the requirements for Ohio's Title V Permitting Program. Under Title V of the Clean Air Act, Ohio is required to develop an operating permit program for major sources of air pollution. These sources include those that have the potential to emit:

- 100 tons per year or more of any one regulated pollutant (PM 10, PM2.5, nitrogen oxides, sulfur dioxide, carbon monoxide, volatile organic compounds and lead);
- 10 tons per year or more of any one hazardous air pollutant; or
- 25 tons per year or more of any two or more hazardous air pollutants (U.S. EPA currently lists 188 hazardous air pollutants in Section 112 of the 1990 Clean Air Act).

  The operating permit program streamlines the way federal, state, tribal and local authorities regulate air pollution by consolidating all air pollution control requirements into a single, comprehensive "operating permit" that covers all aspects of a source's year-to-year air pollution activities.



- Interested Party Review
- Draft rule, Synopsis of Changes, and Business Impact Analysis are posted to Ohio EPA's website
- Allows interested parties, stakeholders, or citizens to make comments regarding the rule prior to adoption.
- epa.ohio.gov/divisions-and-offices/air-pollution-control/ regulations/interested-party-review/dapc-interestedparty-review



### **DAPC Interested Party Review**

#### Availability of Draft for Comment - OAC Chapter 3745-112, "Consumer Products Rules"

December 22, 2021 The Division of Air Pollution Control (DAPC) is making available for public comment draft rule language and a draft of the business impact analysis (BIA) document for potential amendment of rules in Ohio Administrative Code (OAC) Chapter 3745-112, "Consumer Products Rules." The rules in this chapter establish limits on the quantity of volatile organic compounds (VOCs) that may be contained in consumer products, such as cleaning products, personal care products, and home, lawn, and garden products, that are sold, supplied, offered for sale or manufactured for sale in the state of Ohio.

DAPC is requesting comments on the draft amended rules and the draft BIA document before DAPC proposes the rules to the Joint Committee on Agency Rule Review (JCARR). DAPC will be accepting comments through **Tuesday**, **January 25**, **2022**. Please see the rule language, public notice, and draft business impact analysis (linked below) for information on the rule review and how to submit comments.

- Public Notice
- · Synopsis of Changes
- Draft Business Impact Analysis (BIA) Form
- 3745-112-01 Definitions
- 3745-112-02 Applicablity



- Proposed Rules
- Draft rule is filed with JCARR (Joint Committee on Agency Rule Review) – becomes Proposed Rule.
- Comment period includes Public Hearing; Response to Comments received during Interested Party Review.
- epa.ohio.gov/divisions-and-offices/air-pollutioncontrol/regulations/proposed-rules



### **DAPC Proposed Rules**

Proposal of Amended Rules and Draft SIP Document Available for Comment - OAC Ch. 3745-21, "Carbon Monoxide, Photochemically Reactive Materials, Hydrocarbons, and Related Materials Standards"

Ohio EPA will be holding both a virtual and in-person public hearing on the amended/new rules and draft SIP documents on **Monday**, **January 3**, **2022** at **10:00** a.m. Please see the public notice below for information on the in-person hearing and how to register for the virtual hearing.

- Public Notice
- · Response to Comments
- · Synopsis of Changes
- <u>Draft Reasonably Available Control Technology (RACT) State Implementation Plan for the 2015 Ozone National Ambient Air Quality Standards</u>



# Items to keep in mind

- Do not hesitate to contact Agency representatives with questions
- Rule changes can become effective during a permitting cycle
- Rule requirements apply regardless of whether they are included in permit terms and conditions
- Rule changes will be incorporated into the renewal permit



## Questions?

Amy Kesterman

amy.kesterman@hamilton-co.org



Staying Compliant In An Ever-Changing Regulatory World





## **Overview**







Applicable Regulations

Permitting & Compliance

Adapting to Change





**Compliance Inspections** 

**Best Practices** 

# **Applicable Regulations**





10134

Federal Register/Vol. 87, No. 36/Wednesday, February 23, 2022/Proposed Rules (4) The name, address, and phone

number of the complainant;

(5) The nature and details of the

(7) Any raply to the complainant.

adhering to Clause 7.5.4 in ISO 13485, Servicing Activities, the manufacturer

(b) Records of servicing activities. In

(6) Any corrective action taken; and

provided in the labeling can be reasonably expected to result in a significant injury, must comply with the requirements in Traceability for Implantable Devices, Clause 7.5.9.2 in ISO 13485, in addition to all other requirements in this part, as appropriate.

(e) Enforcement. The failure to comply with any applicable requirement in this part renders a device adulterated under section 501(h) of the Federal Food, Drug, and Cosmetic Act. Such a device

12033

sativities, the manufacturer must record the following information, at a minimum, for servicing activities: (1) The name of the device serviced (2) Any unique device identifier (UDI) or universal product code (UPC), and any other device identification(s);

(3) The date of service; (4) The individual(s) who serviced the

(5) The service performed; and (6) Any test and inspection data. (c) Unique device identification. In addition to the requirements of Clauses 7.5.1, 7.5.8, and 7.5.9 in ISO 13485, the UDI must be recorded for each medical device or batch of medical devices.

(d) Confidentiality. Records deemed confidential by the manufacturer may be marked to aid FDA in determining whether information may be disclosed under the public information regulation in part 20 of this chapter.

#### §820.40 [Reserved]

#### § 820.45 Device labeling and packaging

In addition to the requirements of Clause 7.5.1 of ISO 13485 (incorporated by reference, see § 820.7), Control of production and service provision, each manufacturer must establish and

prevent errors, including, but not nited to, inspection of the labeling and packaging immediately before use to assure that all devices have correct labeling and packaging, as specified in the medical device file. Results of such labeling inspection must be document in accordance with Clause 4.2.5 of ISO

#### Subparts C-O-[Reserved]

Dated: February 8, 2022. Janet Woodcock, Acting Commissioner of Food and Drugs. [FR Doc. 2022-03227 Filed 2-22-22; 0:45 am] BLUNG CODE 4154-01-P

#### ENVIRONMENTAL PROTECTION

#### 40 CFR Parts 60 and 63

[EPA-HQ-OAR-2021-0619; FRL-8602-01-

#### RIN 2060-AV43

Review of Standards of Performance for Lead Acid Battery Manufacturing Plants and National Emission Standards for Hazardous Air Pollutants for Lead Acid Battery Manufacturing Area Sources Technology Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This proposal presents the results of the Environmental Protection

Federal Register/Vol. 87, No. 42/Thursday, March 3, 2022/Proposed Rules

Dated: February 24, 2022.

Debra Shore, Regional Admin Istrator, Region 5. [FR Dec. 2022-04319 Filed 3-2-22; 0:45 am] BILLING CODE 6560-50-P

### ENVIRONMENTAL PROTECTION

40 CFR Parts 52 and 81

IEPA-R05-OAR-2020-0743; EPA-R05-OAR-2021-0886; EPA-R05-OAR-2022-0123; FRL-9567-01-R5]

Air Plan Approval; Indiana; Redesignation of the Indiana Portion of the Chicago-Naperville Area to Attainment of the 2008 Ozone Standard, NO<sub>X</sub> RACT Walver, and Serious Plan Elements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to find that the Indiana portion of the Chicago.

0886 (regarding the redesignation), or EPA-R05\_OAR-2022-0123 (regarding the NOx RACT waiver) at https:// www.rogulations.gov or via amail to arra.sarah@epa.gov. For communts submitted at Regulations.gov, follow the online instructions for submitting comments. Once submitted, commer cannot be edited or removed from Regulations.gov. For either manner of submission, EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (i.e. on the web, cloud, or other file sharing system). For additional submission methods, please contact the person

determine that the Indiana portion of the Chicago area is attaining the 2008 ozone NAAQS, based on quality-assured and certified monitoring data for 2019. 2021, and that the Indiana portion of the Chicago area has met the requirements for radasignation under section 107(d)(3)(E) of the CAA. The Indiana portion of the Chicago area consists of Lake and Porter Counties in Northwest Indiana. Indiana submitted this request on December 6, 2021, with additional information submitted on January 18, 2022. EPA is thus proposing to change the logal designation of the Indiana portion of the Chicago area from nonattainment to attainment for the 2008 ozone NAAQS. EPA is also proposing to approve, as a revision to the Indiana SIP, the State's maintenance plan (such approval being one of the CAA criteria for redesignation to attainment status) for the area. The maintenance plan is designed to keep the Chicago area in attainment of the 2008 ozone NAAQS through 2035, EPA finds adequate and is proposing to approve the newly netablished 2030 and

➤ True or False: You only need to comply with the regulations cited in your permit.

# **FALSE**



## **Applicable Regulations**



#### How do you keep track of changes?

- Federal Register: <a href="https://www.federalregister.gov/environment">https://www.federalregister.gov/environment</a>
- EPA Regions:
  - OH & IN <a href="https://www.epa.gov/aboutepa/epa-region-5">https://www.epa.gov/aboutepa/epa-region-5</a>
  - KY <a href="https://www.epa.gov/aboutepa/about-epa-region-4-southeast">https://www.epa.gov/aboutepa/about-epa-region-4-southeast</a>
- State Agency
  - OEPA: <a href="https://epa.ohio.gov/">https://epa.ohio.gov/</a>
  - KDEP: <a href="https://eec.ky.gov/Environmental-Protection/">https://eec.ky.gov/Environmental-Protection/</a>
  - IDEM: <a href="https://www.in.gov/idem/">https://www.in.gov/idem/</a>
- Emissions Factors
  - AP-42: Compilation of Air Emission Factors:
  - <a href="https://www.epa.gov/air-emissions-factors-and-quantification/ap-42-compilation-air-emissions-factors">https://www.epa.gov/air-emissions-factors-and-quantification/ap-42-compilation-air-emissions-factors</a>
- Industry Groups

## **Applicable Regulations**





WHY CARE ABOUT PROPOSED RULES?



WHY GET INVOLVED IN RULEMAKING PROCESS?



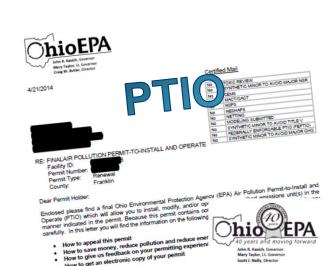
WHAT DO NEW RULES MEAN FOR MY SITE?



WON'T THE STATE AGENCY TELL ME?

## **Permitting & Compliance**





How to give us reedback on your permitting e.
 How to get an electronic copy of your permit.



Dear Permit Holder:

Enclosed is a final Ohio Environmental Protection Agency (EPA) Air Pollution Title V permit that allows you to operate the facility in the manner indicated in the permit. Because this permit may contain several conditions, we urge you to read it carefully. In this letter you will find the information on the following

- How to appeal this permit

  How to save money, reduce pollution and reduce energy consumption now to save maney, reduce pollution and reduce energy
   How to give us feedback on your permitting experience
- How to give us feedback on your permitting experience
   How to get an electronic copy of your permit
   What should you do if you notice a spill or environmental emergency?



RE: FINALAIR POLLUTION PERMIT-TO-INSTALL Facility ID: Permit Number Permit Type: Administrative Modification County:

NESHAPS NETTING MAJOR NON-ATTAINMENT MODEL OUR SUBMITTED MAJOR GHG SYNTHETIC MINOR TO AVOID MAJOR GHG

Enclosed please find a final Ohio Environmental Protection Agency (EPA)Air Pollution Permit-to-Install (PTI) which will allow you to install or modify the described emissions unit(s) in a manner indicated in the permit. Because this permit contains several conditions and restrictions, we urge you to read it carefully. Because this permit contains southern and an estriction of the young carefully. In this letter you will find the information on the following topics:

- How to appeal this permit
- . How to save money, reduce pollution and reduce energy consumption
- How to give us feedback on your permitting experience
- . How to get an electronic copy of your permit

How often should you review your permits?

# **Every Year**



➤ As long as you follow your Title V Permit, you will be in compliance, right?

# **Not Necessarily**



➤ True or False: You should keep records of everything to ensure compliance.

# **FALSE**



## **Permitting & Compliance**



# What might not be in my operating permit?

- Newly issued Permits-to-Install (PTIs)
- De minimis exemptions
- Insignificant sources
- Permit-By-Rule (PBRs)
- Sources with Registration Status
- New applicable regulations

## **Adapting to Change**





When do you need to update your permits for changes at your site?

**Before Making Changes** 



## **Adapting to Change**



# When might you need to update my permits?

- Before making changes to equipment
- Before making process changes
- Before bringing in new equipment
- Before swapping out equipment
- Before removing equipment from site
- When there are new applicable regulations
- When there are emission factors
- Permit Renewal

## **Compliance Inspections**





> True or False: You do not have to let an inspector on site.

# **FALSE**



## **Compliance Inspections**



# What do you do if an inspector shows up?

- Don't panic
- Listen first, speak second
- Be a copy cat
- Answer questions honestly
- If you don't know, follow up
- Follow up if needed
- Ask for things in writing
- Be ready for new inspectors

## **Best Compliance Practices**



- Track changes in regulations
- Review permits once a year
- **Keep records required by the permit**
- Use equipment as it is permitted
- Review changes before they happen
- Maintain open communication



# **Questions?**

Julie Hall jhall@wcgrp.com 513.254.9224

#### **Biographical Information**

Maeve Mason, Utility Strategy Director
Duke Energy OH/KY
139 E. Fourth Street, 1409-Main, Cincinnati, Ohio 45202
Office 513.287.2052 / cell 517.677.9528

maeve.mason@duke-energy.com



As Utility Strategy Director at Duke Energy, Maeve is responsible for the development of environmental and energy strategy in the Duke Energy Ohio-Kentucky service territory, budgeting and serving as a liaison to key strategic stakeholders. Prior to this role, Maeve served as the Environmental Policy and Affairs Director and was responsible for building and maintaining positive working relationships with senior leaders in Ohio and Kentucky environmental and regulatory agencies, rulemaking boards and commissions, key external advocacy agencies, as well as supporting and commenting on state regulatory plans and

compliance options. Maeve has experience and demonstrated history in working with government and industry. She is skilled in report writing, strategic planning, research, regulatory submissions and stakeholder engagement. Her previous roles include Senior Energy Specialist in the SC Office of Regulatory Staff - Energy Office, co-coordinator for the Palmetto State Clean Fuels Coalition and Manager of Regulation and State Implementation Development at South Carolina Department of Health and Environmental Control. Maeve graduated with a B.S. in Environmental Policy and Political Science from Central Michigan University and a Master's degree in Environmental Studies from Ohio University. Maeve serves on several boards to include: Green Umbrella, Cardinal Land Conservancy, and The Hamilton County Environmental Action Commission. Maeve is a member of the Cincinnati USA Regional Chamber's 16th C-Change graduating class. Maeve is also a certified Public Manager and an Ohio Certified Volunteer Naturalist. She lives in Cincinnati and is married with two daughters.

Julie R. Hall, Senior Project Manager Weaver Consultants Group 6185 Shamrock Ct. Ste. B, Dublin, OH 43016-1275 513-254-9224 jhall@wcgrp.com

Julie Hall is a Senior Project Manager with Weaver Consultants Group in Cincinnati, OH. Ms. Hall has 20 years of experience in air consulting, specializing in air compliance and permitting in for clients in Ohio, Kentucky, and Indiana. She earned her bachelor's degree in Chemical Engineering and her master's in business from the University of Cincinnati.

#### **Biographical Information**

Amy C. Kesterman, Permit Area Supervisor Southwest Ohio Air Quality Agency 250 William Howard Taft Road, Cincinnati, OH 45219 Phone: 513.946.7777 Fax: 513.946.7778 amy.kesterman@hamilton-co.org

Amy Kesterman is a Permit Area Supervisor in the Permits and Enforcement Section of the Southwest Ohio Air Quality Agency (Agency), a Division of the Hamilton County Department of Environmental Services. Ms. Kesterman has been with the Agency since 2006 serving as an Environmental Compliance Specialist, and then as Permit Area Supervisor. She is responsible for reviewing minor, synthetic minor, and major source air permits; and for supervising Environmental Compliance Specialists who perform on-site inspections of air pollution sources and control equipment, determining source compliance with air permits and air pollution regulations, assessing source emissions, responding to air quality complaints, and reviewing and processing permit applications for complex source installations and modifications.

Ms. Kesterman serves as a point of contact at the Agency for assisting industry representatives with navigating Ohio EPA's electronic tool, Air Services. She periodically serves as an air permit instructor for Cincinnati State Technical and Community College's Environmental Engineering Technology program and as a guest lecturer for the University of Cincinnati's Environmental Studies program.

Ms. Kesterman was awarded a Hamilton County Employee of the Year Award in 2013 for her individual effort to go the extra mile in providing excellent service in her work. In 2014, Ms. Kesterman was awarded her second Hamilton County Employee of the Year Award as a member of an Agency team being recognized for their innovative team approach to processing an air permit for General Electric Aviation.

Ms. Kesterman received a B.S. in Environmental Studies from the University of Cincinnati.