



OHIO BOARD OF MOTOR VEHICLE COLLISION REPAIR REGISTRATION BOARD MEETING MINUTES

August 10, 2011 10:00 AM

Vern Riffe Tower
77 South High Street
19th Floor, Rm. 1932
Columbus, Ohio 43215

1. MEETING WAS CALLED TO ORDER AT 10:00a

BOARD MEMBERS IN ATTENDANCE: Richard Finney, Russell Westfall, Virginia Duncan, William Ogg, Jennifer Haley, Ronald Nagy, Brian Seibert Sr., Janice Katz (AAG), Kathryn Calco (AAG)

GUESTS IN ATTENDANCE: Dennis Sterwerf (F.A.T.S), Mark Deddens (SeniorChecked)

INTRODUCTION OF MEMBERS & GUESTS PRESENT:

A. Guest Speaker Mark Deddens, National Sales Director for SeniorChecked.

2. REVIEW OF MAY 18, 2011 MEETING MINUTES:

MOTION TO ACCEPT: BRIAN SEIBERT
SECOND: RICK FINNEY
VOTE: ACCEPTED

3. BOARD REVIEW AND DETERMINATION RE: PENDING REGISTRATION APPLICATIONS:

A. Vote by Board on regular registrations pending from May 3, 2011 through July 25, 2011.

MOTION TO ACCEPT: RONALD NAGY
SECOND: VIRGINIA DUNCAN
VOTE: ACCEPTED

4. OTHER BUSINESS:

A. Investigator's Report (Inv. Dan Gibson) YTD totals as of August 5, 2011

Shop Visits	464
Renewals	14
NOV	122
New Shop Apps	59
Complaints Investigated	70
Prosecution Action	391
Shops Located Out of Business	29



OHIO BOARD OF MOTOR VEHICLE COLLISION REPAIR REGISTRATION BOARD MEETING MINUTES

- B. Status Report on Injunctions (AAG Janyce Katz) – Nothing to report.
- C. Status Report on Legislation – SB114 (ASA Adam Lemke) - (SEE ATTACHMENT #1) HB 153 (State Budget), SB 114 Sponsored by Bill Seitz – deals with registration of low speed vehicles

Since then, Director Greene has testified in front of the committee. The bill was voted out of committee, Sub Senate Bill 114, as written, changing our name adding window tint installation to registration and before they broke for the summer it was on the floor of the Senate, so when they come back, we're assuming it will be up for discussion in the Senate.

COMMENT AND DISCUSSION REGARDING E-CHECK (DENCENTRALIZED MOTOR VEHICLE INSPECTION TESTING PROGRAM)

- D. Director's Report (Dir. Greene) - (SEE ATTACHMENT #2)

1. DPS/BMV Dealer Recap

STERWERF: How did you come up with the list of shops that are supposed to be body shops versus dealers?

GREENE: Checking each 1200 shops by hand, 3 times and going through the history notes from previous investigators and board employees. I also pulled the files from years past where the board had voted on exemptions. Along with performing that procedure, checking their BMV status through the BMV website, searching the internet for websites or advertisements or anything of that nature, I was able to narrow it down to the 164 mentioned earlier.

FURTHER DISCUSSION

2. FY11 Ending Totals
3. Grand Re-opening of Billy Kasper's Body Shop – Saint Paris, Ohio (Champaign County).
4. Suggestion was raised for a partnership with SeniorChecked. Board Member Seibert requested an investigation on the company be conducted. It was suggested that the decision on a partnership be tabled until next meeting.

AAG Janice Katz recommended a disclaimer stating that the board is in no way in control of how SeniorChecked operates or what they do or



OHIO BOARD OF MOTOR VEHICLE COLLISION REPAIR REGISTRATION BOARD MEETING MINUTES

any of the entities that are associated with SeniorChecked so if anyone has a problem they can't come back to the Board. Chairperson Haley requested AAG Katz team up with Director Greene to come up with the proper wording for the disclaimer.

5. **NEW BUSINESS:**

A. Review application changes (Draft) (Dir. Greene) – Draft of the changes.

MOTION TO ACCEPT: RONALD NAGY

SECOND: BRIAN SEIBERT, JR.

VOTE: ACCEPT

Dennis Sterwerf's meeting with OEPA – Handout: De Minimis Air Contaminant Source Exemption – OAC 3745-15-05 (SEE ATTACHMENT #3). DISCUSSION

6. **ADJOURNMENT: NEXT BOARD MTG. – NOVEMBER 9, 2011, LOCATION:** Vern Riffe Tower, 77 South High Street, 19th Floor, Room 1932, Columbus.

Legislative Update

Submitted By Adam Lemke, ASA-Ohio

Submitted for Ohio Board of Motor Vehicle Collision Repair Registration

Meeting Date August 10, 2011

Drafted August 5, 2011

House Bill 153- State Budget

As of the last meeting the budget was out of the house maintaining funding to the Board at current levels. The budget then went on to the Senate, which again we were able to get through the Senate maintaining current funding levels. ASA and GPG would like to thank Michael Greene for his hard work testifying in front of committees and providing excellent information which proved to be essential in keeping the board funded and not getting consolidated as other boards have been.

Senate Bill 114- Window Tinting

As you may recall this bill is sponsored by Senator Bill Seitz (R-Cincinnati). There had been hopes of getting this bill passed through with the budget, but it was pulled out to go through the process as a standalone bill. This bill deals with the registration of low-speed vehicles, like golf carts and stiffer penalties for violating window tinting regulations. The bill is in committee and our hope is that it will gain momentum when the legislators return in the fall. The highlights of the bill that is currently being discussed are:

- Removes the word "Collision" from the name of the Ohio Board of Motor Vehicle Collision Repair Registration
- Will allow centralized jurisdiction for the board in Franklin County
- Expands the board's jurisdiction to include the installation of window tinting provisions.

E-check

Also passed in the state budget was a provision calling for decentralized motor vehicle inspection testing program. There are still a lot of questions waiting to be answered in regards to what the program will look like. What we do know is it will be de-centralized, which means there won't be state run facilities, but that people will go to shops to get tested. The program will be expanding, currently 7 counties still have E-check, but we do not know how many counties will be included, we are hearing between 20-50 counties in Ohio. We should know more through the month of August. ASA will be hosting meetings with the Ohio EPA Office of Compliance Assistance and Pollution Prevention in September. Part of their presentation will be an update on the program, they will also discuss the 6H rule and general information all shop owners need to be aware of. Information will be coming out soon if you are interested, I will make sure Mike Greene has the flyer and that it is distributed.

DIRECTOR'S REPORT

I. DPS/BMV Dealer Recap

After going through the 1200+ files by hand, three times, I came up with the following results;

164 shops had obtained a dealer permit to avoid registration through CRB, and with their primary business being collision repair.

From those, 103 still hold valid BMV permits. 61 have allowed their BMV permits to expire.

I drafted a letter and mailed one to each of the 61 shops with expired BMV permits in hopes that we could update our files, update name changes, address changes, status changes and register the shops that continue doing collision or auto glass work. I am finding that a large number of those shops have gone out of business for one reason or another.

I will met with DPS/BMV with the remaining 103 shops that still hold valid permits in hopes BMV will require some sort of inspection or validation on the actual sales of vehicles. BMV agreed to audit the number of car sales each of the 103 shops had for the past four years. BMV discovered that 25 of those shops had sold 20 or less cars in four years. They will conduct immediate inspections on those 25 shops. If they find a problem, they said they would consider pulling them in for an administrative hearing to determine if the shops met the dealer requirements. BMV also said all 103 of the shops would be inspected within the next 18 months.

II. FY-11 Year-End Totals

FY-11 Revenue = \$342,631	Expenses = \$302,047	+ \$40,584
FY-10 Revenue = \$347,212	Expenses = \$299,337	+ \$47,875
FY-09 Revenue = \$352,182	Expenses = \$300,024	+ \$52,158
FY-08 Revenue = \$347,660	Expenses = \$288,745	+ \$58,915
FY-07 Revenue = \$293,578	Expenses = \$263,895	+ \$29,683

FY11 Encumbrances Total = \$22,000 – These encumbrances will be dedicated to various DAS expenses incurred from July 1 to Nov. 30, 2011.

Registration Totals

COL = 1345

GLAS = 99

MOBL = 30

DLR = 42

AIRB = 1

TOTAL = 1517 (incl. 120 new regs.)

III. July 21st I attended the Grand Re-Opening of Billy Kasper's Body Shop near Saint Paris in Champaign County. Billy has done some major renovations and additions that look great. He has also gone green. I want to thank Billy Hanlin and his wife for inviting me. The food was fantastic and there were many good contacts made. A very impressive turn out and a good time had by all!

De Minimis Air Contaminant Source Exemption

OAC 3745-15-05

Example Emission Calculations and Documentation

For

ABC Body Shop, Inc.

This packet contains:

1. Emission calculations example
2. Sample daily usage and emissions tracking sheet
3. Blank daily usage and emissions tracking sheet
4. Copy of OAC 3745-15-05 – *“De Minimis” Air Contaminant Source Exemption*

A *de minimis* air contaminant source is one that emits less than 10 pounds per day of air contaminants and less than 1 ton per year of hazardous air pollutants. A source that is *de minimis* does not need an air pollution permit from the Ohio EPA.

Disclaimer:

This guide is a tool to help companies claim and document a *de minimis* exemption. The examples provided are for information only, and do not guarantee compliance with all applicable state and federal environmental regulations.

EXAMPLE ONLY - ACTUAL DATA MAY VARY

De Minimis Air Pollutant Emission Calculations

Company: ABC Body Shop, Inc.

Equipment Description: Paint spray booth with exhaust filters.

Control Equipment: Paper exhaust filters

Normal Operating Schedule: 8 Hrs/day 2000 Hrs/year (1 shift)

Basis for Calculations: Material Balance
Historic records for shop paint and solvent use
MSDS for paints, reducer, and solvents

Actual Daily Emissions:

VOC of paints and solvents used:

1. Sherwin-Williams Polane Topcoats (various colors): 4.8 lbs VOC/gal. max. per MSDS
2. Sherwin-Williams Primer: 4.9 lbs VOC/gal. per MSDS
3. Reducer for paints: 6.71 lbs VOC/gal. per MSDS

Maximum daily usage (from historic records)

Primer: 0.5 gallon/day

Topcoats: 0.5 gallon/day

Reducer/cleanup: 0.5 gallon/day

Emissions from Primer = (4.9 lbs VOC/gal)(0.5 gal/day) = **2.45** lbs VOC/day

Emissions from Topcoats = (4.8 lbs VOC/gal)(0.5 gal/day) = **2.4** lbs VOC/day

Emissions from Reducer/Cleanup = (6.71 lbs VOC/gal)(0.5 gal/day) = **3.36** lbs VOC/day

Total actual daily emissions = 2.45 + 2.4 + 3.36 = **8.21 lbs VOC/day**

Potential Daily Emissions at 24 hrs/day (3 shifts) = 8.21lbs VOC/day x 3 = **24.6 lbs VOC/day**

Summary:

Actual emissions are less than 10 lbs per day, but potential emissions can exceed 10 lbs per day. Therefore, to claim de minimis status per OAC 3745-15-05, the company must keep records to show that emissions are maintained below 10 lbs per day.

Description of records kept: Daily log of paint, reducer, and cleanup usage and resulting emissions.

Completed by: James Doe, ABC Body Shop

Date: May 14, 2008

3745-15-05 **"De Minimis" air contaminant source exemption.**

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see the last paragraph in rule 3745-15-01 of the Administrative Code titled "Incorporation by reference."]

(A) For purposes of this rule, the following definitions apply:

- (1) "Actual emissions" means the amount of emissions an air contaminant source actually emits on a calendar day or calendar year basis, whichever is applicable.
- (2) "Air contaminant" means particulate matter, dust, fumes, gas, mist, radionuclides, smoke, vapor, or odorous substances, or any combination thereof, but does not include water by itself.
- (3) "Air contaminant source" or "source" means each separate operation or activity that results or may result in the emission of any air contaminant.
- (4) "Air pollution control equipment" shall mean control equipment which is not, aside from air pollution control requirements, vital to production of the normal product of the source or to its normal operation. Equipment is vital if the source could not produce its normal product or operate without it.
- (5) "Hazardous air pollutant" means any pollutant listed pursuant to Section 112(b) of the CAA.
- (6) "Potential to emit" or "potential emissions" shall mean the amount of emissions of an air contaminant which would be emitted from a source during a twenty-four hour calendar day or calendar year basis, whichever is applicable, if that source were operated without the use of air pollution control equipment unless such control equipment is, aside from air pollution control requirements, necessary for the facility to produce its normal product or is integral to the normal operation of the source. Potential emissions shall be based on maximum rated capacity.
- (7) "Similar sources" are:
 - (a) Sources for which construction and operation are essentially the same, although, the capacity of each source is not necessarily the same;
 - (b) Sources in which the physical or chemical process occurring in each source is essentially the same; and
 - (c) Sources from which essentially the same air pollutants are emitted.

- (B) Except as provided in paragraphs (C), (D) and (H) of this rule and division (B) of section 3704.011 of the Revised Code, any air contaminant source is exempt from Chapter 3704. of the Revised Code and rules adopted thereunder, unless the potential emissions of any one of the following exceeds ten pounds per day: particulate matter, sulfur dioxide, nitrogen oxides, organic compounds, carbon monoxide, lead or any other air contaminant.
- (C) The exemption contained in paragraph (B) of this rule shall not apply to a source if any of the following applies:
- (1) A requirement established under the CAA or regulations adopted under it limits the emissions of an air pollutant from the source to less than ten pounds per day or restricts the operation of the source in a manner equivalent to an emission limit of less than ten pounds per day;
 - (2) The source is subject to an emission limit adopted by the director to achieve and maintain the national ambient air quality standards or a rule adopted by the director to protect public health and welfare limits the emissions from the source to less than ten pounds per day of an air pollutant or restricts the operation of the source in a manner equivalent to an emission limit of less than ten pounds per day;
 - (3) The source emits radionuclides;
 - (4) The source alone or in combination with similar sources at the same facility, would result in potential emissions of any air pollutant in excess of twenty-five tons per year. In determining the total emissions from a group of similar sources, an enforceable permit emission limit shall be used in lieu of the potential to emit for such source or sources; or
 - (5) The source emits more than one ton per year of any hazardous air pollutants or combination of hazardous air pollutants.
- (D) The exemption provided in division (A) of section 3704.011 of the Revised Code does not apply to an air contaminant source having potential emissions greater than ten pounds per day (or one ton per year of one or more hazardous air pollutants) of any air contaminant unless the owner or operator of the source maintains records that are adequate to demonstrate that actual emissions from the source did not exceed ten pounds per day (or one ton per year of one or more hazardous air pollutants) and unless that source is not subject to the limitations specified in paragraph (C) of this rule.
- (E) In order to verify that actual emissions from a source described in paragraph (D) of this rule complied with the requirements of divisions (A) and (C) of section 3704.011 of the Revised Code during its operations, the owner or operator of the

source shall maintain records that show that emissions of any air contaminant from the source did not exceed ten pounds per day on each day the source emitted air contaminants, and that the source in any one year did not emit more than one ton of hazardous air pollutants as defined in division (1) of section 3704.03 of the Revised Code, and that the emissions from the source, in combination with similar air contaminant sources at the same facility, did not result in potential emissions of any air contaminant from the facility in excess of twenty-five tons during the preceding calendar year. Records consisting of one or more of the following types of information, if applicable, shall be adequate to make that demonstration, so long as the information clearly demonstrates that the owner or operator is operating in accordance with this rule:

- (1) A narrative description of how the emissions from the source were determined and maintained at or below the daily exemption level, and, for emissions of hazardous air pollutants, at or below the annual exemption level;
 - (2) A description of the air pollution control equipment used on the source and a statement that the source is not capable of operating without that pollution control equipment functioning;
 - (3) If air pollution control equipment is used, a copy of any report of the results of any emission test that was conducted following Ohio EPA approved methods, if applicable, or any other emission evaluation;
 - (4) A description of all production constraints required for the source to comply with the exemption levels;
 - (5) Records of actual operations that demonstrate that the daily and annual emissions from the source were maintained at or below the exemption level by the use of the necessary production constraints or pollution control equipment;
 - (6) A list of all similar sources at the same facility and a statement for each such source of the annual potential emissions. Compliance with paragraph (C)(4) of this rule shall be demonstrated; and
 - (7) A summation of the total emissions from each exempt or similar source, a summation of stated potential emissions from all sources identified in paragraph (E)(6) of this rule, and a written certification by the owner or operator that the applicable exemption levels were complied with.
- (F) Records developed under paragraph (E) of this rule shall be maintained by the owner of the source at a location at the facility for a period of two years following the recording of the information, and shall be provided to the director upon his request or upon the request of his authorized representative.

- (G) The owner or operator of such an exempt source not subject to paragraph (E) of this rule, upon the request of the director or his authorized representative concerning such source, shall provide information that is adequate to demonstrate that the source qualifies for the exemption.
- (H) Nothing in this rule shall be construed to exempt any source from requirements of the CAA, including its being considered for purposes of determining whether a facility constitutes a major source or is otherwise regulated under Chapter 3745-77 of the Administrative Code or any requirement to identify insignificant activities and emissions levels in a title V permit application. In addition, this rule does not exempt any source that is a part of a major new source or major modification that would be required to meet any requirements under applicable state or federal regulations.
- (I) If a source exempt under this rule should at any time exceed the exempt emission levels provided in paragraphs (B) and (D) of this rule, the owner or operator of such source shall immediately submit a written report describing the nature and cause of the exceedance. Upon request by the director, the owner or operator of such source shall submit an application for a permit to install if required by Chapter 3745-31 of the Administrative Code and an application for a permit to operate pursuant to Chapter 3745-35 or Chapter 3745-77 of the Administrative Code, as applicable.

Effective: 01/22/2009

R.C. 119.032 review dates: 11/30/2006 and 01/22/2014

CERTIFIED ELECTRONICALLY
Certification

01/12/2009
Date

Promulgated Under: 119.03
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