

RULE SYNOPSIS

Draft rule language for Ohio Administrative Code (OAC) Rules 3745-77-01 through 3745-77-10 Title V Permitting Rules

Pursuant to Title V of the Clean Air Act, Ohio EPA has established an approved Title V permit program (OAC Chapter 3745-77) for “major sources” and “affected sources” (as defined in 40 CFR Part 70) that are located in Ohio. Ohio’s rules for this program became effective on April 20, 1994. The Title V permit for major sources is enforceable by Ohio EPA and U.S. EPA. The above-mentioned rules are a part of Ohio’s approved Title V program. Sources in Ohio that are required by a federal standard to obtain a “Part 70” permit must do so via Ohio EPA’s Title V program.

Title V of the Clean Air Act Amendments of 1990 requires each state to develop a permit-to-operate system and emission fee program for major sources of air pollution. 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. The program is designed to make it easier for sources to understand and comply with control requirements, and results in improved air quality.

Under Title V, “major sources” are those with a potential to emit:

- 100 tons per year or more of any one regulated pollutant (PM 10/2.5, nitrogen oxides, sulfur dioxide, carbon monoxide, volatile organic compounds and lead);
- 10 tons per year or more of any one hazardous air pollutant (HAP); or
- 25 tons per year or more of any two or more HAPs (U.S. EPA currently lists 188 HAPs in Section 112 of the 1990 Clean Air Act Amendments.)

Final Approval of Ohio EPA's Title V Program appeared in the August 15, 1995, Federal Register.

Title V permits identify all "applicable requirements" that are established through facility compliance with requirements based on the approved Ohio State Implementation Plan. Major sources must certify compliance with the terms of their permits annually.

A Title V permit includes emission limits and standards, as well as monitoring, record-keeping and reporting requirements. Records of required monitoring must be submitted periodically based on the reporting deadline(s) established in the issued final Title V permit. All Title V permit holders must certify annually that they have complied with the terms of their Title V permit.

Ohio EPA is making a few minor changes to the rules to clarify definitions and required permit content as well as address legislative service commission and agency formatting and style guidelines.

Ohio EPA released the draft rules for a 30-day public comment period ending August 29, 2017. Ohio EPA received two comments, but did not determine that any additional changes to the rules were necessary.