

Susan Hedman
Regional Administrator
U.S. EPA, Region 5
77 West Jackson Blvd. R-19J
Chicago, Illinois 60604-3507

Re: Ohio Infrastructure SIP for the 2008 Ozone Standard

Dear Administrator Hedman:

I am writing to once again confirm that the State of Ohio continues to retain the resources necessary to evaluate ambient air quality, develop plans to attain new and existing ambient air quality standards, run a complete new source review program, and effectively enforce all applicable requirements. Specifically, the Ohio EPA can implement and satisfactorily complete the Section 110 requirements listed below. We satisfy these requirements for the current and any prospective future air quality standards, including current and any future air quality standards for ozone and for various sizes of particulate matter.

The SIP elements listed below are required under Section 110(a)(1) and (2). Section 110(a)(1) provides the procedural and timing requirements for SIPs. Section 110(a)(2) lists the basic or "infrastructure" elements that all SIPs must contain. Following each element is Ohio EPA's discussion as to the Agency's ability to fulfill the requirement. Although, at the time of this submittal, U.S. EPA has yet to provide timely guidance regarding the requirements for addressing the infrastructure elements under the 2008 revised ozone standard, Ohio EPA believes this submittal satisfies all of the required elements outlined under Section 110(a)(1) and (2) and, therefore, this is a fully approvable state implementation plan (SIP).

Emission limits and other control measures: Section 110(a)(2)(A) requires SIPs to include enforceable emission limits and other control measures, means or techniques, schedules for compliance, and other related matters. U.S. EPA notes that the specific nonattainment area plan requirements of Section

110(a)(2)(l) are subject to the timing requirement of Section 172, not the timing requirement of Section 110(a)(1).

Ohio EPA continues to devote staff to implement needed revisions to the State Implementation Plans. Ohio Revised Code 3704.03 provides the Director with the authority to develop rules and regulations necessary to meet ambient air quality standards.

Ambient air quality monitoring data system: Section 110(a)(2)(B) requires SIPs to include provisions to provide for establishment and operation of ambient air quality monitors, collecting and analyzing ambient air quality data, and making these data available to U.S. EPA upon request.

In accordance with our SIP, Ohio EPA continues to operate one of the largest monitoring networks in the nation. Attachment 1, entitled "Ohio Air Monitoring Network 2012-2013," summarizes the current plans for continued ambient monitoring as agreed to during the most recent review of the Region 5 monitoring network.

Program for enforcement of control measures: Section 110(a)(2)(C) requires states to include a program providing for enforcement of all SIP measures and the regulation of construction of new or modified stationary sources to meet Prevention of Significant Deterioration (PSD) and nonattainment NSR requirements.

Ohio EPA continues to devote staff to implement a vigorous enforcement program. Ohio EPA's continued commitment to ensuring compliance of Ohio entities can be seen through Ohio EPA's enforcement activities which can be viewed at <http://epa.ohio.gov/dapc/enforcement.aspx>. Ohio Revised Code 3704.03 provides the Director with the authority to continue to implement this program as well as the updated new source review provisions within Ohio Administrative Code (OAC) Chapter 3745-31.

Interstate transport: Section 110(a)(2)(D) requires SIPs to include provisions prohibiting any source or other type of emissions activity in one state from contributing significantly to nonattainment, or interfering with maintenance, of the National Ambient Air Quality Standards (NAAQS) in another State, or from interfering with measures required to prevent significant deterioration of air quality, or to protect visibility in another state. U.S. EPA has already developed programs (such as CAIR and Regional Haze) to assist states in developing SIPs to meet this requirement for purposes of the visibility, 8-hour ozone and PM2.5

NAAQS, and has issued separate guidance to all states on how to comply with each prong of this statutory provision.

Ohio EPA has adopted and implemented the various major programs related to the interstate transport of pollution. OAC Chapters 3745-16 (Stack Height Requirements), 3745-103 (Acid Rain Permits and Compliance), 3745-14 (Nitrogen Oxides – Budget Trading Program), 3745-109 (Clean Air Interstate Rule) and 3745-108 (Clean Air Mercury Rule) all address Congressional and U.S. EPA concerns over the transport of emissions of regulated pollutants beyond our State borders. Ohio has also responded to requests by the States of Indiana and West Virginia to implement revisions to OAC Chapter 3745-18 (Hamilton County and Jefferson County) to alleviate modeled violations due, in part, to sources in Ohio.

Adequate resources: Section 110(a)(2)(E) requires states to provide adequate personnel, funding, and legal authority under state law to carry out its SIP and related issues.

Attachment 2 is the Ohio EPA Division of Air Pollution Control's current funding sources that are used to implement the required SIP programs. These funding sources are provided through Ohio EPA's Biennial Budget approved by Ohio's legislature.

Emergency power: Section 110(a)(2)(G) requires states to provide for authority to address activities causing imminent and substantial endangerment to public health, including contingency plans to implement the emergency episode provisions in their SIPs.

OAC Chapter 3745-25 addresses the requirement to implement emergency action plans in the event of an Air Quality Alert (or higher). Such an event has not occurred since 1978 and these rules have undergone revision to 1) make them more relevant and 2) to incorporate revised significant harm levels which U.S. EPA will determine are necessary to address the revised ozone and PM 2.5 standards. These rules became effective as of August 21, 2009.

Future SIP revisions: Section 110(a)(2)(H) requires states to have the authority to revise their SIPs in response to changes in the NAAQS, availability of improved methods for attaining the NAAQS, or in response to an U.S. EPA finding that a SIP is substantially inadequate.

Ohio Revised Code 3704.03 provides the Director with the authority to develop rules and regulations necessary to meet ambient air quality standards. Ohio EPA continues to make every possible effort to meet all SIP deadlines.

Consultation with government officials: Section 110(a)(2)(J) requires states to provide a process for consultation with local governments and Federal Land Managers (FLMs) carrying out NAAQS implementation requirements pursuant to Section 121.

Ohio EPA actively participates in the regional planning efforts that include both the State rule developers as well as representatives from the FLMs and other affected stakeholders. The FLMs are also included in Ohio EPA's interested party lists for announcements of draft and proposed rule packages.

Public notification: Section 110(a)(2)(J) further requires states to notify the public if NAAQS are exceeded in an area and to enhance public awareness of measures that can be taken to prevent exceedances.

Ohio EPA's District Offices and local air agencies monitor air quality daily, and where required, report the daily air quality index to the interested media. In addition, Ohio EPA's remotes access data system (RADS) provides online reports of real time air quality data on the internet and feeds raw information to U.S. EPA's AIRNOW program. In addition, several of the local stakeholder groups actively participate in the AIRNOW forecast program.

Ohio EPA prepares an annual report detailing data from the complete network (2011 Air Quality Report; Attachment 3).

PSD and visibility protection: Section 110(a)(2)(J) also requires states to meet the applicable requirements of part C related to Prevention of Significant Deterioration and visibility protection.

Ohio EPA is addressing both the long term requirements to meet natural visibility levels by 2064 as part of the Regional Haze program and the ongoing review of new major sources under Ohio's approved PSD new source review program. Ohio EPA submitted its Regional Haze SIP on December 31, 2008, revised and submitted it on March 11, 2011, and U.S. EPA approved the SIP on July 2, 2012 (77 FR 39177). Ohio EPA also works with interested FLMs regarding proposed major new sources in Ohio.

Stationary source monitoring system: Section 110(a)(2)(F) requires states to establish a system to monitor emissions from stationary sources and to submit periodic emissions reports.

Ohio EPA District Offices and local air agencies are currently required to witness 50% of all source emissions testing and review 100% of all emissions tests. Hundreds of emission tests are performed throughout the State each year. In addition, at the present time, 271 sources in the State employ 603 continuous monitoring systems for various air pollutants. Ohio EPA oversees the operation and certification of these systems and routinely provides quarterly summary reports to U. S. EPA. A quarterly excess emission report summary report for the Ohio facilities is included in Attachment 4.

Air quality modeling: Section 110(a)(2)(K) requires that SIPs provide for performing air quality modeling to predict the effects on air quality of emissions from any NAAQS pollutant and for submission of such data to U.S. EPA upon request.

Ohio EPA reviews the potential impact of major and some minor new sources, consistent with Appendix W of 40 CFR Parts 51 and 52 and Ohio EPA Engineering Guide 69. Modeling data are available upon request by U.S. EPA or other interested parties.

Permitting fees: Section 110(a)(2)(L) requires SIPs to require each major stationary source to pay permitting fees to cover the cost of reviewing, approving, implementing and enforcing a permit.

Ohio EPA continues to implement the approved Title V permit program, including requiring major sources to pay emissions fees to cover reviewing, processing, and enforcing the permits.

Consultation/participation by affected local entities: Section 110(a)(2)(M) requires states to provide for consultation and participation in SIP development by local political subdivisions affected by the SIP.

Ohio EPA follows approved procedures for allowing public participation, consistent with OAC Chapter 3745-47, which is an approved portion of our SIP.

Enclosed with this letter you will also find the results of the public hearing and comment process for the State of Ohio request for approval of the Infrastructure SIP. The public hearing for this package was held on _____ in Columbus, Ohio. _____ commenters attended the hearing, and _____ written comments were received. Attachment 5 contains a copy of the public notice.

I ask that U.S. EPA complete the review of this package and take final action on the Infrastructure SIP approval request for the State of Ohio. I believe that Ohio EPA complies with the Clean Air Act in determining that it has the authority to implement its Infrastructure SIP requirements with respect to the NAAQS. If you have any questions, please feel free to contact Jennifer Dines of the Division of Air Pollution Control (614-644-3696).

Sincerely,

Scott Nally
Director

xc:

Jennifer Dines Ohio EPA, DAPC

Enclosures