

Permit-by-Rule for Air Pollution Sources

What is a permit-by-rule (PBR)?

A permit-by-rule (PBR) is a specific permit provision in the Ohio Administrative Code (OAC) that applies to certain types of low-emitting air pollution sources. Companies may use the PBR as an option in place of the more formal air pollution permit known as the permit-to-install and operate (PTIO).

The PBR provisions contain qualifying criteria, emission limitations, conditions for operation and requirements for record keeping and reporting. Many of these requirements are similar or identical to those found in PTIOs issued by Ohio EPA for these types of sources. The air pollution source or facility must continually meet all of the PBR criteria to legally operate under the PBR. Ohio EPA retains the authority to deny or revoke a company's ability to operate under the PBR provisions and to require the company to obtain a PTIO.

What types of air pollution sources have PBR provisions?

OAC 3745-31-03(A)(4) contains 11 PBR provisions for:

- emergency electrical generators, pumps and compressors;
- resin injection/compression molding equipment;
- small crushing and screening plants;
- remediation projects for soil-vapor extraction;
- remediation projects for soil-liquid extraction;
- auto body refinishing shops;
- gas stations with Stage I vapor controls;

- gas stations with Stage I and II vapor controls;
- natural gas fired boilers and heaters;
- small printing facilities; and
- mid-size printing facilities.

How does a PBR differ from an ordinary permit?

Many air pollution sources must obtain PTIOs from Ohio EPA. A PTIO is required before installing and operating the air pollution source, and the PTIO is renewable on a 5- or 10-year cycle. A PBR exempts the air pollution source from the PTIO process, functions as both the installation and operating permit for the source, and does not expire. However, the air pollution source must continually meet all of the PBR criteria to remain eligible.

If the air pollution source can no longer comply with the conditions of the PBR because of facility expansion or other reasons, the company must apply for a formal PTIO.

Is a source or facility operating under a PBR exempt from other air pollution regulations?

No. The PBR only exempts the air pollution source or facility from the procedural PTIO requirements (OAC 3745-31-02). The PBR specifies emission limits and operating requirements found in various sections of the OAC for that type of air pollution source. A source operating under a PBR is also subject to general air pollution provisions such as OAC 3745-15-07-Air Pollution Nuisances Prohibited.

How did Ohio EPA determine the PBR categories?

Not all types of air pollution sources are suited for a PBR. The following is a list of some criteria Ohio EPA use when developing a PBR for a certain type of air pollution source or facility:

- there are many (i.e., greater than 300) such sources in Ohio;
- the sources are similar in design and operation;
- the sources have relatively few applicable air pollution regulations;
- the emissions from the sources are well understood and the sources do not have the potential to emit large quantities of air emissions;
- the sources do not need to employ add-on pollution control devices;
- the sources do not require emissions (stack) testing; and
- the sources employ a proven type of technology or clean design which is unlikely to change significantly in the near future.

Must an air pollution source or facility operate under the applicable PBR?

No. The PBR is an option. The company may elect to obtain a formal PTIO instead.

What are the benefits of a PBR?

Sources electing to operate under the PBRs are exempt from obtaining PTIOs, saving permit fees and processing time. Coverage under the PBR provision begins with a simple, one-page notification form. Because the PBR puts all air pollution requirements

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in one place, industry personnel will have a defined set of requirements for PBR sources, saving time and energy in evaluating potential Ohio EPA requirements. The PBR qualifying criteria and operating conditions also encourage industries to consider cleaner designs and operating practices when planning new installations.

Can a company that is operating a source according to an existing PTI or PTIO switch to the PBR?

Yes. The company must submit a written request to Ohio EPA to revoke an existing PTI or PTIO (permits-to-install (PTI) were issued prior to July 1, 2008) and must agree to meet all qualifying and operating conditions of the PBR. Ohio EPA will then make a final written determination regarding the request. If approved, Ohio EPA will send the company a letter that revokes the existing permits and authorizes operation under the PBR.

In some cases, the PBR conditions might impose more stringent limitations on the facility than those specified in their old permits. It is important for a facility to carefully evaluate all of the PBR qualifying criteria and operating conditions before submitting a request to revoke existing permits.

What do PBRs require?

All PBRs include notification, record keeping and reporting requirements. It is critical that a company wanting to operate under a PBR exemption be aware of all of these requirements.

Notification form: A company wishing to operate under a PBR provision must submit a notification form to Ohio EPA stating the source meets the PBR qualifying criteria and will operate according to the PBR conditions. For new installations, the notification form is required before installation and startup. For permitted sources wishing to switch to PBR, the company must request that existing permits be

revoked as specified above and have Ohio EPA approve the request. Ohio EPA will create a unique 10-digit facility ID number for each facility covered by a PBR. The Division of Air Pollution Control maintains all PBR notifications and facility ID numbers at the web address listed below.

Record Keeping: Each PBR details operational records, such as amount of material used, type of fuel burned, test records, etc., that operators must maintain.

Reporting: Facilities operating under PBR provisions must promptly report any exceedances of the PBR conditions or emission limitations to Ohio EPA.

Some PBRs contain material usage limits. What is the basis for these limits?

Some PBRs include material usage limits to ensure the facility's potential emissions stay below major source levels under the Title V program. These usage limits are based, in part, on U.S. EPA's *Potential to Emit (PTE) Guidance for Specific Source Categories*, April 1998. Ohio EPA used the document and associated background information to develop the qualifying criteria for the PBRs for auto body refinishing, gasoline-dispensing facilities and printing facilities.

This document was intended to help states understand PTE issues when developing general permits or PBR provisions for certain categories of low-emitting air pollution sources.

Does a PBR have associated fees?

No. The PBR provisions are specified in OAC 3745-31-03 - *Exemptions and permits-by-rule* along with other types of minor air pollution sources that are exempt from the PTIO process and associated permit fees. Additionally, if all air pollution sources at a facility are exempt or covered under a PBR

provision, the facility is not required to pay the annual emission fees specified in Ohio Revised Code 3745.11.

Will the PBRs have a negative effect on air quality?

No. The PBRs are part of Ohio EPA's air permit program designed to help control emissions and improve air quality. Because each PBR provision contains the same or similar requirements as traditional air permits, there should not be an increase in pollutants.

How does the PBR affect Ohio EPA's enforcement authority?

Since the PBR effectively functions as the permit, Ohio EPA retains the authority to enforce all provisions of the OAC, including, but not limited to, revoking a company's option to operate under the PBR. Sources operating under a PBR can be inspected by Ohio EPA and are subject to the same enforcement actions as other permitted facilities.

Where can I get more PBR information?

Copies of the PBR requirements, notification forms, guidance materials and other information can be obtained online at www.epa.ohio.gov/dapc/pbr/permitbyrule.aspx.

This website also features a list of all PBR notifications received by Ohio EPA, including type of PBR, date received and effective date.

You may also contact your local Ohio EPA district office or local air agency for PBR questions. Ohio EPA's Office of Compliance Assistance and Pollution Prevention can also assist you in obtaining information about the PBRs at (800) 329-7518.