

Ohio EPA

Division of Air Pollution Control

Engineering Guide #1

Question:

Do sources emitting only non-criteria air pollutants require PTIs and/or PTOs (i.e., PTOs issued pursuant to OAC Chapter 3745-35)? If not, what should be done with applications previously submitted? If required, what should the evaluation be based on? These questions were submitted by Dave Schuetz of the Southeast District Office on August 21, 1979.)

Answer:

To determine whether sources emitting only non-criteria air pollutants require permits, one must first have an understanding of what an air pollutant is and the rules that require permits. Ohio Administrative Code (OAC) rule 3745-31-02 and OAC rule 3745-35-02 require air contaminant sources to have Permits to Install (PTIs) and Permits to Operate (PTOs). An “air contaminant,” pursuant to Ohio Revised Code (ORC) 3704.01, is defined as “particulate matter, dust, fumes, gas, mist, radionuclides, smoke, vapor, or odorous substances, or any combination thereof, but does not mean emissions from agricultural production activities.” With the exception of the exclusion for agricultural activities, the definitions of “air contaminant” and “air pollutant” found in OAC rule 3745-15-01 and OAC rule 3745-31-01, respectively, are consistent with the definition found in ORC 3704.01.

Air contaminants can be further divided into two groups: criteria pollutants and non-criteria pollutants. Per OAC rule 3745-31-01, a criteria pollutant is defined as “particulate matter, nitrogen oxides, volatile organic compounds (VOCs), sulfur dioxide, carbon monoxide, lead or any other air pollutant for which a national ambient air quality standard has been promulgated under section 109 of the Clean Air Act.” Therefore, any air pollutant which is not defined as a criteria pollutant, such as a hazardous air pollutant (HAP) or a toxic air pollutant, that is not otherwise classified as particulate matter or a VOC, would be considered a “non-criteria pollutant.”

Except as otherwise provided per OAC rule 3745-15-05 (“De Minimis” air contaminant source exemption) or OAC rule 3745-31-03 (Permit to install exemptions), OAC rule 3745-31-02 requires the owner or operator of an air contaminant source to apply for and obtain a PTI prior to the installation or modification of the source. Based on the requirements of OAC rule 3745-31-02, air contaminant sources that emit only non-criteria air pollutants, which do not qualify for the exemptions specified in OAC rule 3745-15-05 or OAC rule 3745-31-03, are required to have PTIs. Similarly, the same conclusion may be drawn for PTOs issued pursuant to OAC Chapter 3745-35. OAC rule 3745-35-02 indicates that,

unless otherwise provided per OAC rule 3745-15-05 or OAC rule 3745-35-05 (Permit exemptions and registration status), air contaminant sources that emit only non-criteria air pollutants are required to have PTOs.

The evaluation of permit applications for sources that emit only non-criteria pollutants should be consistent with the approach used in evaluating any other air contaminant source. For a complete evaluation, one must consider all potentially applicable State and federal rules, including the requirement for a new source to employ BAT. Where applicable, the permit must ensure compliance with the nuisance requirements specified in OAC rule 3745-15-07 and must meet the guidelines established under Ohio EPA's "Air Toxics Policy."

There also are potentially applicable federal requirements, such as New Source Performance Standards (40 CFR Part 60), National Emission Standards for Hazardous Air Pollutants (40 CFR Parts 61 and 63), and attainment/nonattainment new source review provisions (40 CFR Part 52, Subpart A-General Provisions) that may directly or indirectly impact air contaminant sources that emit only non-criteria pollutants. It should be noted that any of the above federal requirements would supersede the PTI and PTO exemptions available per OAC rules 3745-15-05, 3745-31-03, and 3745-35-05.

TK/JO/DW

September 11, 1979
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