

WELCOME¹

Industry Perspective on Permits and Enforcement

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Industry Perspective ??



Industry Perspective

- Timeliness
- Consistency
- Competition
- Cost

Timeliness

- Initiation of the PPEC group
- Establishment of General Permits
www.epa.state.oh.us/dapc/genpermit/genpermits.html
- Establishment of Permit by Rule
www.epa.state.oh.us/dapc/pbr/permitbyrule.html

Timeliness

- **PTIO Process**

- Ohio EPA processes approximately 1,100 PTI applications each year.
- PTIO process is applicable to Non-major facilities (those not requiring a Title V permit)
- Rollout of the PTIO process is expected in early 2008.

PTIO Process

- One single permit.
 - One comprehensive set of permit conditions.
 - Increase Ohio EPA staff efficiency?
 - Performance Evaluation Report (PER) submitted annually.
 - Standard PER form will be developed by Ohio EPA.
 - Proposed 10 year renewal period.
- www.epa.state.oh.us/dapc/permits/ptio.html

Consistency

- **What wasn't/isn't consistent?**

- **BAT Determinations**
- **Definition of Beginning of Construction**
- **Building Capture**
- **Operational Restrictions (associated MRR)**

Operational Restrictions

- **Ohio Court of Appeals Case**

- **General Electric Lighting vs. Ohio EPA**
- **Opinion rendered on March 31, 2006**

-the operational restrictions imposed on the ESP were new substantive requirements, and therefore, unlawful-

Senate Bill 265

- Ohio Senate passed SB 265 on 3/28/2006
- Ohio House of Representatives passed SB 265 on 3/29/2006
- Signed by Governor Taft on 5/2/2006
- Effective 90 days after signature – 8/2/2006



Senate Bill 265

- **What does this change?**
 - **Air Toxics Policy becomes law**
 - **Requires a formal rule to define activities that may be undertaken prior to receipt of PTI.**
 - **Record of good compliance can be used in nuisance suits**
 - **Affirms the General Assembly's intent that formal rulemaking (JCARR) be used in lieu of informal policies and practices by departments.**
 - **Simplifies and strengthens BAT requirements for new/modified units.**
 - **Requires Ohio EPA to estimate statewide costs for compliance with all future rules**

Senate Bill 265

- **1986 Air Toxics Policy, or some fashion of it, will become law:**
 - **Ohio EPA must adopt a rule within two years from the effective date of the bill listing the Ohio pollutants.**
- **What Constitutes Beginning Actual Construction?**
 - **Ohio EPA must adopt a rule within one year from the effective date of the bill.**
- **Rulemaking versus Informal Policies and Practices**

Senate Bill 265

- **As of the effective date, BAT will not apply to air contaminant sources with a potential to emit, taking into account controls, of less than 10 tons per year.**
- **Ohio EPA has 3 years to develop a BAT rule.**
- **BAT applies only to criteria pollutants.**

Senate Bill 265

- **What Senate Bill 265 Does NOT Do:**
 - **Exempt any source now required to obtain a permit**
 - **Negatively impact Ohio's ability to meet the new ozone standard or any of Ohio's other obligations under the Federal Clean Air Act**
 - ***Apply retroactively to more than 70,000 previously issued permits***
 - **Restrict Ohio EPA's authority to prevent air pollution and protect public health.**

Questions ...

