

July 2005

# Permit-by-Rule for Air Pollution Sources

## What is a PBR?

A permit-by-rule (PBR) is a specific permit exemption in the Ohio Administrative Code (OAC) that applies to certain types of low-emitting air pollution sources. The PBR is an option a company may use to exempt a source from the air permit application process.

The PBR contains 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 air pollution permits issued by Ohio EPA for these types of sources. The air pollution source or facility must continually meet all of the PBR criteria to qualify for 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 traditional permits.

## What are the PBR categories?

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

- emergency electrical generators;
- resin injection/compression molding equipment;
- small crushing and screening plants;
- soil-vapor extraction and soil-liquid extraction remediation activities;
- auto body refinishing facilities;
- gasoline dispensing facilities;
- natural gas fired boilers and heaters; and
- printing facilities.

## How does a PBR differ from an ordinary permit?

Many air pollution sources must obtain air pollution permits from Ohio EPA. A permit-to-install (PTI) is required before installing the air pollution source. A renewable permit-to-operate (PTO) is required for continued operation after installation.

A PBR exempts the air pollution source from the PTI and PTO process and functions as both the installation and operating permit for the source. However, the air pollution source must continually meet all of the PBR criteria. If the air pollution source can no longer comply with the conditions of the PBR, you must apply for a traditional PTI and/or PTO.

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

No. The PBR exempts the air pollution source or facility from the procedural permitting requirements only (OAC 3745-31-02 and 3745-35-02). For convenience, the PBR specifies applicable emission regulations and any other OAC requirements for the source. A source operating under a PBR is still 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 used

when considering an air pollution source or type of facility for a PBR:

- there are many (i.e., greater than 300) such sources in Ohio;
- the sources are similar in design and operation;
- the sources have few applicable air pollution regulations;
- the emissions from the sources are well defined 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 emission (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 use the applicable PBR?

No. The company may elect to obtain a traditional air permit.

## What are the benefits of a PBR?

Sources qualifying for the PBRs are exempt from obtaining a PTI and PTO. Because the PBR puts all air pollution requirements in one place, industry personnel will have a defined set of requirements for PBR sources, saving time and energy in evaluating potential EPA requirements. The PBR also will also encourage industries to consider cleaner designs and operating practices when planning new installations.



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

Yes. The company must submit a written request to Ohio EPA to revoke the affected permits and must agree to meet all qualifying and operation conditions of the PBR. Ohio EPA will then make a final written determination on the request. If approved, the company can begin operating according to the PBR on the date the existing PTI or PTO is revoked. In some cases, the PBR conditions might impose more stringent limitations on the facility than those specified in their current permits. It's important to carefully evaluate the PBR provisions.

## What do the PBRs require?

All PBRs include notification, record keeping and reporting requirements.

**Notification:** A company wishing to claim a PBR exemption is required to submit a written notification to Ohio EPA stating the source meets the PBR qualifying criteria and will operate according to the PBR conditions. For new installations, the notification is required before installation. For permitted sources wishing to switch to PBR, the company must request the change in writing as specified above and have Ohio EPA approve the request.

**Record Keeping:** Each PBR details what operational records, such as amount of material used, type of fuel burned, test records, etc., that must be maintained.

**Reporting:** Facilities claiming PBR exemptions must promptly report any exceedances of the PBR conditions or emission limitations to Ohio EPA.

It is critical that a company claiming a PBR exemption be aware of all of these requirements.

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

The limits were included to demonstrate the facility's potential emissions would not classify it as a major source under the Title V program. These 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 small sources.

## Does a PBR have associated fees?

No. Because PBRs are part of OAC 3745-31-03 PTI exemptions, the air pollution sources are exempt from the air permit application process and the associated PTI fees. Additionally, if all air pollution sources at a facility are exempt, the facility is not required to pay annual emission fees.

## Will the PBRs have a negative effect on air quality?

No. Ohio EPA's air permit program is one tool used to help improve air quality. Because each PBR will contain the same requirements as a traditional individual permit, 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 provisions 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.state.oh.us/dapc/pbr/permitbyrule.html](http://www.epa.state.oh.us/dapc/pbr/permitbyrule.html).

This Web site also features a listing 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.