

Ohio EPA's Air Permit-to-Install and Operate Program

Before an air pollution source may be constructed in Ohio, the applicant/facility owner must obtain an air permit-to-install-and-operate (PTIO). A PTIO outlines technical and design requirements and pollutant limits necessary for compliance with air pollution laws and rules. This fact sheet describes the air PTIO process.

Pre-PTIO

Ohio EPA processes approximately 1,100 permit-to-install (PTI) applications each year.

Previously, non-Title V facilities were required to obtain both a PTI and permit-to-operate (PTO) for each air contaminant source.

A PTI was needed before construction of an air contaminant source could begin. This step was critical for the start-up or expansion of business operations.

Within one year after construction was completed, a facility also had to obtain a PTO to continue operating the air contaminant source. The PTO contained about 95 percent of the same requirements as the PTI.

In order to eliminate duplication of efforts, reduce costs to the Agency and permit applicant and ensure consistency, Ohio EPA's Division of Air Pollution Control (DAPC) combined the permit-to-install (PTI) and permit-to-operate (PTO) in July 2008.

Non-major facilities (those not requiring a Title V permit) began receiving PTIOs in July 2008.

Benefits of PTIO

Prior to development of the PTIO, Ohio EPA issued a separate permit-to-install and permit-to-operate for each air contaminant source. Combining the PTI and PTO simplified permitting obligations, lessened paperwork by 50 percent and reduced confusion for regulated entities.

The PTIO condensed monitoring and reporting requirements into a single document for each emissions source.

By eliminating potentially duplicative terms and conditions, regulated entities are clearly able to identify their compliance responsibilities. Ohio EPA believes this will, in turn, lead to improved statewide compliance.

Through the PTIO program, Ohio EPA has experienced increased efficiency through reduced paperwork, simplified processing and increased clarity. In addition, Ohio EPA is now able to provide more consistent and comprehensive information to the public.

The renewal period for the new PTIO is 10 years. This allows Ohio EPA staff to focus more staff time on compliance monitoring and assistance rather than permit processing.

PTIO Steps to Completion

The following outlines the steps involved in the PTIO application and issuance process.

Application Received

- Ohio EPA's field office (district offices of Ohio EPA or local air agencies contracted with Ohio EPA) receives an air PTIO application.
- Ohio EPA publishes a notice that a PTIO application has been received in its *Weekly Review* (www.epa.ohio.gov/legal/pubnots.aspx).
- The field office performs a completeness review of the PTIO application to determine if it contains the information required by Ohio regulations. If not, a letter is sent to the applicant noting the deficiencies.
- Once the deficiencies are addressed, and the application is complete, the field office conducts a detailed technical review of the application. Ohio EPA may request additional technical information from the applicant.

Preliminary Staff Determination

- The field office prepares a recommendation to approve or deny the permit application.
- The field office submits the recommendation to Ohio EPA's central office in Columbus. Ohio EPA's central office reviews the permit recommendation to ensure the source complies with all state and federal regulations, and employs the best available technology (BAT) for the control of air emissions.

Ohio EPA's Air Permit-to-Install and Operate Program

- Ohio EPA makes a preliminary staff determination to issue or deny the permit. A public notice of the permit recommendation is published in a newspaper with general circulation in the county in which the facility is or is proposed to be located. This notice is also published in Ohio EPA's *Weekly Review*.

If the recommendation is to deny the PTIO permit, the recommendation is:

- forwarded to the director of Ohio EPA without further legal notice;
- issued as a proposed denial; or
- reserved for a 30-day period for parties to request an adjudication hearing.

If a hearing is requested, it will be held before an Ohio EPA hearing officer. If no hearing is requested, the proposed denial becomes final.

If the recommendation is for approval, the director may:

- issue the permit as a direct final action. This action is taken for minor sources only and a comment period is not required. This action can be appealed to the Environmental Review Appeals Commission (ERAC) within 30 days after issuance of the permit; or
- issue a draft permit which allows for a 30-day public comment period. The draft permit does not grant permission to begin construction. Draft permits are issued for sources subject to federal requirements and any sources subject to significant public interest. A public notice is issued for the draft permit.

During the comment period, any interested parties may submit comments pertaining to the draft permit. Citizens also may request a public hearing during the comment period.

Ohio EPA's Public Hearing and Response to Comments

- If a public hearing is requested or there is significant public interest or concern regarding a source, Ohio EPA will hold a public hearing. Anyone may submit oral or written comments regarding the PTIO at the hearing or during the public comment period. Ohio EPA will publish a legal notice in the newspaper which provides 30 days advance notice of the public hearing.

The public hearing calendar can be viewed online at www.epa.ohio.gov/pic/meetings.aspx. Also, notification is sent to citizens on the Agency's mailing list.

- Ohio EPA develops a final staff recommendation and presents it to the director.
- The director may:
 - issue the permit;
 - issue a proposed denial; or
 - request additional information from the applicant.
- Ohio EPA prepares a written response to announce the director's decision and summarize the comments received during the hearing and comment period. A copy of the written response is mailed to everyone on the interested party list or posted online.
- Anyone may appeal these decisions.

Recommendation

- A recommendation to approve the PTIO is forwarded to Ohio EPA's central office, where it may undergo further review.
- The PTIO may contain special terms and conditions that specify the following:
 - applicable rules;
 - emission limitations and control requirements;
 - testing requirements;
 - record-keeping and reporting requirements; and
 - other requirements deemed necessary by Ohio EPA to ensure continued compliance of the source.
- Interested persons may appeal Ohio EPA decisions.

Final Decisions

Ohio EPA's director may:

- issue the permit as a final action;
- issue a proposed denial; or,
- request additional information from the applicant.

PTIOs are effective for up to 10 years.

Upon issuance of a PTIO as a final action, the Agency publishes a public notice with pertinent information in the Agency's *Weekly Review*, as well as in the largest newspaper in the county in which the source is located.

Ohio EPA's Air Permit-to-Install and Operate Program

PTIO Appeals

Anyone may file an appeal regarding issuance or denial of the PTIO. Appeals must be filed with the Environmental Review Appeals Commission (ERAC) within 30 days of the director's action. The appeal must be in writing and specify the action being appealed and the grounds on which the appeal is based. A copy of the appeal must be received by the director of Ohio EPA within three days of filing with ERAC.

File the appeal with:

Environmental Review Appeals Commission
309 South Fourth St., Room 222
Columbus, OH 43215
(614) 466-8950

Further appeals can be made through civil courts. For more information about the appeal process, go to www.erac.ohio.gov.

On-site Inspection

Ohio EPA conducts an inspection of the air pollution source to verify physical evidence of compliance with the emission standards. This includes visible emission evaluations, odor evaluations, records review and an evaluation of the physical condition of the equipment.

Reports required to be submitted are reviewed and a determination is made as to whether justified citizen complaints have been received and whether they have been resolved.

Reporting Requirements

Facilities with PTIOs must submit an annual permit evaluation report (PER) to Ohio EPA for all air contaminant sources. This represents a shift from quarterly or semi-annual to annual reporting for some facilities, and will require annual reporting for those facilities not currently required to report.

The monitoring frequency and requirements necessary to properly control air contaminant sources will not change. Ohio EPA will maintain its authority to request and review monitoring data to confirm compliance with the regulations at any time.

Examples of reportable PER information include exceedances from operating, monitoring and/or emission limitations, installation of new sources, shutdowns of air contaminant sources and ownership changes.

Ohio EPA mails a PER form specific to each respective regulated entity on an annual basis. The form improves the quality and consistency of reported and collected data and helps provide a clear understanding of reporting obligations.

The PER requirement begins after the regulated entity receives its first PTIO. Thus, existing non-Title V facilities are subject to the PER requirements as PTIOs are issued to proposed air contaminant sources and expired PTOs are issued as PTIOs. PERs are not required until an air contaminant source is issued a PTIO.

Other Reporting Obligations

In addition to PTIO requirements, regulated entities must also comply with federal and state reporting frequencies that may be required by rule.

For example, Ohio rules require companies to report malfunctions of air pollution control equipment immediately and, under certain circumstances, provide a follow-up written report on the malfunction within 30 days.

Ohio EPA also can prescribe a more stringent reporting frequency in a PTIO when appropriate.

Enforcement

Ohio EPA's goal is for facilities to operate in compliance with applicable rules, regulations and permits.

Ohio EPA monitors compliance with all applicable regulations and permit(s), including review of reports and monitoring data and conducting on-site inspections and complaint investigations.

Based on factors such as the severity of the violation and the length of time a facility was out of compliance, Ohio EPA may decide to pursue enforcement action against a facility.

The length of time between the occurrence of a violation and when it is reported on the PER is within the time frame in which Ohio EPA can pursue enforcement.

Self-reporting violations in the PER will not qualify as self-disclosure under Ohio's Amended Audit Privilege and Immunity Law.

Ohio EPA's Air Permit-to-Install and Operate Program

PTIO Renewal

PTIOs are issued with renewal periods of up to 10 years. Most air contaminant sources are permitted for 10 years, but the renewal period can be shortened due to several factors, including:

- compliance history;
- type of air contaminant source(s);
- location of the facility;
- nature of the emissions; and,
- whether or not the ambient air in the county meets federal standards.

PTIO Modifications

Modifying PTIOs is easier and more efficient than previously because only the single PTIO document needs to include the necessary changes.

Permit Processing Time Frame

PTIOs for new or modified sources are issued consistent with the current statute which allows 180 days for review, processing and final decision regarding whether to issue or deny the permit.

Air sources that have submitted appropriate PTIO applications will be processed and issued PTIOs.

Public Participation in the Permitting Process

When a draft PTIO is issued, anyone may review and comment on the PTIO during a 30-day comment period. A public hearing regarding the draft PTIO may also be held if requested or deemed necessary by the Agency. Comments gathered in writing or orally during the hearing hold the same weight as those gathered during the 30-day comment period. Ohio EPA will review all comments gathered during the comment period before taking a final action on the PTIO.

For More Information

Visit www.epa.ohio.gov/dapc/permits/permits.aspx to see applicable forms, links to the PTIO regulations and the new eBusiness Center: Air Services.

For more information or questions about the PTIO program, contact your local field office or the Division of Air Pollution Control at (614) 644-2270.