

Division of Air Pollution Control

Systematic Permitting Reorganization and Integration Team Report



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Bob Taft, Governor
Christopher Jones, Director

Sign-off

Bob Hodanbosi, Chief, DAPC Date

Cindy DeWulf, Assistant Chief, DAPC Date

Linda Ours, Project Manger, DAPC Date

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Team Members

Olen Ackman, Mike Ahern, Mark Budge, Andrew Hall, Alan Harness, Mark Hartman, Mike Hopkins, Pam Korenewych, Jenny Marsee, Nancy Meli, Brad Miller, Jennifer Nichols, Isaac Robinson, Jan Tredway, and Adam Ward

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SPRINT would also like to thank our team facilitator, Craig Butler and STARS/STARShip Rebuild Project (SR Project) Manager Linda Ours. Their support and input were integral to the completion of this project.

Executive Summary

The SR Project identified several areas where improvements in current Division of Air Pollution Control (DAPC) business processes could result in a more efficient program. One particular area targeted for process improvement was the Permit-to-Install (PTI) and Permit-to-Operate (PTO) processes. The SPRINT team's objective was to identify the most efficient permitting process for DAPC by studying the advantages and disadvantages of separate PTIs and PTOs versus a combined permit (or variants such as the concurrent issuance of the two separate permits).

SPRINT recommends that DAPC combine the current, separate PTI and PTO processes into a combined PTI/PTO (PTIO) process for non-Title V facilities. In addition to recommending the PTIO process, SPRINT has developed the initial designs of the systems necessary to issue PTIOs. To enhance the PTIO recommendation, SPRINT has also created a new process called the Annual Certification and Deviation Report (CDR) which reduces the reporting frequency while improving both compliance assurance and tracking of non-Title V emissions units.

I. Introduction

Ohio EPA's Division of Air Pollution Control (DAPC) has historically been and continues today to be challenged with the goal of obtaining a more efficient permitting program which enables the issuance of high quality permits in a timely manner. DAPC has responded to these challenges in the past by hiring additional staff, adopting "De Minimis" rules to exempt smaller sources from air pollution permitting, adding PTI exemptions, developing an expedited PTI registration process, increasing training and guidance, improving forms, decreasing central office permit reviews, implementing computerized permit systems (STARS/STARShip and PTIs2000), among other improvements.

The Ohio EPA¹ DAPC² is currently preparing to rebuild the systems that track and process permits (STARS and PTIs2000). As part of this project, DAPC analyzed existing business processes to determine where efficiency improvements could be made prior to building the software application. One result of this analysis was the determination that several processes needed additional study to determine where improvements could be made. Therefore, in June 2001, the SR Project Steering Committee formed six teams which together could produce the greatest efficiency gains as well as optimize the development of the replacement software application by re-engineering processes prior to system design. The results of the work of one of these teams, the Systematic Permitting Reorganization and Integration Team (SPRINT), is contained in this report.

II. Project Statement / Objective

The SPRINT team was formed to study the current permit process, to benchmark against other state and local permit processes and to recommend the most efficient permitting process for DAPC.

DAPC currently has a two-tiered permitting system involving the issuance of a PTI followed by the issuance of a PTO. The two-tiered PTI/PTO permitting process does not process permits as efficiently as desired. The current processing systems for the issuance of PTIs and PTOs are completely separate. This total separation in processing inherently leads to inefficiencies associated with duplication of processing activities. Processing activities for PTIs and PTOs are duplicated in the areas of application receipt, data entry, reviews, approvals, and permit issuance.

Compounding the inefficiencies associated with the duplication of processing activities is the fact that the issuance of PTOs has been given a low priority by the Division among other higher priorities such as the need to issue PTIs, Title V Permits, and Federally Enforceable State Operating Permits (FESOPs). The low priority given to processing PTOs creates a situation where a significant amount of time passes between the issuance of a PTI and the processing of the associated PTO. The significant amount of time that passes requires the permit writer/reviewer to revisit issues that would have been normally fresh in one's mind if the PTO would be issued within a short time period following the issuance of the PTI. Additionally, changes to the emissions units and/or control equipment often have occurred during this time which requires a resubmitted application.

¹ The terms Ohio EPA and Agency are used interchangeably throughout the report

² The terms DAPC and Division are used interchangeably throughout the report

Further inefficiencies beyond those associated with just processing separate permits is evidenced by the fact that PTIs are issued with terms and conditions (T&Cs) associated with both the installation of a source and the operation of a source. While the inclusion of operating requirements in a PTI provides for a legal basis to operate during the transition from installation to operational, it has resulted in the current state where the Engineering Section of DAPC, responsible for review and approval of PTOs, may not agree with the operating provisions contained in the PTI. This disagreement in how operating T&Cs are used ultimately consumes valuable resources (especially staff time) in resolving the differences between the issued PTI and the proposed PTO.

The objective of this team project was initially to study the possible changes to the PTI and PTO review and issuance processes with regards to combining the processes and/or permits. SPRINT re-evaluated the project objective and decided that studying changes associated with the permit review process would be addressed by the proposed reorganization of the DAPC central office structure. To that end, the objective of this team focused solely on developing a more efficient permitting process by studying the advantages and disadvantages of issuing two types of permits versus a combined permit (or variants such as the concurrent issuance of the two separate permits).

III. Team Methodology

To study and develop a more efficient permit processing program based on project objectives, SPRINT used a straight forward five step approach consisting of the following:

- 1st Step - Benchmarking of Air Pollution Permitting Programs
- 2nd Step - Development of Permitting Options
- 3rd Step - Evaluation of Permitting Options
- 4th Step - Selection of Permitting Option
- 5th Step - Development of Selected Permitting Option Details

Beyond the above mentioned five step system, SPRINT further examined other possible improvements that could accompany the permitting process option selected.

IV. Benchmarking of Air Pollution Permitting Programs

For the purpose of studying the advantages and disadvantages associated with various permit processes, SPRINT researched and obtained information from the following sources:

- Current DAPC permitting processes for PTIs and PTOs
- Findings and recommendations of the DAPC Permit Process Work Group outlined in a June, 2001 report

- Interviews of personnel in U.S. EPA Regions I-X for perspectives on permitting programs in their region
- Interviews and surveys of personnel in selected State permitting programs (Illinois, Kentucky, Louisiana, Minnesota, and New York)
- Comments from Ohio industry through the Permit Advisory Group (PAG)

Based on the results of the U.S. EPA Regional interviews, SPRINT selected states (Illinois, Kentucky, Louisiana, Minnesota, and New York) which use a combined permit process and have a similar level of industrial activity to Ohio in which to focus their efforts. The most useful information gathered during this benchmarking of air pollution permitting came from the interviews and surveys of personnel in selected state permitting programs.

A review of the interview and survey results (See Appendix B) revealed that in all cases, combined programs for minor sources (non-PSD, non-Title V) resulted in quicker permit issuance with fewer resources required. Combined programs for major sources revealed that the public participation requirements of a combined permit for PSD/Title V slowed the issuance of these permits considerably.

Comments from Ohio industry (See Appendix C) through the PAG included responses from several large companies and a consulting firm. The respondents concurred that based on their experiences with combined and separate permit programs that it would be to the Agency's advantage to pursue a combined permit program. It was further noted that Ohio's program should not necessarily be modeled directly after any other states program in order to account for the fact that Ohio, unlike most other states, already had an operating permit program before the advent of Title V which required states to adopt operating permit programs.

Based on the benchmarking, SPRINT concluded that a combined permit approach could result in a more efficient permitting process. With this conclusion, SPRINT moved forward in developing combined PTI/PTO options.

V Development of Permitting Options

SPRINT took information gathered during the benchmarking process and used a brainstorming process to create an initial list of 18 permit processing options. However, these initial 18 options were not able to be evaluated as written. Some options were too complex and did not allow a direct comparison to be made. For still other options, the lack of detail in a proposed option did not allow one to get a sense of what the permitting program really entailed and did not provide any basis for comparison, evaluation, etc... SPRINT overcame this obstacle by defining the basic building blocks common to any permitting program that would be used in developing the permitting program proposal. The following is a list of the defined basic building blocks:

- PTI permitting for major/minor source
- PTO permitting for major/minor source

- PSD permitting for major/minor source
- Title V permitting/non-Title V permitting
- Synthetic Minor PTI/FESOP permitting
- Separate/combined permits
 - By facility³/by emissions unit
 - Required comment periods

Applying the use of the above basic building blocks as the basis for any proposed permitting program the options were developed. Please note that as discussed above, the proposed permitting programs below only apply to non-Title V facilities.

Permitting Option #1

Emissions unit based construction permit and emissions unit based operating permit (ECP/EOP)

Premise: This program is the Agency's current, separate PTI and PTO permitting program only with automatic issuance options for PTOs

Permitting Option #2

Emissions unit based construction permit and facility based operating permit (ECP/FOP)

Premise: The permittee has one state operating permit issued for the facility. Any time a new installation or modification is made to an emissions unit at a facility, a PTI for the emissions unit will be issued concurrently with the facility state operating permit.

Permitting Option #3

Emissions unit based construction and operating permit (ECOP)

NOTE: this option was later selected and renamed as the Combined Permit-to-Install/Permit-to-Operate (PTIO)

The ECOP program is similar to the Agency's current permitting system. However, each emissions unit will be issued a document that serves as both the construction and operating permit.

Permitting Option #4

³ The terms facility and permittee are used interchangeably throughout the report

Facility based construction and operating permit (FCOP)

Under the FCOP program, the permittee has one permit issued for the facility. Any time a new installation or modification is made to the facility, the permit will be modified and reissued accordingly.

Permitting Option #5

Emissions unit based construction permit and facility based operating permit (ECP/FOP)

Under the ECP/FOP the permittee has one state operating permit issued for the facility. Any time a new installation or modification is made to an emissions unit at a facility, a PTI for the emissions unit will be issued as a combined construction/operating permit separate from the facility state operating permit. When the facility state operating permit is renewed, the new and/or modified emission unit(s) are then incorporated into the facility state operating permit.

The permit structure matrix (See Appendix D) presents the details of each proposed permitting option as they relate to the basic components of a permitting program.

The diagram below was an extremely useful tool used by the team to help visualize the different permit program structures.

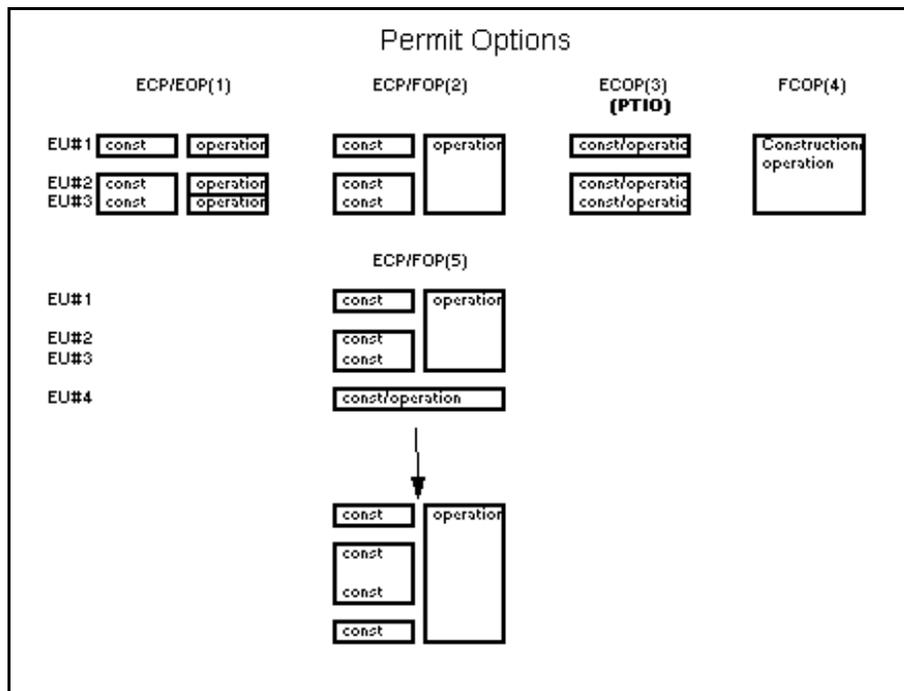


Figure 1 - Proposed Permit Program Structures

VI Evaluation of Permitting Options

To assess the five permitting options, SPRINT again used a brainstorming/ filtering process to create a list of evaluation criteria that would be used as the primary tool in the selection of the preferred permitting option. The original brainstormed list was reviewed and refined based on similarities that resulted in 10 categories of evaluation criteria. The evaluation criteria are presented below in bold with underlying items that clarify each criteria.

To utilize the criteria as the decision-making tool to select the preferred permitting option, rating values were assigned to each individual criteria. The rating values were based on a scale from 1 to 5 (5 being most important and 1 being least important) and they were determined by a simple averaging of individual team member's rating assignments to a given criteria. The average rating values are also presented below along with each evaluation criteria

- 1. Time needed to issue the necessary permit(s) under the selected permit process [Rating Value: 4.8]**
 - How long it takes to generate a permit from application to issuance
 - How long it takes to develop the permit recommendation
 - Number of staff hours to develop/issue a permit
 - What will be the effect on employee workload?
- 2. Permit backlog under the selected permit process [Rating Value: 4.0]**
 - How will the selected change affect the backlog?
- 3. General customer approval under the selected permit process [Rating Value: 3.9]**
 - U.S. EPA approval should be likely
 - Is the public participation process acceptable?
 - Is the selected option acceptable to industry?
 - Impact on other divisions (e.g., multimedia permits)
 - Agency/industry/public sensitivity to culture change
 - Consistent/accurate permit quality
- 4. Flexibility under the selected permit process [Rating Value: 3.9]**
 - Ease of modification
 - Does permit modification open up the entire selected permit?
 - How does the system function with different permit action types/regulatory basis (e.g., denials, variances, etc...)?
 - Is the system flexible?
 - Ease of renewal
 - Ease of Agency initiated modifications to permits
- 5. Enforcement/compliance assurance under the selected permit process [Rating Value: 3.5]**
 - The permit document must be enforceable

How will the selected option facilitate compliance assurance and leverage with the facility?

- 6. Ease of transition/training/effort under the selected permit process [Rating Value: 3.5]**
Ease of transition of the existing system to the chosen system
Amount of training required
How does the new system affect the current enforcement program?
- 7. System costs of the selected permit process [Rating Value: 2.1]**
Cost to develop the system
Cost to use the system
- 8. Rule changes under the selected permit process [Rating Value: 2.0]**
Are rule changes required?
If a rule change is required, how much effort and how feasible would it be to do this
- 9. Fees under the selected permit process [Rating Value: 1.6]**
Effect of selected opinion on fees/fee structure
- 10. Data storage under the selected permit process [Rating Value: 1.0]**
Effect of selected option on data storage and manipulation.

The preceding evaluation criteria ranking is for the sole purpose of evaluating a potential combined permit process. The intent of the ranking was not to assign relative importance to these criteria, therefore, are not indicative of DAPC's broader mission.

SPRINT believes that the result of implementing the combined permit process will result in reduced time in processing permits thus freeing resources to address other DAPC goals (i.e. increased compliance inspections, customer service, enforcement).

VII Selection of Permitting Option

The selection process was initiated after the team thoroughly studied the permit options with respect to the evaluation criteria. The final study of the permit options before the selection process began resulted in a list of pros and cons for each permit options as presented below:

A. Permitting Option #1

Emissions unit based construction permit and emissions unit based operating permit (ECP/EOP)

Premise: This program is the Agency's current, separate PTI and PTO permitting program only with automatic issuance options for PTOs

Pros	Cons
less unknowns	2 permits to update with modifications
fewer rule changes, if any	2 permits to be reviewed
flexible system	backlog of PTO's
easy transition	difficult to include facility-wide limits
can add/remove units easily	standard terms can change before PTO renewal
ongoing presence at facility	we embrace change
	lag between PTI/PTO
	because the permits are not issued at the same time, tracking is difficult and companies are confused about renewals and permit issuance

B. Permitting Option #2

Emissions unit based construction permit and facility based operating permit (ECP/FOP)

Premise: The permittee has one state operating permit issued for the facility. Any time a new installation or modification is made to an emissions unit at a facility, a PTI for the emissions unit will be issued concurrently with the facility state operating permit.

Permitting Option #2 was not evaluated for pros and cons. Prior to conducting a study of the permit options, a simple vote of the team members was taken as to the option which he/she preferred. The purpose of this vote was to obtain a feel for which option was preferred by the group. The results of the voting revealed that permitting option #2 was not preferred by any team member. Given time and resources a decision was made not to study this option any further.

C. Permitting Option #3

Emissions unit based construction and operating permit (ECOP)

NOTE: this option was later selected as the preferred option and renamed as the Combined Permit-to-Install/Permit-to-Operate (PTIO) process

The ECOP program is similar to the Agency's current permitting system. However, each emissions unit will be issued a document that serves as both the construction and operating permit.

Pros	Cons
less time writing permits	substantial rule changes needed

1 permit to be reviewed	transition difficult (changing the system and at renewal)
no lag between PTI/PTO	more permit actions and paperwork, tracking
citizens would only have to appeal 1 action rather than two	citizens no longer would have two permitting actions to appeal
facilities would only have to appeal 1 action rather than two	facilities no longer would have two permitting actions to appeal
only the change (in a modification) would be subject to public and federal comment	
allows flexibility of emission unit & facility issuance procedures	additional tracking needed for fees
probably preferred by the regulated community	more difficult to have facility-wide limits
only need to change 1 document for mods	
ease of transition during renewal	
number of emission units on permit doesn't change, i.e., 2 EUs in PTI → 2 EUs in PTO	
improved data storage	
ongoing presence at the facility	
we embrace change	
we will have the ability to issue the permit based on compliance	
should reduce backlog	

D. Permitting Option #4

Facility based construction and operating permit (FCOP)

Under the FCOP program, the permittee has one permit issued for the facility. Any time a new installation or modification is made to the facility, the permit will be modified and reissued accordingly.

Pros	Cons
combined construction/operating permit; 1 document	more paper in issued document
simplify modifications, since only 1 document	must reissue
less paperwork	increase time to issue permit
fewer permits to issue	less flexible
easier to include facility-wide requirements	transition could be difficult for the permit writers and regulated community
all requirements in 1 document	substantial rule changes required
consistent T&Cs since issued at same time	
easier to inspect, since all in 1 document	

E. Permitting Option #5

Emissions unit based construction permit and facility based operating permit (ECP/FOP)

Under the ECP/FOP the permittee has one state operating permit issued for the facility. Any time a new installation or modification is made to an emissions unit at a facility, a PTI for the emissions unit will be issued as a combined construction/operating permit separate from the facility state operating permit. When the facility state operating permit is renewed, the new and/or modified emission unit(s) are then incorporated into the facility state operating permit.

Pros	Cons
easier to track facility emissions	hard to review and renew all emission units at once
easier to include facility-wide limits	difficult to transition (change the system for permit writer and regulated community; and change PTI and PTO)
probably preferred by the regulated community	modifications would be reviewed twice in PTI and PTO; inefficient use of time

changes our backlog number without reducing actual work remaining	decreased morale; less output
combined wording for multiple emissions units is possible	increased time to issue facility operating permit
consistent T&Cs, since issued at same time	backlog workload doesn't change
fewer permitting actions	not as flexible
less paper usage	potential changes in requirements, language/rule interpretation
facility inspections easier with 1-permit organization	significant rule changes
use of inspection findings for permit would be more time efficient	an appeal would delay issuance of operating permit
easier for permittee to complete renewal applications	

The last step in the selection process was to employ a scoring system for the options using the evaluation criteria rating values. Team members scored each permitting option on a scale from 1 to 10 (10 being a good score, 5 being “status quo”, and 1 being a poor score) with respect to each of the 10 evaluation criteria. The average score for each evaluation criteria was then multiplied by its associated rating value to produce a total score for that permitting option for each evaluation criteria item. All the total scores for all evaluation criteria were added for an overall score. The result of this selection process showed Permitting Option #3 (ECOP) renamed later as the PTIO process as the best permitting option for integrating the PTI and PTO processes. The SPRINT Team Rating Form (Table 1) on the next page shows the results of the selection process.

Table 1 - SPRINT Team Rating Form

Permit Program Options												
Evaluation Criteria		Rank/ Weight	Option 1		Option 3 (PTIO)		Option 4		Option 5		Option 2	
			score	total score	score	total score	score	total score	score	total score	score	total score
1	Time needed to issue the necessary permit(s) under the selected permit process	4.8	6.0	28.8	8.6	41.3	7.0	33.6	5.0	24.0		0.0
2	General customer approval under the selected permit process	3.9	5.2	20.3	8.3	32.4	6.8	26.5	6.3	24.6		0.0
3	Rule changes under the selected permit process	2	4.8	9.6	3.3	6.6	2.0	4.0	2.6	5.2		0.0
4	Enforcement/compliance assurance under the selected permit process	3.5	4.9	17.2	5.3	18.6	5.3	18.6	5.1	17.9		0.0
5	Permit backlog under the selected permit process	4	5.3	21.2	7.8	31.2	6.3	25.2	5.6	22.4		0.0
6	Flexibility under a combined permit process	3.9	5.5	21.5	7.8	30.4	3.6	14.0	3.8	14.8		0.0
7	Data storage under the selected permit process	1	5.0	5.0	5.9	5.9	6.3	6.3	5.4	5.4		0.0
8	Fees under the selected permit process	1.6	5.1	8.2	5.9	9.4	5.0	8.0	5.0	8.0		0.0
9	Ease of transition/training/effort under the selected permit process	3.5	6.3	22.1	5.3	18.6	2.7	9.5	3.5	12.3		0.0
10	System costs of the selected permit process	2.1	4.9	10.3	5.5	11.6	4.3	9.0	5.0	10.5		0.0
		Overall Score	164.0		205.9		154.7		145.0		0.0	

VIII Development of PTIO Process Details

As noted in the previous section, SPRINT selected Permitting Option #3 as the preferred permitting process recommendation for DAPC. This process was renamed the PTIO process to enable familiar recognition of the acronym. The next step SPRINT took was to develop details for the recommended PTIO process through the following distinct areas associated with the permit process:

- A. Annual Certification and Deviation Report (CDR)
- B. No Activation or Deactivation of Operating T&Cs of the PTIO
- C. PTIO Document Enhancements
- D. PTO & PTI Registrations
- E. PTIO Renewals
- F. PTIO Applications
- G. PTIO Fees
- H. PTIO Modifications
- I. Transition of Facilities from PTIOs to and from Title Vs
- J. Flowcharting of PTIO process
- K. Compliance and Enforcement Under PTIO
- L. Public Notice / Comment Period for the PTIO System
- M. PTIO Applicability to Operating Permit Types

These areas are described in greater detail in this section.

A. Annual Certification and Deviation Report (CDR)

After the SPRINT team decided that the permit process for non-Title V facilities should be a combined PTI/PTO (PTIO), the team considered having some mechanism to allow the PTIO to become or somehow change from an installation permit into an operating permit after a source was installed. At first the team considered how a source would certify initial compliance after the PTIO was issued. The team considered the approval of an initial compliance certification report as the route by which the PTIO would begin to function as an operating permit. This was based roughly on the current, separate PTI and PTO rules which require that an emissions unit be in compliance with applicable regulations before the operating permit is issued. After much discussion and evaluation, the team decided that the PTIO did not need to follow the existing PTO rules governing permit processing after a source was installed. A new process could be developed since new rules would need to be written for the PTIO process.

The team proposes under the PTIO process that an emissions units compliance status ultimately rests with the permittee, and the permittee should be the party who is responsible for initially certifying an emissions unit's compliance status. However, the Ohio EPA will retain its current responsibility to evaluate and verify compliance. Unlike the current reporting system, the CDR will be a certified report that is verified and signed by the responsible official. The permittee will understand that deliberate misinformation reported to the Ohio EPA will have severe consequences. The Ohio EPA recognizes the reality that the permittee must take ownership and responsibility for its compliance. The permittee must also understand their permits and processes better than any other party. The CDR will allow the permittee to report non-compliance or unknown, prompting possible enforcement action and/or assistance

from Ohio EPA. Under this premise, the SPRINT team created the concept of the CDR, which is discussed further in this section.

Under the CDR, a permittee will certify compliance with the T&Cs of their PTIO on an annual basis. (It was decided that for the purposes of assuring on-going compliance that an annual basis would be sufficient). Under the CDR, DO/LAA staff will continue to evaluate an emissions unit(s) compliance status and may conduct an inspection, review records, request additional information as needed, etc. as part of this evaluation. Under the PTIO process, DO/LAA staff will be required to take appropriate follow-up action for emissions units that are either reported to be out of compliance or for which compliance status is unknown.

Under the new system, the current initial compliance certification will not be required. The operating T&Cs will become effective upon PTIO issuance.

The CDR for the proposed PTIO process will replace most quarterly, semi-annual and annual reporting unless those reports are required by a State or federal rule. Such replaced reports would include most quarterly, semi-annual, and annual (with some exceptions for synthetic minor facilities) reports. As stated before, the CDR is a consolidated, streamlined report indicating the compliance status of each emissions unit at the facility each year. Unlike the current system, the proposed CDR will require facilities to have a greater responsibility to determine their own compliance for each emissions unit. Ohio EPA's responsibility to evaluate and verify compliance will remain the same.

A permittee must continue to submit reports required under their existing permits until a PTIO is issued for the emissions unit. Facilities with federal reporting requirements would still need to submit the required reports. The CDR will not replace any reporting, which is more frequent than annually, as required by any applicable state or federal rule such as OAC rule 3745-21-09(B) or 40 CFR Part 63.

The Annual CDR will only include all emissions unit(s) at a facility that have been issued a PTIO. The CDR is unlike the current Title V Compliance Certification report, as it does not require a list of insignificant emissions units and it does not have the same legal ramifications. However, the CDR requests a list of emissions units that have been installed within the past 12 months. This information will allow the Ohio EPA to determine if those listed emissions units have received a PTIO, if required, or if those units indeed qualify as "De Minimis." This requirement will allow for a better inventory and understanding of emissions units at a facility, for both the permittee and Ohio EPA.

The legalities of the CDR have not been worked out by SPRINT. However, it is envisioned that the submission of the information will need to meet signatory requirements similar to either the submission of permit application data or permit

report data. For instance, for a PTI application, OAC rule 3745-31-04 states that "...signatures shall constitute personal affirmation that all statements or assertions of fact made in the application are true and complete, comply fully with applicable state requirements, and shall subject the signatory to liability under applicable state laws' forbidding false or misleading statements." A similar statement would be needed for the signatory for the CDR.

The CDR was developed by SPRINT to improve both compliance assurance and tracking of non-Title V emissions units. Compliance assurance is improved since a permittee will be required to certify compliance with the T&C's of their PTIO. To be able to certify compliance, a permittee must read and understand their permit and are therefore more likely to actually be in compliance with their permit T&Cs. As an added benefit, the CDR will most likely raise general awareness of air pollution permitting.

In addition to tracking an emissions units compliance status (something that does not currently exist for non-Title V sources), the Annual CDR also serves other important tracking functions such as the tracking of installation and operating status and notifying the Agency when a permit is no longer needed. Currently, the Ohio EPA doesn't have any annual means by which to communicate with many smaller facilities, thus when ownership changes, businesses shutdown or emissions units are removed the Ohio EPA might not be informed of these changes for years. Through the CDR, facilities will be prompted and required to keep in better touch with the Ohio EPA. As a result, the accuracy of Ohio EPA's data of active emissions units, owner/operator information and facilities will be greatly improved. This improvement will be passed along to the public through complete and more accurate data given through public information requests and through the data Ohio EPA submits to U.S. EPA for the Window to My Environment web site.

One example of when a permit is no longer needed is demonstrated in the section on the Annual CDR form (See Appendix A) which includes a space for "9exempt by rule (list rule _____)".

If a permittee believes a permit is no longer needed because of an exemption⁴ in the rules, they can easily indicate such on the CDR form.

To help clarify the details associated with the Annual CDR, a summary of key points is presented below. Also presented (Table 2) are specific examples for several reporting situations which allow for a comparison between current reporting requirements and the reporting required under the Annual CDR.

⁴ Another DAPC workgroup is currently exploring adding permit rules to categorically exempt certain groups of sources. It is possible that the Annual CDR could be a useful tool for tracking these emissions units in the future.

Annual Certification and Deviation Report (CDR) Key Points

1. The Annual CDR is for the entire facility, but is filled out on an emissions unit by emissions unit basis.
2. The Annual CDR is required to be submitted annually for each individual emissions unit which receives a PTIO.
3. The Annual CDR lists emissions units with PTIOs.
4. The permittee submits reports as required under existing permit(s) until such time as a PTIO is issued for the emissions unit(s).
5. An Annual CDR Due Date is established for each facility and may be changed at the DO/LAA's discretion.
6. The Annual CDR is formatted for each emissions unit.

Based on the responses to the PTIO Fact Sheet (See Appendix G), there is a perception by the environmental community and citizens that the proposed increase in the renewal period from 5 years to up to 10 years for many emissions units will make it less likely that Ohio EPA will discover violations. The Ohio EPA believes that adopting the annual CDR and the other recommendations in this report will result in a substantial time savings that will free up more staff time at the Ohio EPA DO/LAAs to perform compliance inspections. These additional inspections will prevent violations from going undiscovered as a result of extending the renewal period. In conclusion, the annual CDR clearly benefits the citizens of Ohio, industry, and the environment.

Table 2 - Examples of Using the CDR for PTIOs to Replace PTO Reporting

Examples	Current Separate PTI & PTO	Future PTIO
Baghouse or scrubber parameters were outside of the allowable range for an emissions unit.	Permittee submits quarterly reports noting the deviation(s) from operational restrictions to Ohio EPA.	Permittee submits an annual "PTIO Certification and Deviation Report (CDR)" to Ohio EPA. The CDR will explain the deviation(s) from operational restrictions.
Thermal incinerator, catalytic incinerator or carbon adsorber were outside of the allowable range for an emissions unit.	Permittee submits quarterly reports noting the deviation(s) from operational restrictions to Ohio EPA.	Permittee submits the annual CDR to Ohio EPA. The CDR will explain the deviation(s) from operational restrictions. Exception would be for emissions units required to report more frequently per OAC rule 3745-21-09(B) or 40 CFR Part 63 in which case these reports would be referenced in the CDR.
Emissions units subject to an emission limitation in an OAC rule.	Permittee submits quarterly reports noting any deviations from an emission limitation(s) to Ohio EPA.	Permittee submits the annual CDR to Ohio EPA. The CDR will report any deviation(s) from an emission limitation(s).
Prohibition on the use of photochemically reactive materials.	Permittee submits a report within a specified time period (as written in the permit) to Ohio EPA when a photochemically reactive material is used.	Permittee submits a report within a specified time period (as written in the permit) to Ohio EPA when a photochemically reactive material is used.
Visible emission checks (presence or absence of visible emissions, i.e., non-Method 9)	Permittee submits semiannual reports of visible emission checks.	Permittee submits the annual CDR to OEPA. The CDR will report the results of the visible emission checks during the past year.

Required reports per NSPS (40 CFR Part 60), NESHAP (40 CFR Part 61) and MACT (40 CFR Part 63).	Permittee submits required reports per standard schedules.	Permittee submits required reports per standard schedules.
A fuel, other than that approved in the permit, is used in the emissions unit	Permittee submits a report within a specified time period (as written in the permit) to Ohio EPA when a fuel, other than that approved in the permit, is used in the emissions unit.	Permittee submits a report within a specified time period (as written in the permit) to Ohio EPA when a fuel, other than that approved in the permit, is used in the emissions unit.
Annual emission limitation, annual usage restriction (e.g., coating usage, fuel usage), annual production limitation.	Permittee submits an annual report based on the annual emission limitation, usage restriction, and/or production limitation.	Permittee submits the annual CDR to Ohio EPA. The CDR will report any deviation(s) from the annual emission limitation, usage restriction, and/or production limitation.
When the annual emission limitation equals the potential to emit (PTE).	No report required.	No report required.

Note: Permits for synthetic minor facilities will require more frequent reporting than annual to ensure federal enforceability per U.S. EPA guidance.

B. No Activation or Deactivation of Operating T&Cs of the PTIO

SPRINT discussed at length the following two options with respect to PTIO operating T&Cs: 1) the issuance of active operating T&Cs (i.e., those T&Cs that allow the PTIO to function as an operating permit upon issuance of the PTIO); or, 2) the issuance of a PTIO which contains operating T&Cs that the Ohio EPA must activate and conversely, operating T&Cs that the Ohio EPA also would have the ability, under this second option, to deactivate. The team decided that the benefits of having the operating T&Cs be active in the PTIO upon issuance outweighed possible benefits from being able to activate and deactivate the PTIO.

One reason SPRINT considered the option of deactivating operating T&Cs was to use this as a leverage tool to force a facility to achieve compliance faster. However, the use of PTIO activation/deactivation did not fit in with the key points established for the proposed PTIO process. Activation/deactivation did not allow for the streamlining benefits associated with the preparation and issuance of only one permit document (the PTIO) because some other issuance step (action of the

Director) would be required to activate or deactivate the T&Cs. The Annual CDR also could not function as designed if the system employed an activation/deactivation option. Furthermore, SPRINT concluded that: 1) a PTIO could be renewed with non-compliance issues identified in the permit (therefore the activation/deactivation option would not be necessary for existing emissions units), and 2) that Ohio EPA would still have the ability to take enforcement action at anytime it was necessary to do so in order to bring a facility into compliance (therefore the activation/deactivation option would not be necessary for either new or existing emissions units). In addition, the Agency's use of PTIO deactivation could be viewed as an unfair tool to apply to facilities wanting to meet ISO14000 requirements (i.e., facilities that need to have all of their necessary permits to be ISO14000 certified) versus facilities not seeking to be ISO14000 certified.

The team also considered the possibility of not activating the operating portion of the PTIO for an emissions unit with a permit allowable emission rate greater than a significance level to be determined by SPRINT (e.g., greater than 10 TPY for criteria pollutants) unless a physical inspection of the source was performed and the DO/LAA determined the source was in full compliance. Under the current state fiscal budget and hiring freeze, DAPC staff are continually expected to do more with less. For example, U.S. EPA now requires DAPC staff to complete more detailed inspection tracking for Title V and other high-priority facilities (HPFs), and new regulatory duties under the Clean Air Act are inevitable. There is little hope that an inspectors time will be freed up after all of the Title V permits are issued and all of the HPFs are inspected to also inspect each of these additional sources within a very short time frame (e.g., one year). In addition - the current PTO backlog is staggering - [see the PTO Backlog Section of this report]. To require that possibly as many as 18,000 emissions units across the state would need to be inspected within one year of issuance of the PTIO is simply unrealistic.

The team feels that there is little additional environmental protection gained by performing an inspection of these smaller sources prior to allowing the operating T&Cs to be active. Simply put, the SPRINT team **does not** feel that the additional DO/LAA staff which would be needed to perform an inspection for every non-Title V emissions unit would result in a substantial improvement in environmental protection over the added environmental protection expected to be gained with the adoption of the Annual CDR. Through the Annual CDR, compliance assurance will now be in enhanced for many smaller sources.

It should be noted that under the current, separate PTI and PTO processes, a source is allowed to operate under the PTI and an inspection is not required to be performed in order to issue the PTO, although the director is not permitted to issue the PTO if the source is not in compliance. Under the current PTO rules, a definitive method(s) the director must use to determine compliance is not specified. Since a source is allowed to operate for a period of time as specified under the PTI, the

sources T&C's are essentially active after a PTI is issued under the current, separate PTI and PTO processes. The new PTIO system should not be more stringent with respect to the criteria used to issue and activate a permit. Indeed, a key point of the PTIO process is that compliance assurance will actually be improved under the PTIO process since a permittee would be required, on an annual basis to certify compliance with their permit. Under the current, separate PTI and PTO processes, no certification of compliance is required.

Based on the above discussion the SPRINT team decided that there was no significant additional benefit to setting up the permit system to allow for activation and deactivation of the operating portion of the PTIO.

C. PTIO Document Enhancements

Throughout the process of developing the PTIO program details, SPRINT identified improvements which could be incorporated into the permit document. The PTIO could include one or more emissions units, just like under the current PTI process, however several additional improvements to the permit document would occur under the PTIO process:

- the PTIO would identify those emissions units with identical T&Cs and a single set of T&Cs would be issued that applies to each listed emissions unit; or
- the PTIO would refer to an appendix containing a single set of T&Cs that applies to each listed emissions unit (this would reduce the volume of the permit by reducing the duplicate language); and
- the PTIO document would allow for flexibility to have partial facility or facility-wide T&Cs (i.e., grouped limits or requirements) through the use of an optional section of the PTIO titled Facility-wide or Multiple Emissions unit section.

It is important to note that the PTIO is a combined permit that includes installation and operating T&Cs all together in one document rather than the PTIO being a PTI and initial PTO documents issued concurrently. Some of the key advantages of a combined permit (PTIO) document rather than two separate documents include: only one permit to be reviewed; only need to change one document for modifications; and less paper used.

D. PTO & PTI Registrations

PTI and PTO registration options were evaluated by SPRINT. Considerations included the current PTO and PTI registration process, the desired state of registrations in the PTIO process, and other current developments which will have

an impact on many minor facilities once implemented. SPRINT's recommendations regarding registrations are that PTO registrations be eliminated as a permitting option and PTI registrations remain unchanged except for a change to their name. These recommendations are detailed below.

- The old PTO registration option would no longer be available for new emissions units. Under the PTIO process, a new emissions unit would either get a PTIO or would not get a PTIO (if it were exempt from permitting).
- Existing PTO registrations would remain effective. These emissions units would not need to go through the PTIO process or require further action unless modifications are made to the unit(s) which require permitting.
- PTI registrations would be renamed and processed as "Express PTIOs" under the PTIO program. It is anticipated that "Express PTIOs" will be processed in the same manner as current PTI registration permits, i.e., if the applicant qualifies for an Express PTIO, then within 60 days of receipt of a complete request, the director shall notify the applicant whether the air contaminant source is eligible for Express PTIO status, but if the director fails to do this and the applicant meets the criteria specified, the applicant may proceed with installation or construction of the new unit, prior to the issuance of the permit.

The pro's and con's of eliminating PTO registrations was discussed in great detail by the team. In summary, the elimination of future PTO registrations is recommended primarily because of the likelihood of future exemptions which would exempt significant numbers of emissions units from DAPC permitting. In addition, by eliminating a permitting option that most likely will not be needed much in the future, DAPC effectively simplifies the permitting process for all involved parties.

E. PTIO Renewals

Several time and cost saving changes as described below regarding PTIO renewals were developed by the team without sacrificing compliance or the opportunity for public comment or input.

Under the PTIO process, permittees would be required to renew their PTIOs every five to 10 years at which time the Agency would re-examine PTIO T&Cs. A facility with several PTIOs could submit all renewal applications at the same time. Synthetic Minor facilities will have a T&C reexamination/renewal period of every five years, while true minor facilities will have a T&C reexamination/renewal period of up to 10 years. It is envisioned that the director will retain the authority to request a permit application at any time. The Agency Enforcement Policy will continue to be used if the Agency has reason to believe there is a compliance issue. A request for a new application or revocation of the PTIO may be initiated depending on the result of

investigating alleged violations. Additionally, the Director may modify the PTIO, if warranted, at any time during the PTIO cycle. Finally, the rules will continue to allow for the Agency to renew a PTIO for a shorter permit cycle, if there is just cause. This is similar to the Agency's existing authority for PTOs.

The permit renewal process generally provides two functions. First, the permit writer reviews the application and develops any necessary permit T&Cs for the next permit cycle. Second, as part of the review of the application, the permit writer evaluates the emissions unit to determine if the source is capable of being in compliance with the terms of the permit. Under the PTIO program the compliance evaluation based on the renewal process will likely occur less often. This could result in discovering compliance problems less frequently through this mechanism. However, the use of the annual CDR will more than make up for this possible loss in compliance determinations by requiring permittees to certify compliance on an annual basis. Additionally, with less time spent on duplicating permit issuance, (i.e., issuing the PTI and then following with the review and issuance of the PTO), more of the Agency's resources can be focused on inspections, reviewing site records and verifying compliance.

Lastly, the reviewer cannot certify that the source is operated in compliance, only the permittee can certify compliance. The PTIO establishes the equipment description, the allowable emissions limitations, the applicable regulations, the appropriate monitoring, record keeping and reporting, and the test methods used to demonstrate compliance with the permit requirements. The annual CDR will be the tool used to verify compliance with the T&Cs of the PTIO.

Revisions of PTIOs could be requested at any time, however, all PTIOs for a facility would have the same expiration date. This expiration date would be set at a maximum of 10 years after the issuance of the first PTIO at the facility. Having a single renewal date for a facility would reduce paperwork and cut down on record keeping time and cost by simplifying the renewal process.

F. PTIO Applications

This section addresses permit application requirements for PTIOs. A PTIO will be processed differently depending on whether it is a first issue PTIO or a PTIO renewal. First issue PTIOs include new installations, modifications (Chapter 31 or Administrative), PTO renewals or modifications, and pre-1974 sources without a PTO. PTIO Renewals will occur at a set frequency after a PTIO has been issued.

The information required to process a first issue PTIO for a new installation or modification (Chapter 31 or Administrative) is specified in the new PTI application developed by the STARS Rebuild Process Improvement Group (PIG). However, a first issue PTIO for a new installation or modification (Chapter 31 or Administrative) may also be processed using the existing permit application for PTI's. The

information gathered in the new PTI application is adequate to initiate any permit action under the new PTIO system and provides enough information to determine compliance with applicable rules and establish BAT.

While the revised PTI application would accommodate first issue PTIOs for new installations and modifications (Chapter 31 or Administrative), first issue PTIOs for PTO renewals or modifications and pre-1974 sources without a PTO could require additional information beyond that which would have been required in the existing PTO application. (Pre-1974 sources are those sources not requiring PTIs which only need the operation portion of the PTIO). It would be burdensome to a permittee to complete an entire PTI application for every emissions unit at a large, true minor facility. Additional information needed to process the PTIO could be addressed with an additional form to address data gaps which may exist from the initial submittal of the PTO application five to 10 years previously. For example, we currently need to know such things as control equipment operational parameters so they can be added as permit requirements. Ten years ago this information was not required of an applicant. Additionally, certain updated information is necessary to determine if the emissions unit was replaced or modified.

As proposed by SPRINT, the Agency will re-examine PTIO T&Cs every five or 10 years. Synthetic Minor facilities will have a T&C reexamination/renewal period of every five years while True Minor facilities will have a T&C reexamination/renewal period of every 10 years. Due to the evolution of regulations and changes in permitting requirements, the information required at the time of PTIO renewal for a facility may not be the same as the information required in the PTIO application from five or 10 years previously. Because of the potential changes, PTIO renewal forms will need to account for new information needed at the next renewal. A flexible PTIO renewal form could assist in filling these data gaps. Since the development of the PTIO renewal form will need to be done concurrently with the regulations and T&Cs in use at the time of renewal, it may be wise to delay developing a PTIO renewal form until we are closer to actually needing to use it.

G. PTIO Fees

SPRINT has considered the effects that PTIOs will have on the current fee structure of both PTIs and PTOs. Because the fee for PTIs are for the effort exerted by the Agency in reviewing applications and developing permit T&Cs, SPRINT believes the effect on the current PTI fee structure should be fee neutral upon initiation of the PTIO permit system. Also, because the requirements of reviewing reports, inspecting facilities and investigating complaints will continue via the PTIO T&Cs (similar to the T&Cs currently contained in PTIs and PTOs), SPRINT believes that the effects on the operating permit fees should be fee neutral. However, it is important to note that the legislation enabling the PTI and PTO fees as well as some rule changes should be changed to specifically address this new permit approach.

H. PTIO Modifications

The criteria that requires a permittee to obtain a PTI or a PTO modification is no different under the PTIO program except that only one document will need to be modified. Necessary modifications to the T&Cs in the PTIO due to “shake-down” and/or performance testing results will be processed as with the current system. Modifications may be processed via administrative modifications and Chapter 31 modifications. The PTIO modification process will be as flexible as is currently done.

For example, if a new source is installed, tested and it is found they can comply with a different pressure drop value compared to what was in the PTIO, then an administrative modification can be done to revise the pressure drop reading. This would be the same process that would occur under the current PTI system. However, under the new PTIO system, only one permit will need to be modified (the PTIO) instead of the two that need to be modified currently (the PTI and the PTO). This type of event can also happen after a PTO is issued. If a PTIO has not yet been issued for an emissions unit(s) which is under going modification then a PTIO would be issued for the modification.

SPRINT envisions that PTIO modifications will be processed in a manner that identifies the original issuance date, original effective date, current expiration date, and a modification effective date. The basis for this is so the renewal period does not change simply because a modification is issued, but the changes contained in the modification are the enforceable T&Cs upon issuance of the modification. Additionally, the PTIO number will not change as the result of modifications to existing sources contained in a final issued PTIO. The basis for this is to keep the sources associated with a given project together in the same permit document versus extracting the modified operation from the PTIO. This also enables the continued submission of compliance reports for the modified unit on the same schedule as the other units associated with the original PTIO issuance.

I. Transition of Facilities from PTIOs to and from Title Vs

A mechanism will need to be developed that allows for the transition from the Title V permit program to the PTIO permit program and vis versa. This mechanism should be as efficient as possible and should not deviate from the normal processes used to process these permits. The following describes the two main scenarios and the steps that would have to be taken to accomplish the transitions.

1. PTIO to Title V

In this scenario an existing non-Title V facility installs a new source. The new source, in combination with the existing sources means the facility will become a Title V facility. The following procedures are needed to go from

PTIO to Title V.

- a. The applicant will need to submit a PTI application for the new source. The applicant may not know they will trigger Title V when they submit the application. It is envisioned that the PTI and PTIO applications will be identical.
- b. The DO/LAA office will evaluate the PTIO application for the new source. They will determine if the new source will cause the facility to become a Title V source.
- c. If it is determined that the facility will become a Title V source, then the DO/LAA will process the application as a PTI in the Title V format. If it is determined that the facility will remain a non-Title V facility, then the DO/LAA will process the application using the non-Title V/PTIO format.
- d. When the PTI is issued, the permittee will be notified that they need to apply for and obtain a Title V permit within one year.
- e. Once the Title V application is received, the DO/LAA will begin processing the application.
- f. When the final Title V permit is issued, all PTIOs issued in the past will function as the PTIs for the facility's emissions units. SPRINT recommends the inclusion of a term in PTIO permits which indicates that operating terms become null and void if the facility is issued a Title V permit.

2. Title V to PTIO

In this scenario, an existing Title V source shuts down several sources. The federally enforceable potential to emit (PTE) for the remaining sources is less than the Title V thresholds. The permittee decides that it no longer wants to be a Title V source. The following procedures are needed to go from Title V to a PTIO.

- a. The permittee will need to submit a PTIO application that covers all sources at the facility. It has not been determined what encompasses the application.
- b. The DO/LAA will review the application and develop a recommendation for the permit.
- c. Central office will review the recommendation and then issue the new

PTIO document and a withdrawal notice for the Title V permit simultaneously.

- d. Once the PTIO is issued, the new PTIO terms become effective and the old Title V terms become null and void.

In either of the above scenarios, once the new permit document becomes effective, the new terms also become effective. Any record keeping, reporting, testing, etc. obligations from the old permit that had a due date prior to the issuance of the new permit must be met.

J. Flowcharting of PTIO Processes

The actual step by step details of the PTIO processes for installation/modification, CDR, and renewals were developed by defining business tasks and incorporating them into process flowcharts. Specific information regarding the PTIO business tasks and process flowcharts along with detailed task descriptions for each flowchart task can be seen in Appendix E.

K. Compliance and Enforcement Under the PTIO

The enforcement policies and procedures will not change with the proposed permitting system. Enforcement of rules, regulations and permit requirements at non-Title V facilities will not be inhibited under SPRINT's proposal and may indirectly be enhanced. The transition from our current permitting process to SPRINT's proposal will have no effect on the completion of pending cases.

There are two indirect advantages to compliance and enforcement with the new permitting process. Enforcing the T&Cs of a PTIO will be easier with the requirements consolidated into one permit rather than two separate permits. By clarifying our compliance requirements and consolidating our regulatory expectations into one document, compliance evaluations will be simplified and the number of facilities in compliance should increase. Also the Annual CDR process will serve to simplify both permit requirements and compliance evaluations. The Annual CDR will consolidate the compliance information into one report that will document the facility's compliance status and will help the inspector to make educated decisions when scheduling which facilities to inspect. Depending upon the deviations or violations revealed by the facility, the inspector can focus the inspection on facilities and emissions units with the highest likelihood of environmental harm.

L. Public Notice / Comment Period for the PTIO System

This section outlines the differences in the Public Notice/Public Comment Period processes under the current PTI/PTO process and the proposed PTIO process.

1. Current Public Notice/Public Comment Period Process
 - a. Under the current permitting system, a PTI application is received by the Ohio EPA and a notice advertising the receipt of the application is placed in the local paper. Notice also appears in the Ohio EPA weekly review.
 - b. The application is then reviewed by the Ohio EPA. Upon review and satisfactory completion of the PTI application, either a direct-final PTI or a draft PTI is issued. A direct-final permit is issued for minor sources where there is no expected public interest in the permit. Once it is issued, the facility may begin construction. If a draft permit is issued (for more significant sources or those of public interest), then a public comment period begins and no construction can start.
 - c. For draft PTIs, the notification specifies there is a 30-day public comment period once issuance of the draft PTI is public noticed. During the public comment period, public comments will be accepted and reviewed by Ohio EPA regarding issuance of the proposed PTI.
 - d. If requested during the public comment period, a public meeting may be scheduled before any further action is taken on the proposed PTI.
 - e. Once any comments are received and reviewed, the Ohio EPA issues either a PTI denial, another draft PTI or a final PTI.
 - f. Upon receipt of an approved PTO application from a facility, a notification of the receipt of the application is advertised in the local newspaper.
 - g. The Ohio EPA then reviews the application and issues either a draft PTO or a final PTO. (Note that it is very, very rare that the Agency issues a draft PTO for minor sources. It is estimated that in the past 10 years no more than one or two draft PTOs have been issued for minor sources. However, the Agency is required to issue draft PTOs for those facilities seeking FESOPs.) If a draft PTO is issued, then the notification specifies there is a 30-day public comment period for the proposed PTO. During the public comment period, public comments will be accepted and reviewed by Ohio EPA regarding the issuance of the proposed PTO.
 - h. If requested, during the public comment period, a public meeting may be scheduled before any further action is taken on the draft PTO.

2. Proposed PTIO Public Notice/Public Comment Period Process
 - a. Under the proposed PTIO permit system, the permit issuance and public notice system is identical to the PTI system described above.
 - b. Under the proposed PTIO system, the T&Cs regarding the installation and operation of an emission unit are contained within a single permit. The public notice, like the PTI and PTO, is advertised in the local paper. Notice would also appear in the Ohio EPA weekly review and a 30-day public comment period is provided. However, during this public comment period, the public may comment on the entire permit (i.e., both the installation and operating T&Cs of a permit at the same time).

Thus, only one comment period needs to be scheduled. Therefore, any issues with both the permits' installation and operation requirements may be addressed during this comment period. In addition, a public meeting may also be scheduled before any additional action is taken on the permit.

M. PTIO Applicability to Operating Permit Types

The PTIO process is similar to the Agency's current permitting system. However, each emissions unit will be issued a document that serves as both the construction and operating permit and operating T&Cs will be active upon issuance of the PTIO. Only emissions units at Title V facilities will receive a construction permit followed by an operating permit. The specifics of the PTIO program as it pertains to the areas of Title V facilities, PSD/Non-attainment NSR/Netting Permits, Construction/Operating State Only Permits, and Synthetic Minor/FESOP Permits is presented below:

Title V/PSD/Non-attainment NSR/Netting Permits will be processed using the current permit processing procedures and the PTIO process does not apply.

Construction/Operating State Only Permits: One document will serve as both the construction and operating permit and can incorporate the T&Cs for one or multiple emissions units. Each construction application received by the DO/LAA that is processed will have both installation T&Cs and operating T&Cs.

Synthetic Minor/FESOP Permits: If a new installation has federal restrictions written into the permit, the document will serve as both the construction and operating permit. If the permittee wants to institute federal restrictions on existing emissions unit(s) (i.e., a FESOP), then a PTIO will be issued with only the operating T&Cs of the permit applicable to the sources.

IX Outreach to DAPC Customers About the PTIO Process

DAPC has taken a proactive approach to seeking and obtaining public input regarding the PTIO process. On September 27, 2001 the SPRINT team contacted Ohio industry through the PAG via an e-mail from Mike Hopkins requesting initial feedback on a combined permit process. The PAG group contains members from large companies, small companies and environmental groups. PAG feedback are included in Appendix F.

On September 24th and 25th, 2002, DAPC released the fact sheet titled Proposed Combined Air Permit-to-Install and Permit-to-Operate Process (See Appendix G) to 625 interested parties across Ohio.

The distribution included 13 Title V companies, 22 trade and small business associations and consultants, multiple environmental groups, 185 synthetic minor facilities and 405 true minor facilities.

The Fact Sheet has also been e-mailed to the PAG and posted on the DAPC What's New web site for easy viewing.

Presentations on the proposed PTIO permit system have been made to the PAG and to the Permit Process Efficiency Committee (PPEC).

The SPRINT team recommends this pro-active approach be continued as the Agency further develops the PTIO permitting system.

X Transition From the Current, Separate PTI and PTO Processes to the PTIO Process

The transition to the PTIO Process should be prepared by a future Process Improvement Team based upon the recommendations in this report. This next team should investigate the PTIO training needs for Central office and DO/LAA staff and develop the necessary training materials. This team, with the support of DAPC management, should also develop action plans for processing permits during the transition period and reducing the current PTO backlog to an acceptable level. The following section highlights the major implementation issues necessary for the PTIO implementation team to consider.

XI Implementation Issues

During the process of developing the recommendations outlined in this report, several issues have been identified that are beyond the scope of this team (also See Appendix I). These issues have been compiled so that they may be provided to the Implementation Team that will be developed after approval of the proposed recommendations. Below is a list of some of the issues that have been identified.

A. General

1. Management needs to be aware of and address staffing and workload changes which will occur during the transition from PTI/PTO to the PTIO program.
2. Ensure that the needs of other affected areas, especially enforcement and inspections, in DAPC are not undermined by developing policies and practices that could be incompatible with those areas.
3. Develop a more detailed information flowchart for the PTIO process.
4. Consider establishing a linking system where T&Cs for Title V emissions units and PTIOs can be interchanged if a facility changes status from, or to, Title V.
5. The program should allow a permit writer to begin work on a permit prior to receiving all information on a permit application. For example, if a DO/LAA has requested additional information from a facility, this should not prevent the staff from beginning work on T&Cs for an emissions unit they do have information for.
6. Ensure that the installation T&Cs do not expire when the operating portion of the PTIO expires at renewal.
7. Ensure that state-only enforceable installation and operating T&Cs of the PTIO remain state-only enforceable while the installation and operating T&Cs that are federally enforceable under the State Implementation Plan (SIP) remain federally enforceable.
8. Detail the applicability of after-event⁵ reporting.
9. Ensure that the Ohio EPA will have the ability to reopen PTIOs prior to the renewal period, specifically if there are non-compliance issues with a permittee.
10. Address the need to obtain updated information to process backlogged PTOs.

⁵ “After-event” reporting is used in permits in cases where a facility is subject to an emission limitation but compliance is assumed based on the method of operation of the emissions unit. For every emission limitation listed in a permit, there needs to be monitoring, record keeping and reporting T&C associated with the emission limitation that ensures compliance. However, in this case the reporting T&C is written in such a way to only prompt reporting in the unlikely event that the method of operation were ever changed. An example of using “after-event” reporting is the reporting to ensure compliance with an opacity limitation for natural gas-fired boilers. Permit T&Cs for natural gas-fired boilers require reporting 30 days after the facility fires a fuel other than natural gas. This event is very unlikely to ever occur. In most cases, the boiler has either been designed to only fire natural gas, or natural gas is the only fuel available at the facility; however the agency still wants to know if another fuel is ever used, but rarely expects this to happen. Therefore, a facility would only report the event if it ever fired a fuel other than natural gas.

11. Develop a numbering system for PTIOs and ensure that the history of modifications to a permit can be tracked.
12. Ensure that changes triggering a modification in the PTIO process remain consistent with the current PTI and PTO processes.
13. Ensure that the work of other process improvement teams (permit by rule, general permits, exemptions, etc..) are considered and what their affect will be on the PTIO process.
14. Develop a process to handle the Revocation of PTIOs.
15. Develop standard T&Cs for PTIOs to address changes in the permit language needed to go from the current, separate PTI/PTO process to the PTIO process. Some example standard T&Cs would include, but are not limited to the following: specifying reporting through the annual CDR instead of through submitting variously timed reports throughout the year and developing permit language to address reporting visible emission checks (VE checks) through the annual CDR.
16. Explore public participation in the PTIO process.
17. Consider performing a non-issuing trial run using a mock facility applying for a PTIO. This procedure could help identify additional implementation issues that should be addressed.

B. Renewal

1. Make a decision regarding the two recommended options for renewal periods. The first being a change to the rules and regulations that allows a maximum 10 year renewal period (similar to the way the current law is written), and the second being an internal policy to be developed that allows a maximum 10 year renewal period without defining a time period in the rules and regulations.
2. Detail the workflow of the renewal process considering all different types of renewals that will come into the process (pre-1974 sources, existing PTO applications requiring processing, PTIO renewals, etc.).
3. Address how renewals will occur and what type of application or form may be needed to simplify the process.

C. The Certification and Deviation Report (CDR)

The CDR methodology was introduced in this report along with a general format for the form. The Implementation Team will need to consider many variables, including those below, when implementing the CDR and developing the final CDR form.

1. Develop language of final CDR form.
2. Explore how Insignificant Activities would be treated in the CDR when going from Title V to PTIO.
3. Ensure that the CDR is only applicable to the T&Cs specific to the emissions units and not any general T&Cs that require compliance with all state and federal rules and regulations.
4. Explore the idea of a permit shield⁶.
5. Explore effect of the credible evidence rule⁷.

D. Rules and Regulations

Implementing the recommended PTIO process will require significant changes to Ohio's air pollution control rules and a legislative change. At this time it appears the following major changes may need to occur to the Ohio Revised Code (ORC) and the Ohio Administrative Code (OAC):

1. Chapters 31 and 35 of the OAC will need to be revised to address the PTIO process. A decision will need to be made as to whether these chapters will be combined or will remain as separate chapters.
2. The Title V program, and therefore Chapter 77 of the OAC, will not be

⁶ OAC rule 3745-77-07(F)(1): (F) Permit shield.

(1) Each permit issued under this rule shall include a permit shield provision, which shall state that compliance with the terms and conditions of the permit (including terms and conditions established for alternate operating scenarios, emissions trading, and emissions averaging, but excluding terms and conditions for which the permit shield is expressly prohibited under this rule) shall be deemed compliance with the applicable requirements identified and addressed in the permit as of the date of permit issuance.

⁷ EPA believes that any credible evidence can be used to show a violation of or demonstrate compliance with an emissions limit. Credible evidence may come from monitoring required by a permit, or from other sources. A permit may not be written in such a manner that it would interfere with the use of credible evidence. The permit should specify the source's obligations for monitoring, but it should do it in a way that does not establish an exclusive link between the test method and the emissions limit.

Examples of unacceptable language include:

- Compliance with the emissions limit shall only be determined by test method X.

Example of acceptable language:

- The permittee shall monitor the emissions unit weekly in accordance with method X.

included in the PTIO rules because of the exclusion of Title V facilities from the PTIO process. Rules that apply to the issuance of individual PTIs for Title V facilities will have to be addressed.

3. Additional rules will need to be developed to integrate the CDR process and the need for legislative authority should be explored.
4. Renewal periods will be changing and should be detailed in the rules. ORC 3704.03(G) currently provides for a maximum of five years for renewal of a PTO. Two scenarios were recommended that would require a change to this law. Either incorporating the recommendation of a 10 year maximum renewal period for PTIOs or incorporating the option for Ohio EPA to determine the renewal period as a policy decision.
5. Explore whether language relating to fees will need to be revised (the fee structure is not expected to change).
6. Develop appropriate terminology to eliminate the need to refer to both an "emissions unit" (PTO) and an "air contaminant source" (PTI) under the PTIO process.
7. Implement the changes to rules and regulations in a timely manner. Timing will be crucial to ensure the use of available opportunities to introduce the legislative changes into a passing bill. It is expected the earliest possible introduction could be in July of 2003 as part of the budget bill.

XII Why the PTIO Process Does Not Apply to Title V Facilities

The SPRINT team recognized the difficulty of changing Ohio's Title V (federal) rules to a combined PTI/PTO process. In addition to the difficulty of changing the Title V rules, SPRINT's research into other states programs and U.S. EPA Regional perspectives were also determining factors in this decision. SPRINT learned that in Louisiana's and Arizona's experience a combined permit program slows down the construction of new sources due to requests for a public meeting on both the PSD and Title V permit. Several U.S. EPA Regions shared the same perspective. Regions I and II noted that the main problem with a combined approach was that the New Source Review process is extended because it has to follow the Title V public review process. Region V also noted this problem and questioned how modifications would be addressed for changes made after the combined permit had been issued. Region IX indicated the combined permit was too complicated to review.

SPRINT recognizes that the combined PTI/PTO (PTIO) process could possibly be expanded to Title V facilities sometime in the future after it proves successful for non-Title V sources.

XIII How the PTIO Program Will Affect Ohio EPA's PTO Backlog

DAPC's current permitting system is a duplicative and time consuming two step process that will benefit considerably from the PTIO program. The current permit process has fallen drastically behind in issuing periodic renewal PTOs for emission units. Faced with a growing number of unissued PTOs due to new emission units, increasing employee obligations and the U.S. EPA's emphasis on High-Priority facilities, DAPC's ability to eliminate the backlog under the current permitting process is quickly eroding.

The two steps to DAPC's current permitting process are issuance of the PTI followed by issuance of the PTO. To install a new emission unit in the state of Ohio, a permittee must apply for a PTI. The Division will subsequently issue a PTI with appropriate emission limitations and applicable requirements. Once the emission unit is operating, the permittee must apply for and receive a PTO which will also specify appropriate emission limitations and applicable requirements. After issuance of the PTO, the permittee must submit an updated PTO application once every five years. The Division will review the PTO renewal application and issue a PTO for an additional five years.

Facilities with PTOs called Title V permits are locked into the five year renewal cycle because of federal requirements. However, facilities that do not trigger Title V permitting are considered minor sources and Ohio has the authority to revise the law to deviate from the five year renewal cycle.

The Division currently permits 77,555 emission units according to a data pull from STARS, STARDUST and PTIs2000. Of these emission units, 33,721 are at Title V facilities and 43,834 are at non-Title V facilities. Of the non-Title V emission units, 20,344 are considered registration status and will probably never need to be re-permitted. Currently, 5,522 non-Title V emission units have been issued PTOs and 17,968 emission units need a PTO. Basically, DAPC's current PTO backlog is 17,968 emission units with an additional 5,522 ready for renewal within five years. In addition, PTIs for new emission units are constantly being issued at a rate exceeding current PTO issuance rates, thus the PTO backlog is ever expanding.

The Director has expressed his desire that the PTO backlog be eliminated in the near future. Implementing recommended changes to DAPC's permitting process for minor sources will support the Director's goals of reducing the backlog by eliminating duplicative permitting. In addition, SPRINT's recommendations will not sacrifice the quality or enforceability of the permits.

The SPRINT group's PTIO recommendation will reduce the PTO backlog by integrating the

separate PTI and PTO processes into one PTIO (Permit-to-Install and Operate) process. The combining of these two separate processes will provide DAPC with an opportunity to manage the current backlog and decrease the chances of a similar backlog in the future through better allocation of staff resources and a longer permitting cycle.

Another recommendation to reducing the backlog is that all PTIOs would have a normal life of anywhere from five to 10 years before renewal was needed. All existing permitted units at true minor facilities would be issued a PTIO that would replace existing issued PTIs and PTOs. All emission units would operate under their existing permits until a PTIO is issued for them. Therefore, every minor emission unit regulated by the state, except registration status PTOs, would need to be reexamined and/or repermited at least once every 10 years. During the duration of PTIOs the annual CDR would ensure ongoing compliance and would not sacrifice DAPC's attention to minor facilities.

Deciding whether the law should fix the permit life-span is a major decision that SPRINT felt should be addressed by DAPC's senior management. One option is if the law would not define the life-span of the permit. In that case, management would decide the appropriate life-span for various permits. If the 10 year life-span is a flexible internal policy, DAPC management could reassess responsibilities and reallocate resources within the permitting program to where they are most needed. For example, if the PTIO renewal backlog begins to grow, DAPC management could allocate resources to categories of facilities where rules, regulations and/or permitting obligations had changed significantly. Another option is for the law to define an upper limit on the life-span of the permit similar to current law (say 10 years). Management would then only have the ability to adjust the life-span of permits to something less than 10 years.

If the law is revised to require 10 year renewals, each PTIO would place emission units on the 10 year renewal cycle similar to DAPC's current treatment of PTOs. However, as a law, management would not have the ability to reassess the 10 year renewal obligation without a change in the law and we may be faced with a PTIO backlog similar to our current PTO backlog.

The SPRINT group also concluded that specific other recommendations would significantly benefit Ohio's permitting program and the PTO backlog regardless of how the new permitting program is structured. These additional recommendations are: broad categorical permit exemptions, specific emission unit exemptions, permits-by-rule and/or expanded De Minimis thresholds. Since each of these recommendations are being addressed by other workgroups, SPRINT decided not to pursue these recommendations in detail. None-the-less, SPRINT would like to reinforce the importance of these recommendations and their positive impact on the PTO backlog reduction effort.

In conclusion, the PTIO process is not expected to result in quick short term reductions of the PTO backlog, but instead will reduce the rate of growth of the backlog by providing a more efficient system to issue permits. The PTIO process will affect the backlog by (1)

reducing the number of permits that add to the backlog and (2) reducing the non-Title V permitting workload, thereby allowing resources to be directed to reducing the backlog over a long term basis.

XIV Additional Initiatives to Reduce the PTO Backlog

In the course of analyzing the current permitting system and designing the new proposed permitting system, additional improvements to the permitting system that could help to reduce the PTO backlog were discovered. Thus, in order to facilitate the above-mentioned proposed permit program, or even if the existing permitting system is to be maintained, SPRINT recommends the following proposals:

The first proposal would be to establish periodic management meetings between Central Office, DAPC permitting staff (i.e., supervisors and ES-3 personnel) and the respective DO/LAA management staff (i.e., supervisors, ES-3 staff). The main function of these meetings would be to develop a quality assurance approach in the way PTOs/PTIOs are drafted. Topics of discussion should include past concerns/issues with draft PTOs submitted to Central Office and come to a mutual agreement on what the proper format, term and condition wording, use of templates etc., should be used in developing an appropriate PTO for issuance.

This approach would be a first step in developing a higher quality, more consistent (in terms of wording, format, accuracy) PTO/PTIO and thus, reduce the time needed to review/rewrite and subsequently issue the PTO/PTIO.

The second proposal would be to implement a periodic training program for all permit staff in support of PTO/PTIO quality, consistency and processing efficiency. The training program would provide an additional tool for developing quality permits and for learning more about the various programs within the DAPC. The format would be a structured comprehensive divisional training program (Annual Conference) held on a predetermined frequency. Topics at the Annual Conference would include:

- Review permit writing goals.
- Discuss updates to the permitting program.
- Breakout sessions to discuss/educate staff on various aspects of the DAPC permit program.

Whether the existing permitting process is maintained or the new proposed permit program that SPRINT has designed is implemented, the above-mentioned proposals are important functions to consider in order to maintain and ensure an efficient permitting system.

In conclusion, SPRINT recommends DAPC to develop a training program for permit writers so that they may become more time efficient when writing quality PTOs/PTIOs.

XV Summary of the Proposed PTIO System

The SPRINT team benchmarked the advantages and disadvantages of separate and combined permitting processes by conducting interviews of federal and state regulators, soliciting input from industry, and reviewing the current DAPC permitting program. The team developed five different permitting options based on these studies, brainstorming and through the creative processes of the team. The team then analyzed the pros and cons of each of the five permitting options and selected the combined PTIO process by weighted voting of the options using the evaluation criteria developed by SPRINT.

SPRINT is proposing to combine the current, separate permitting processes for the installation of an emissions unit and the operation of an emissions unit into a combined PTIO process. The PTIO process would only apply to non-Title V facilities.

Under the proposed PTIO process annual reporting of an emissions unit's compliance status through the use of a new system referred to as the CDR would replace most quarterly, semi-annual and annual reporting, thereby reducing the reporting frequency and paper waste while improving both compliance assurance and tracking of non-Title V emissions units. The CDR is a consolidated, streamlined report indicating the compliance status of each emissions unit at the facility each year. Unlike the current system, the proposed CDR will require facilities to have a greater responsibility to determine their own compliance for each emissions unit. Ohio EPA's responsibility to evaluate and verify compliance will remain the same. The Annual CDR will include all emissions unit(s) at a facility that have been issued a PTIO. A permittee must continue to submit reports required under their existing permits until a PTIO is issued for the emissions unit. Facilities with federal reporting requirements would still need to submit the required reports. The CDR will not replace any reporting, which is more frequent than annually, as required by OAC rule 3745-21-09(B) or 40 CFR Part 63.

The PTIO will contain both installation T&Cs and operating T&Cs. The operating T&Cs would be active upon issuance of the PTIO. Paperwork would be reduced under the PTIO process since separate PTI and PTO applications would no longer be required and only one permit document would be issued.

Paperwork will be further reduced because the certification of installation (Construction Compliance Certification) under the current PTI process would no longer be needed upon completion of construction or installation of the emissions unit(s). Under the PTIO process, an emissions unit's installation status would be indicated on the Annual CDR.

The opportunity for public participation in the permit process would remain the same as it is for the current PTI process.

The PTI issuance fees would remain the same but would become PTIO issuance fees. The annual facility-wide emissions based fees would remain the same under this program.

Facilities would still need to apply for and obtain a permit prior to starting construction of an emissions unit.

XVI Key Points of the Proposed PTIO Process

To present a summary and the major elements of the PTIO process, the key points are presented below in the five major areas of: process function, permit document, registrations, renewals, and compliance certification. In order to provide a comparison of the current, separate PTI and PTO permit processes to the PTIO process, a chart (Table 3) showing the key differences is included at the end of this section.

A. PTIO Process Function

1. The combined PTI/PTO (PTIO) process applies to non-Title V facilities.
2. Installation/operation is emissions unit based.
3. A PTIO is issued for one or more emissions units at the facility.
4. The PTIO contains both installation T&Cs and operating T&Cs.
5. Operating T&Cs are active upon issuance of the PTIO.
6. No certification of installation (Construction Compliance Certification) is needed upon completion of construction/installation of the emissions unit(s). Installation status will be indicated on the Annual CDR instead.

B. PTIO Document

1. The PTIO can include one or more emissions units.
2. Annual deviation reporting replaces most quarterly, semi-annual and annual reporting. (Quarterly deviation reporting may still be necessary for Synthetic Minor (SM)/FESOP facilities). After the event type of reporting (e.g., 30 days after the deviation type reporting) can still be specified in the T&Cs.
3. The PTIO identifies those emissions units with identical T&Cs. A single set of T&Cs is issued that applies to each listed emissions unit or the PTIO refers to an appendix containing a single set of T&Cs that applies to each listed emissions unit.
4. The PTIO document allows for flexibility to have partial facility-wide and/or facility-wide T&Cs (i.e., grouped limits or requirements) through the use of an optional section of the PTIO titled Facility-wide or Multiple Emissions unit section.

5. PTIO modifications will identify the original issuance date, original effective date, current expiration date, and modification effective date. The PTIO renewal period would not change when a modification is issued; therefore the changes contained in the modification are the enforceable T&Cs upon issuance of the modification. In order to identify all of the sources in a given project (i.e., all of the sources under a final PTIO), the PTIO number will not change as the result of modifications to sources contained in the final issued PTIO.
6. Facilities that change status from Title V to non-Title V facilities will receive PTIO(s) for their emissions units. If a facility with PTIO(s) becomes a Title V facility, the PTIO(s) will be withdrawn from the system and a Title V application will be required.

C. PTO & PTI Registrations Under the PTIO Process

1. There will be no PTO registration option in the new system - an emissions unit either gets a PTIO or does not get a PTIO.
2. Existing PTO registrations will be grand-fathered into the new system and will remain effective in the new system. These emissions units will not need to go through the PTIO permitting process or require renewal or any further action in the system. This process is consistent with the existing requirements for PTO registrations.
3. The universe of PTO registration emissions units in the new system will become smaller each time exemption levels are changed, permit exemptions are added to the rules or emissions units are withdrawn or shutdown.
4. PTI registrations will be renamed as and processed as "Express PTIO (PTI registration)" to more accurately convey that this process allows a facility to receive a permit faster. Express PTIO's will function the same as PTI registrations, allowing an eligible facility to begin installation or construction 60 days after a complete application is received by Ohio EPA.

D. PTIO Renewal

1. PTIO renewal applications are received at the District Office/Local Air Agency (DO/LAA) at a maximum of every 10 years.
2. All PTIO renewal applications for a facility are requested to be received at the DO/LAA on a set date for the entire facility.

3. PTIO Renewals for a facility can have staggered issuance dates.
 4. All PTIOs for a facility will have the same expiration date. This expiration date will be set at a maximum of 10 years after the effective date of the PTIO at the facility with the earliest effective date.
 5. The PTIO is renewed with non-compliance issues identified in the permit (optional).
 6. PTIOs are renewed every five years for SM/FESOP facilities.
 7. PTIOs are renewed at least every 10 years for True Minor (TM) facilities.
 8. The existing law will be changed to either allow a maximum 10 year renewal period (similar to the way the current law is written), or to allow an internal policy to be developed that allows a maximum 10 year renewal period without defining a time period in the rules and regulations.
- E. Annual Certification and Deviation Report (CDR)
1. The Annual CDR is for the entire facility, but is filled out on an emissions units by emissions units basis.
 2. The Annual CDR is required to be submitted annually for each individual emissions unit which receives a PTIO.
 3. The Annual CDR lists emissions units with PTIOs.
 4. The permittee submits reports as required under existing permits until such time as a PTIO is issued for the emissions unit(s).
 5. An Annual CDR due date is established for each facility and may be changed at the DO/LAA's discretion.
 6. The Annual CDR form is included in Appendix A.

Table 3 - Key Difference between PTI/PTO and PTIO Processes

Document Feature	Current PTI/PTO System	Proposed PTIO System
When Issued?	PTI issued prior to construction	Same as PTI
	PTO issued after construction and testing	None, PTIO functions as operation document.
Emissions Limits	PTI contains all applicable emissions limits	Same as PTI
	PTO contains all applicable emissions limits	N/A
Emissions testing	PTI requires all necessary initial testing and periodic testing	Same as PTI
	PTO contains all necessary periodic testing	N/A
Record keeping	PTI requires all necessary record keeping	Same as PTI
	PTO requires all necessary record keeping	N/A
Renewal	PTI does not get renewed; PTO gets renewed every five years	PTIO gets renewed between five and 10 years
Modifications	Modifications triggered per OAC rule 3745-31	Same as PTI
Reporting		
• Initial	Results of PTI emissions testing must be reported within 30 days of test	Same as PTI
• Ongoing for malfunctions	Must follow malfunction rule (OAC rule 3745-15-06)	Same as PTI
• Ongoing for non-malfunctions	Quarterly and/or semi annual reporting required.	Annual compliance certification required

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Document Feature	Current PTI/PTO System	Proposed PTIO System
Public Notification and Participation	Receipt of PTI application noticed in local paper	Receipt of PTIO application noticed in local paper
	Issuance of draft PTI noticed in local paper	Issuance of draft PTIO noticed in local paper
	30-day public comment period for draft PTIs	30-day public comment period for draft PTIOs
	Public hearing held for PTI, if requested	Public hearing held, if requested
	Receipt of PTO application noticed in local paper	N/A
	Could issue draft permit but rarely done	N/A
	Issuance of draft PTO noticed in local paper	N/A
	30-day public comment period for draft PTO	N/A
	Public hearing held for PTO, if requested	N/A

Document Feature	Current PTI/PTO System	Proposed PTIO System
Emissions Reporting		
<ul style="list-style-type: none"> deviations from emissions limitations, operational restrictions and control device limitations 	Quarterly reporting required	Annual compliance certification required
<ul style="list-style-type: none"> emissions reporting for fee purposes 	Bi-annual reporting for minor facilities	Same as PTO
	Annual reporting for SM facilities	Same as PTO

Appendix A - Draft Certification and Deviation Report

PTIO Certification and Deviation Report (CDR)

This report covers the operation of the emissions unit(s) identified on the following page(s) for the reporting period established for this facility. In this report you will indicate whether the required monitoring and record keeping required in your PTIO has been performed, report exceedances from emission limitations, usage restrictions, and production rate limitations, and report deviations from control device operating parameter ranges as specified in your PTIO. Other reports that you have submitted to the Agency may be referenced on this form.

The Ohio EPA believes that it is very important for you, as the Responsible Official, to understand the requirements in your PTIO. Please use the additional space provided at the end of this report to tell us about improvements made to your air pollution controls or other steps taken to reduce air emissions at your facility. You may also communicate any other information regarding this emissions unit on the back of this form or attach a separate sheet of paper.

For the purpose of completing this report, the following definitions are provided:

- Exceedance:** An exceedance occurs when the actual emission rate from an emissions unit is greater than the emission limitation specified in the PTIO or when a usage restriction, production rate limitation, or other limitation specified in the PTIO is exceeded.
- Deviation:** A deviation occurs when an operational restriction(s) specified in the PTIO is out of range or when any required monitoring or record keeping was either not performed as required or was not performed at the frequency specified in the PTIO.
- Malfunction:** OAC rule 3745-15-06(B) provides the reporting requirements for malfunctions of air pollution control equipment that cause the emission of air contaminants in violation of any applicable law. Malfunctions should continue to be reported in accordance with OAC rule 3745-15-06(B). Questions 1 and 2 under "Malfunctions" address whether a malfunction(s) occurred during the period covered by this CDR and whether the malfunction(s) were reported in accordance with OAC rule 3745-15-06(B).

Facility Name:
Facility ID:

Time period covered by this CDR: from (MM/DD/YY) to (MM/DD/YY)

List below any new emissions unit(s) installed at this facility since the last CDR (if applicable):

Emissions Unit ID: XXX1

INSTALLATION/OPERATING STATUS (check all that apply)

Initial date of installation (___/___/___)

9Not installed yet

9Modified in accordance with OAC Chapter 3745-31

9Operated (even if for a short period of time) during the period covered by this CDR

Date operation commenced (___/___/___)

9Did not operate at all during the period covered by this CDR

PERMIT NO LONGER NEEDED (check all that apply)

9will not be installed

9permanently shutdown and dismantled

(date of shutdown ___/___/___ date dismantled ___/___/___)

9sold

9exempt by rule (list rule: _____)

9other (explain: _____)

EXCEEDANCES and DEVIATIONS

1. Was all monitoring and record keeping required by the PTIO performed as required? Yes/No/NA (if "No" list below the date(s) and duration of when the required monitoring and/or record keeping was not performed (Use the back of this form, if needed)

2. Was there at least one exceedance or deviation detected by the monitoring and/or record keeping specified in the PTIO for this emissions unit during the period covered by this CDR? Yes/No

If Yes, list below the date(s) and duration of each exceedance and/or deviation. (Use the back of this form, if needed)

3. Describe any corrective action(s) taken regarding the above exceedance(s) and/or deviation(s) (e.g., requested a PTIO modification on January 9, 2003; retested emissions unit on February 15, 2003 due to failed stack test). Use the back of this form, if needed.
-
-

MALFUNCTIONS

1. Did a malfunction of the air pollution control device(s) that was required to be reported in accordance with OAC rule 3745-15-06(B) occur during the period covered by this CDR? Yes/No/NA
2. If Yes, was the malfunction reported in accordance with OAC rule 3745-15-06(B)? Yes/No/NA
3. If you need help determining whether an exceedance, deviation or malfunction occurred for this emissions unit during the period covered by this CDR, please contact your DO/LAA for assistance.

OTHER REQUIRED REPORTS

Please list below any required reports that you have submitted to the Agency regarding the above-referenced exceedance(s), deviation(s), or malfunction(s).

ADDITIONAL INFORMATION

Please list below any additional information you wish to communicate to the Ohio EPA.

I certify under penalty of law that I have personally examined and am familiar with the data submitted in this CDR; that the data in this report is true, accurate and complete; and I am aware that falsification thereof could result in the imposition of fines and penalties including suspension or revocation of the authorization to operate this emissions unit.

Name of Responsible Official	Title	Signature of Responsible Official	Date
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Emissions Unit ID: XXX2
(same as above)

Appendix B - Interview Survey Results of Other State Programs

Illinois

I contacted Jim Ross, Manager of Title V Permits at the Illinois EPA to discuss their combined permitting program. According to Mr. Ross, Illinois has a partial combined permitting system. He said their permit program is made up of a separate construction permit program for major and minor sources. They also have a separate Title V and FESOP permit program. He said the only joint permit program they have is for small sources with a potential to emit of 25 TPY or less. The joint permit is both a construction and lifetime operating permit. Mr. Ross said they do have the ability to modify previously issued construction permits through their Title V permits.

Fact Based Questions:

1. **We would like to ask you about your NSR program. Does your state have a minor NSR program? (Yes/No)**

Yes

2. **How many Title V facilities does your state have? (Number within 10 facilities)**

750

3. **How many new PTIs (construction permits) does your state issue annually? (Number within 10 permits)**

550

4. **How many staff do you have working on permits? (Number Statewide permit staff)**

35 at full staffing

5. **How many permitted emissions units do you have? (Number within 100)**

Unknown at this time.

6. **Do you have a statutory requirement for processing permits within a certain time frame? If you do, please describe this constraint. (Number of months and any exceptions to the time requirement)**

For construction permits they must issue them within 90 days unless a public comment period is needed. If a public comment period is needed, then they have 180 days to issue the permit.

If they do not issue the permit in time the company can begin construction.

7. Does your state do a combined construction and operation permit? (Yes/No) When did you go to a combined permit program? (year)

Illinois has a partial combined permitting system. He said their permit program is made up of a separate construction permit program for major and minor sources. They also have a separate Title V and FESOP permit program. He said the only joint permit program they have is for small sources with a potential to emit of 25 TPY or less. The joint permit is both a construction and lifetime operating permit.

The combined permit program began in the 1970's.

8. Do you use software for combined permit issuance? (Yes/No) What type of system do you use? (software platform and database structure)

No

Open Ended Questions:

9. Why did you go to a combined permit program? (Explanation, request a copy of the analysis)

Unknown. It has been like that since the early 1970's.

10. Please describe to me how your combined permitting program works? What are the steps in your permit process? (List of steps)

The company submits a permit application for the process. If it is eligible for a combined permit it will be issued. The combined permit is a combination construction and operating permit. The operating permit is a lifetime operating permit.

11. What is the rule structure for the combined permit program? (Explanation of rules changes needed, how PSD and Title V requirements were addressed)

They have a separate rule which addresses these small sources. PSD and Title V facilities are not eligible for this streamlined permit process.

12. What are the 3 strongest advantages and disadvantages that you see to your states combined permit program? (List at least 6 items and explain each)

Advantages - It allows the permit to be issued quicker. It takes less resources.

13. What are the differences between your states minor and major permit programs? (list of issues)?

He said their permit program is made up of a separate construction permit program for major and minor sources. They also have a separate Title V and FESOP permit program. He said the only joint permit program they have is for small sources with a potential to emit of 25 TPY or less. The joint permit is both a construction and lifetime operating permit.

14. How does your state handle the public participation part of the combined permit program? (Explanation)

There is none since this only involves small permits. Mr. Ross was unaware of any requests for a public hearing for a combined permit.

15. How long does it take to get a permit from application to issuance? (Estimate in months for minor, PSD and Title V permits, statistical tracking data is best if available)

For construction permits they must issue them within 90 days unless a public comment period is needed. If a public comment period is needed, then they have 180 days to issue the permit. If they do not issue the permit in time the company can begin construction.

The combined permit is usually issued in less than 90 days.

Opinion Questions:

16. Do you like your combined permit program? (personal opinions)

Yes. The process saves time for the Agency and the permittee's.

17. Do you think the combined permit process is more efficient? (personal opinions)

Yes

18. Does industry like the combined permit approach? (personal opinions)

Yes

19. Do the environmental /citizen groups like the combined permit approach? (personal opinions)

They would be opposed if a combined permit would be issued for larger sources.

Kentucky

Hello, I am Alan Lee Harness with the Ohio EPA, Division of Air Pollution Control in Ohio. Ohio is reviewing the potential benefits of a combined air pollution control permit to install (PTI)-permit to operate (PTO) program and would like to benchmark based on your State's experience. We have developed the following list of questions. We understand that you may need time to address these questions, yet because we have a limited time frame to conduct our survey of other state Air Programs, we would like your responses by September 17, 2001. If you prefer, we can fax the questions to you, use phone interviews, email them, etc.

Fact Based Questions:

- 1. We would like to ask you about your NSR program. Does your state have a minor NSR program? (Yes/No)**

Yes, we have a minor NSR program.

- 2. How many Title V facilities does your state have? (Number within 10 facilities)**
We have approx 370 Title V facilities.

- 3. How many new PTIs (construction permits) does your state issue annually? (Number within 10 permits)**

We issued approx 267 construction authorizations in 2000 for all types of sources.

- 4. How many staff do you have working on permits? (Number Statewide permit staff)**

We have 51 approved positions in the Permit Review Branch, 1 manager, 2 consultants, 6 supervisors, 38 permit reviewers, and 4 administrative positions. We currently have 8 vacant positions, all permit reviewers.

- 5. How many permitted emissions units do you have? (Number within 100)**

We show 32,482 emissions units in our inventory.

- 6. Do you have a statutory requirement for processing permits within a certain time frame? If you do, please describe this constraint. (Number of months and any exceptions to the time requirement)**

Yes, we have regulatory time-frame requirements for issuing permits. Title V (final) permits must be issued within 18 months after the application is deemed complete. If subject to PSD/NSR, the proposed permit (which is the final determination and authorization to construct) must be issued within 1 yr. after the application is deemed complete. FESOPs must be issued within 60 days after the close of the public comment period, unless the permit has to be substantially revised. State-origins (minor source permits) must be issued within 60 days after the application is deemed complete.

7. Does your state do a combined construction and operation permit? (Yes/No) When did you go to a combined permit program? (year)

Yes, we have a combined program, starting in 1994. We call it a "merged" Construction/Operating Permit Program.

8. Do you use software for combined permit issuance? (Yes/No) What type of system do you use? (software platform and database structure)

We use Microsoft Windows, Word, and Excel for all permit documents, i.e., permits, cover memos, and emissions tables. We use I-Steps to track emissions, maintain our emissions inventory, bill Title V sources, and for reporting to EPA. We are currently analyzing/designing a new system called TEMPO from American Management Systems, Inc. to perform all the current tasks plus permit writing.

Open Ended Questions:

9. Why did you go to a combined permit program? (Explanation, request a copy of the analysis)

We went to a combined system to save time and resources, i.e., issue one permit and hold one public hearing instead of two.

10. Please describe to me how your combined permitting program works? What are the steps in your permit process? (List of steps)

For Title V permits we review the application; issue a draft permit for public comment and, in most cases, for EPA review; revise the draft if necessary and issue a proposed permit which authorizes construction. If the permit is targeted for comprehensive review by EPA, or if substantial changes are made as a result of public comment, a separate proposed permit will be sent to EPA for review. Unless EPA objects, a final permit is issued at the end of EPA's 45-day review. If a permit is not targeted for comprehensive review by EPA and no

substantial changes are made as a result of public comments, a proposed/final permit can be issued within 45 days after the draft is advertised for comment and sent to EPA (doesn't usually happen, but it can). FESOPs work essentially the same way except there is no proposed permit. The draft is advertised for comment and sent to EPA at the same time, and the final permit is issued within 60 days after the close of the comment period. FESOPs avoiding only Title V can construct based on the draft permit. FESOPs avoiding PSD/NSR must wait for the final to construct.

11. What is the rule structure for the combined permit program? (Explanation of rules changes needed, how PSD and Title V requirements were addressed)

All permitting requirements and procedures are contained in the following regulations:

- | | |
|-----------------|---|
| 401 KAR 52:001. | Definitions of terms used in 401 KAR Chapter 52. |
| 401 KAR 52:020. | Title V permits. |
| 401 KAR 52:030. | FESOPs. |
| 401 KAR 52:040. | State-origin permits. |
| 401 KAR 52:050. | Permit application forms. |
| 401 KAR 52:060. | Acid rain permits. |
| 401 KAR 52:070. | Registration of designated sources. |
| 401 KAR 52:080. | Regulatory limit on potential to emit. |
| 401 KAR 52:090. | Prohibitory rule for hotmix asphalt plants. |
| 401 KAR 52:100. | Requirements for public, affected state, and U.S. EPA review. |

401 KAR 52:020 also contains the procedures for issuing permits to major sources still awaiting their first Title V, and to PSD/NSR sources, since they are also Title V sources.

Regulations 401 KAR 52:020, 52:030, and 52:040 each have documents incorporated by reference which contain, and are called, Cabinet Provisions and Procedures for Issuing Title V permits, or FESOPs, or State-Origin Permits, as appropriate. These documents contain the requirements on the cabinet, as opposed to the regulations which contain the requirements on the source.

The modeling, netting, and other rules for PSD and NSR in non-attainment area sources are contained in 401 KAR 51:017 and 51:052, respectively.

All administrative regulations are available on Kentucky's Legislative Web Page, www.lrc.state.ky.us/kar/title401.htm.

12. What are the 3 strongest advantages and disadvantages that you see to your states combined permit program? (List at least 6 items and explain each)

The obvious advantages of a combined or "merged" program such as ours are the savings in time and resources, both for the cabinet and the regulated community. The major problems are the complexity of issuing combined Title V/PSD permits to new sources, and the difficulty of trying to include a CAM plan in a final permit when a source hasn't been constructed.

13. What are the differences between your states minor and major permit programs? (list of issues)?

The major differences between Kentucky's minor permit program and that for majors or FESOPs is:

- No public, EPA, or affected state review for minor sources. Hence, the time to issue a permit is much shorter, and
- Minor sources can make changes without waiting for a permit providing the change:
 - Is not a reconstruction,
 - Does not make the source major, and
 - Does not increase the source's PTE by 25% or more of a major source threshold.

14. How does your state handle the public participation part of the combined permit program? (Explanation)

As mentioned previously, there is only one public comment period for each permit issued, unless the permit is changed to such an extent based on the public, EPA, or affected state review that the cabinet feels there should be a second review. The procedures for public participation are spelled out in 401 KAR 52:100.

15. How long does it take to get a permit from application to issuance? (Estimate in months for minor, PSD and Title V permits, statistical tracking data is best if available)

The following average issuance times are based on permits issued since January 1, 2000, and assume that you mean time from receipt of the initial permit (which is seldom complete) until the final permit is issued.

- For Title V, approx. 16 months based on 73 permits.
- For PSD, approx 12 months based on 16 permits.
- For Minor sources, approx 4-1/2 months based on 246 permits.

Opinion Questions:

16. Do you like your combined permit program? (personal opinions)

In spite of the problems, we prefer the combined program.

17. Do you think the combined permit process is more efficient? (personal opinions)

Overall, we think the combined program is more efficient. The only change we might want to consider is de-combining the PSD permitting process, i.e., issuing a PSD construction permit for new sources followed within 1 year by a Title V application.

18. Does industry like the combined permit approach? (personal opinions)

In general, industry appears to be rather neutral on the issue. They like having fewer reviews, but don't like the delays in construction authorization that often occur with new sources and major mods.

19. Do the environmental /citizen groups like the combined permit approach? (personal opinions)

We haven't had enough feedback from environmental or citizens groups to know if they like or dislike the combined program.

Louisiana

Fact Based Questions:

1. We would like to ask you about your NSR program. Does your state have a minor NSR program? (Yes/No)

Yes, the state of Louisiana has a minor NSR program. The program was approved by the U.S. EPA in 1987.

2. How many Title V facilities does your state have? (Number within 10 facilities)

Louisiana currently has 1100 Title V's. However, this is an approximate number. There are a number of mom and pop businesses which we are trying to find.

3. How many new PTIs (construction permits) does your state issue annually? (Number within 10 permits)

Louisiana does not track minor PTIs. The only permits tracked in the state are PSD permits. The state has issued 18 PSD permits so far this year. There are an additional 4 PSD permits which are in the review process.

4. How many staff do you have working on permits? (Number Statewide permit staff)

Louisiana has experienced a great deal of turn over in staff. The permit workgroup current has 20 people on staff with an additional three people coming on board.

5. How many permitted emissions units do you have? (Number within 100)

No way to tell. As noted earlier, Louisiana does not track minor permits. The only emission units tracked are those with a potential to emit greater than 100 tons per year. Contact Alice Fredland to determine this. Alice can be contacted at (225) 765-2546.

6. Do you have a statutory requirement for processing permits within a certain time frame? If you do, please describe this constraint. (Number of months and any exceptions to the time requirement)

Louisiana has a regulatory time frame for processing permits. Louisiana has the '410 day rule'. This rule states that the state will issue or deny a PTI/PTO within 410 days. PSD / Title V permits are generally issued within 6 to 8 months. There is no regulatory requirement for the issuance of Title Vs.

7. Does your state do a combined construction and operation permit? (Yes/No) When did you go to a combined permit program? (year)

Yes, we have a combined program, starting in 1994.

8. Do you use software for combined permit issuance? (Yes/No) What type of system do you use? (software platform and database structure)

Louisiana uses Microsoft Windows and Word for all permit documents, i.e., permits, cover memos, and emissions tables. Currently, all tracking is done using a program specifically written for Louisiana, however, this system will be abandoned sometime this year. Louisiana has purchased and is in the process of implementing a new permitting software system. Implemented TEMPO from American Management Systems, Inc. to perform all the current tasks plus permit writing. Experiencing many problems. Word of advice: avoid this software.

Open Ended Questions:

9. Why did you go to a combined permit program? (Explanation, request a copy of the analysis)

Louisiana went to a combined system to save time and resources, i.e., issue one permit and hold one public hearing instead of two. One permit is easier to manage than two permits.

10. Please describe to me how your combined permitting program works? What are the steps in your permit process? (List of steps)

1. Applications for PTI/PTO are logged into the data base by non-technical staff.
2. The non-technical staff reviews the application for completeness and the check is attached.
3. The non-technical staff places the original copy in the file and creates a working copy for the technical staff.
4. The technical staff conducts the review and prepares a draft copy of the permit for internal signature.
5. The draft copy goes through internal signature.
6. Issue the permit or Title V for public review and comment.
7. Review and respond to public comments.
8. Issue final permit.

11. What is the rule structure for the combined permit program? (Explanation of rules changes needed, how PSD and Title V requirements were addressed)

Combined minor program was created around the late 1970's.
The program was amended in 1996 to accommodate the Title V program.

12. What are the 3 strongest advantages and disadvantages that you see to your states combined permit program? (List at least 6 items and explain each)

The biggest disadvantage is a combined permit program slows down the construction of new sources. The public involvement period takes up to two months. The advantages are stack tests are easier to manage and coordinate. No lengthy file reviews. Overall the filling is much easier. In the event of a modification only one document would need to be revised as opposed to two.

13. What are the differences between your states minor and major permit programs? (list of issues)?

Minor permits - 0 to 5 TPY - The application is a "fill in the blank" permit.
Minor permits - 5 to 25 TPY - The application is a "fill in the blank" permit.

State - 25 to 100 TPY - State permits with site specific terms and conditions.
Title V - Greater than 100 TPY - Title V.

14. How does your state handle the public participation part of the combined permit program? (Explanation)

Once a permit is issued draft it is public noticed with a thirty day public comment period. The public has thirty days to review and comment on a draft PSD or Title V. Also during the thirty day comment period the public can request a public meeting. The request of the public meeting adds an additional thirty days prior to final issuance of the permit. As a result of the delays which a public comment period add, many applicants will automatically request a public meeting at the time of submittal of the permit / Title V application.

15. How long does it take to get a permit from application to issuance? (Estimate in months for minor, PSD and Title V permits, statistical tracking data is best if available)

PSD / Title V is six to eight months.

Opinion Questions:

16. Do you like your combined permit program? (personal opinions)

Yes

17. Do you think the combined permit process is more efficient? (personal opinions)

Hard to say. File management is more efficient as is servicing the permits following final issuance.

18. Does industry like the combined permit approach? (personal opinions)

Not sure. The acceptance or dis-approval of the combined permit was never a consideration.

19. Do the environmental /citizen groups like the combined permit approach? (personal opinions)

Not sure. The acceptance or dis-approval of the combined permit was never a consideration.

Minnesota

Fact Based Questions:

1. **We would like to ask you about your NSR program. Does your state have a minor NSR program?**

Yes

2. **How many Title V facilities does your state have? (Number within 10 facilities)**
350

3. **How many new PTIs (construction permits) does your state issue annually? (Number within 10 permits) 90-100**

How many staff do you have working on permits? (Number Statewide permit staff) 18.65 FTE (includes some part time employees). About 5.75 FTE work on permits which authorize construction and operation exclusively. The rest work on issuance and re-issuance of operating permits. Some of our operation permits pre-authorize construction and modification activities.

4. **How many permitted emissions units do you have? (Number within 100)**

We do not have records for this readily available.

5. **Do you have a statutory requirement for processing permits within a certain time frame? If you do, please describe this constraint. (Number of months and any exceptions to the time requirement)**

For construction permits, we have the following rule requirements (we are still in the "Transition Period " until EPA gives us final approval for our Title V program):

MN Rules 7007.0750 APPLICATION PRIORITY AND ISSUANCE TIMELINES.

Subpart 1. Prioritization of applications. In deciding which permit applications to act on, the agency shall give priority to applications for construction or modification of a stationary source.

Subp. 2. Application processing and issuance deadlines.

A. Within 12 months of receiving a complete application for a permit to construct a new stationary source or for a major permit amendment to construct a modification, the agency shall have completed the public notice process and comment period required by part 7007.0850, unless the agency has denied the application. The agency shall take final action on the application within 60 days of the end of the public comment period if:

- (1) no meetings or hearings are requested under part 7007.0850, subpart 3, during the public comment period;
- (2) there is no substantial adverse public comment on the application; and
- (3) there is no substantial adverse EPA comment on the application.

If any of the circumstances in subitems (1) to (3) occur, the agency shall take final action on the application within 18 months of receiving the complete application.

B. Within six months of receiving a complete application for a moderate amendment to construct a modification for which the agency has decided to provide public notice under part 7007.0850, subpart 2, the agency shall have completed the public notice process and comment period, unless the agency has denied the application. The agency shall take final action on the permit within 60 days of the end of the public comment period if:

- (1) no meetings or hearings are requested under part 7007.0850, subpart 3, during the public comment period;
- (2) there is no substantial adverse public comment on the application; and
- (3) there is no substantial adverse EPA comment on the application.

If any of the circumstances in subitems (1) to (3) occur, the agency shall take final action within nine months of receiving the complete application.

C. The agency shall take final action on applications for permits or permit amendments not governed by items A and B within the period specified in this item. The agency shall take final action on such an application for a permit, permit reissuance, or major permit amendment within 18 months of receiving a complete application. The agency shall take final action on such an application for a minor permit amendment within 90 days of receiving a complete application or for a moderate permit amendment within six months of receiving a complete application, but not before the end of the administrator's 45-day review period in the case of part 70 permits. The agency shall take final action on a written request for an

administrative amendment within 60 days of receiving the complete request.

D. If the applicant is required to submit additional information under part 7007.0700, item D, and if the applicant takes more than 30 days to provide the information, the agency may extend a deadline under item A, B, or C by the amount of time it takes to provide the information. The agency may also extend the deadlines under items A, B, and C upon written request of the applicant.

E. Deadlines for agency action under this part may be extended as described in this item for permitting actions subject to environmental review under Minnesota Statutes, chapter 116D, and implementing regulations. If the prohibition on final governmental decisions under part 4410.3100 is in effect at any time 90 days prior to the deadline or later, the agency shall extend the deadline until 90 days after the prohibition ends.

F. The deadlines in this subpart do not apply to the extent they deviate from the requirements of federal regulations at Code of Federal Regulations, title 40, section 72.73, as amended (Acid Rain Permits Regulation).

Subp. 3. Final action. For purposes of this part and triggering judicial review, final agency action on a request or an application includes issuing the permit or amendment, denying the request or application, issuing a revised permit or amendment, or failing to take any of these actions by the deadline applicable under this part. However, the previous sentence shall not prevent the agency from issuing a permit or amendment or denying a request or application after a deadline has passed. If the agency denies the request or application it shall explain why. If the agency revises a proposed permit or amendment which has been subject to EPA review, it shall resubmit the amendment to the administrator.

Subp. 4. Transition period. The timelines in subpart 2, item C, do not apply to applications received prior to the date three years after EPA grants full program approval.

B. Does your state do a combined construction and operation permit? (Yes/No)

Yes

7. When did you go to a combined permit program? (year)

1985

8. Do you use software for combined permit issuance? YES (Yes/No) What type of system do you use? (software platform and database structure):

database structure

Open Ended Questions:

Note, for more details on our rules, you can download our rules from the web at http://www.pca.state.mn.us/air/air_rulesregs.html

9. Why did you go to a combined permit program? (Explanation, request a copy of the analysis)

Based on our experience since 1985, this approach is the most efficient and effective given our resources and number of regulated parties. We have not done a formal analysis of the alternative.

10. Please describe to me how your combined permitting program works? What are the steps in your permit process? (List of steps)

- ♣ Permit application is submitted for various levels of authorizations (construction for a major amendment, moderate amendment and minor amendment), or for a different type of permit which pre-authorizes construction (general permit or registration permits, see Minn. R. 7007.1100 to 7007.1130)
- ♣ Permit application must contain information needed to define both; construction and operation permit conditions.
- ♣ Permit application is reviewed.
- ♣ Permit draft authorizing construction and operation is prepared and reviewed internally (peer review and review by compliance and enforcement staff). The drafting of the permit includes entering data into our compliance tracking system, which is the same database used to issue the permit document.
- ♣ If appropriate, permit draft is sent to the permittee for review and comment
- ♣ If needed, permit is placed on public notice.
- ♣ If needed we respond for requests for information from affected parties and hold public informational meetings.
- ♣ If needed, the permit is taken to the Agency Board for discussion and approval.
- ♣ Issue authorization to begin construction in the case of Title V permits. In the case of a state permit, the authorization to construct and operate is issued simultaneously. In the case of a facility which does not yet have a Title V or a state total facility operating permit, the Agency may issue a construction and operation permit for the construction or modification under

review. See Minn. R. 7007.0750 APPLICATION PRIORITY AND ISSUANCE TIMELINES subpart 5.

♣ If this is a Title V permit, authorization to operate is issued after the 45-day EPA review period. See Minn. R. 7007.0750 APPLICATION PRIORITY AND ISSUANCE TIMELINES, Suparts 7 and 8.

11. What is the rule structure for the combined permit program? (Explanation of rules changes needed, how PSD and Title V requirements were addressed)

We have a delegated PSD/NSR program for major sources. We are seeking delegation for the Title III program.

The state minor source program is a “state federally enforceable program”. Was submitted and approved as part of a SIP revision.

State has rules which define standards of performance for certain emission sources and control equipment. See Minn. R. 7011.

Does not have a state air toxics rule. We implement our state air toxics program through policies and the Environmental Review requirements (state version of NEPA requirements)

Have broad statutory authority to address issues of concern from the environmental and health perspective and which are not specifically regulated in rules, or which might not be sufficiently addressed in existing rules.

State includes rules to issue state (minor) permits which pre-authorize construction activities and performance standards for pollution control equipment. This rule was drafted based on 1993 guidances issued by EPA regarding prohibitory rules.

State has issued a part 70 general permit which pre-authorizes construction of specific activities.

12. What are the 3 strongest advantages and disadvantages that you see to your states combined permit program? (List at least 6 items and explain each)

Advantages

1. Most efficient way to process permits. For any given permit action, only one application needs to be prepared and only one staff has to understand and process the application.

2. Allows for a more holistic view of the proposed project from the perspective of permits and compliance and enforcement. Overall is a better product.
3. Allows for controversial issue to be debated in a manner in which all the aspect of the authorized action are defined for the public and interested parties.
4. Minimum delays in issuing authorization to operate.

Disadvantages

1. Learning curve for new staff can be a little longer and perhaps a bit more complicated.
2. Since a small number of state programs have a combined program, consultants and national corporations might find it complicated to understand initially.

11. What are the differences between your states minor and major permit programs? (list of issues)?

State program does not have requirements, which a case-by-case technology based, such as BACT/LAER and case-by-case MACT.

Some state permits are non-expiring.

Some permits for smaller sources have simplified compliance demonstration requirements.

12. How does your state handle the public participation part of the combined permit program? (Explanation)

We have public comment period. Interested and affected parties may request public informational meetings, that permits be considered by the Agency Board and may request Contested Case Hearings before an administrative Law Judge. See Minn. R. part 7007.0850 PERMIT APPLICATION NOTICE AND COMMENT.

13. How long does it take to get a permit from application to issuance? (Estimate in months for minor, PSD and Title V permits, statistical tracking data is best if available)

There is a wide range depending on the difficulty of the permit. We do not have statistical data available. Also, even though applicants are required to submit complete applications, the reality is that permit applications often need to be supplemented with information as we process the permit.

Minor and synthetic minor permits may take 10-50 hours and about 3 to 6 months.

An average major PSD/Title V permit takes about 120 hours of permits staff work an in calendar time it takes about 6-12 months.

Opinion Questions:

14. Do you like your combined permit program? (personal opinions)

Yes, I cannot any see any reason why I would recommend anything else.

15. Do you think the combined permit process is more efficient? (personal opinions)

Absolutely, yes.

16. Does industry like the combined permit approach? (personal opinions)

My perspective is that they are provided that we do not delay the construction authorization and provide them with sufficient and appropriate allowance to vary specifications of the proposed project – often times, the application needs to be submitted before all specifications of a project are finalized. Our rules and procedures allow making reasonable and appropriate accommodations in this regard.

17. Do the environmental /citizen groups like the combined permit approach? (personal opinions)

My perspective is that they like to be able to have an integrated view of all aspects of a proposed permit action.

I immensely appreciate your time and effort in completing this survey. It is very much appreciated.

Sincerely,
Pam Korenewych
Ohio EPA
(330) 963-1237

New York State

Fact Based Questions:

1. **We would like to ask you about your NSR program. Does your state have a minor NSR program? (Yes/No)**

Yes

2. **How many Title V facilities does your state have? (Number within 10 facilities)**
571

3. **How many new PTIs (construction permits) does your state issue annually? (Number within 10 permits)**

2270 permits and registrations last year (New York State's permits and registrations are combined construction and operation documents)

4. **How many staff do you have working on permits? (Number Statewide permit staff)**

140 technical and administrative staff in the central office and nine regional offices

5. **How many permitted emissions units do you have? (Number within 100)**

20,000 facilities

6. **Do you have a statutory requirement for processing permits within a certain time frame? If you do, please describe this constraint. (Number of months and any exceptions to the time requirement)**

Yes, depending on significance. Sixty days for minor projects and 90 days for major projects (i.e., Title V applications) plus 60 days for completeness (150 days total). The time for the major category may be extended if hearings are involved.

7. **Does your state do a combined construction and operation permit? (Yes/No)**

Yes

8. **When did you go to a combined permit program? (year)**

1996

9. **Do you use software for combined permit issuance? (Yes/No)**

Yes

10. What type of system do you use? (software platform and database structure)

Sybase

Open Ended Questions:

11. Why did you go to a combined permit program? (Explanation, request a copy of the analysis)

All permits before the Title V program in New York State were granted in two steps; a Permit to Construct and then a Certificate to Operate. When the Title V program came into effect, New York began issuing a single permit authorizing both construction and operation since Title V permits were single-step operating permits by nature. Title V permits are now combined with a state-only portion and issued to authorize both construction and operation.

12. Please describe to me how your combined permitting program works? What are the steps in your permit process? (List of steps)

Applications received & logged in
Applications keypunched
Application sent to permitting engineers for permit development
Permit is developed
Draft permit noticed
Hearing held if necessary
Proposed permit sent to EPA for 45 day review
Permit issued after EPA review

13. What is the rule structure for the combined permit program? (Explanation of rules changes needed, how PSD and Title V requirements were addressed)

The New York legislature passed the New York State Clean Air Compliance Act authorizing the Department of Environmental Conservation (DEC) to develop regulations, or revise existing regulations, to implement the Title V program. DEC already had a permitting program so the existing permitting rule, Part 201, was revised in 1996 to include the requirements of the Title V program. PSD and NSR requirements are cited as applicable requirements in Part 201, and so are incorporated directly into Title V permits issued under Part 201. Some other requirements are contained in Parts 200 and 621 as well, but most of New York State's permitting requirements were placed in Part 201.

14. What are the 3 strongest advantages and disadvantages that you see to your states combined permit program? (List at least 6 items and explain each)

Advantages:

1. All permitting done in one permitting action
2. Public participation and EPA involvement occurs only once
3. Fewer permitting actions to track (i.e., less paperwork)

Disadvantages:

1. Inspections aren't done before operation is commenced as was necessary under the construction permit system.
2. Time period for issuance is longer with EPA 45 day involvement
3. Leverage to have changes made to construction is lost if the potential for a delay in the issuance of an operating permit is not available.

15. What are the differences between your states minor and major permit programs? (list of issues)?

Primarily differences are in the complexity of permit application and processing requirements. The Title V major source program requires longer review times and EPA involvement. The permit application requirements are also more extensive. The minor source program requires less time for reviewing and issuing permits. For the smaller sources that are allowed to register, the applications are simpler (one page) and are ministerial actions requiring no notice or hearings.

16. How does your state handle the public participation part of the combined permit program? (Explanation)

Per the requirements of Title V. All major permits are noticed to solicit comments and, if significant issues are raised, an adjudicatory hearing with sworn testimony may be needed.

17. How long does it take to get a permit from application to issuance? (Estimate in months for minor, PSD and Title V permits, statistical tracking data is best if available)

Minor: 60 days

PSD & Title V permits: 90 days plus completeness period (60 days max).

Opinion Questions:

18. Do you like your combined permit program? (personal opinions)

Yes. It cuts down on the number of authorizations that need to be issued for a given construction project.

19. Do you think the combined permit process is more efficient? (personal opinions)

Yes

20. Does industry like the combined permit approach? (personal opinions)

Yes. It's less paperwork for source owners.

21. Do the environmental /citizen groups like the combined permit approach? (personal opinions)

Unknown

Note: New York State's permitting rules, documents and Title V permits are posted on the Internet at:

<http://www.dec.state.ny.us/website/regs/200.htm>

<http://www.dec.state.ny.us/website/regs/201.htm>

<http://www.dec.state.ny.us/website/regs/621.htm>

<http://www.dec.state.ny.us/website/dar/boss/airpermitting.html>

Appendix C - Comments from Ohio Industry and the Public

**COMMENTS ON OHIO EPA’S PROPOSED PTIO PROGRAM
SUBMITTED BY INDUSTRY AND TRADE ASSOCIATION MEMBERS
OF
OHIO EPA’S PERMIT PROCESS EFFICIENCY COMMITTEE**

I. Introduction

The Commentors [industry and trade association members of the Permit Process Efficiency Committee] welcome this opportunity to comment on Ohio EPA’s PTIO permitting proposal. We applaud Ohio EPA’s efforts to streamline and simplify the permitting process and we thank Ohio EPA for allowing us to take part in this dialogue. We welcome changes that will result in more timely, more streamlined, and more reasonable permits and we look forward to working together with Ohio EPA to implement those changes that we can all agree will improve the permit process for all involved -- the permit holders, the agency, and the public.

We recognize that Ohio EPA is already doing much to improve permitting efficiency through the efforts of the Permit Process Efficiency Committee (PPEC). Through these comments, we want to ensure that any changes to the current permitting program build upon those ongoing improvements. There are many things in the PTIO proposal that the Commentors support wholeheartedly, including lengthening the life of many permits from 5 years to 10 and reducing paperwork. We nevertheless have some significant concerns about some of the legal and practical ramifications of the proposal and we have a number of questions that remain unanswered. These concerns and questions are detailed below, along with a counterproposal that we believe will allow Ohio EPA to achieve the efficiency improvements it seeks while also addressing the concerns that we raise with the current PTIO proposal.

In reviewing these comments, we also urge Ohio EPA to remember that while a significant number of emissions units will be affected by this proposal, by and large, those emission units are small emission units located at small facilities. These are not major sources of emissions. The Commentors urge Ohio EPA not to lose sight of the relative insignificance of these emissions units in the grand scheme of environmental permitting in Ohio. Ohio EPA’s efforts to promote efficiency in the permitting process for these small sources should be in line with the benefits to be gained.

II. Concerns with PTIO Proposal

A. Legal Concerns

1. The Proposed PTIO Program Appears to Federalize the Entire State Permit Program

Ohio, unlike many other states, has a long tradition of regulating even the smallest sources of air emissions and imposing detailed permit requirements above and beyond the requirements of federal law.

The Permit to Install serves many different purposes in Ohio. In addition to constituting the authority for commencing construction of a project, it is the mechanism for imposing Section 110 SIP new source review requirements, Section 111 NSPS requirements, Section 112 NESHAP and MACT requirements, Part C major new source review requirements for the Prevention of Significant Deterioration (PSD), Part D Nonattainment New Source Review (NNSR) requirements, synthetic minor emission limitations and operating restrictions, state minor new source review requirements, including best available technology (BAT), nuisance prevention requirements, odor prevention requirements, and any number of

groundwater, surface water, solid and hazardous waste disposal requirements.⁸

As can be seen from the list above, Ohio PTIs can include any number of requirements that are not required under the Clean Air Act and that, as a result, are not federally enforceable. Despite this fact, some at U.S. EPA have recently taken the position that all terms and conditions imposed in an Ohio PTI are federally enforceable, in blatant disregard for prior interpretations and guidance on the issue.⁹ Over the objections of permittees, Ohio EPA has followed U.S. EPA's lead and now treats all PTI terms and conditions as federally enforceable.¹⁰ Only the PTO remains as a uniquely state-enforceable permit. Given the current interpretation of both U.S. EPA and Ohio EPA that all PTI terms are federally enforceable, Ohio EPA's proposal to combine the PTI and PTO programs in Ohio is particularly troubling. By combining the PTI and PTO into one document, the Commentors are concerned that no mechanism will exist by which "state-only" terms can be created or preserved, thereby completely federalizing Ohio's air permit program. Even if it is not Ohio EPA's intent to federalize state-only PTO requirements, given U.S. EPA's recent reversal of opinion on the federal enforceability of PTI terms and conditions, Ohio EPA can offer no assurances to the Commentors that this will not occur.

At the October 22, 2002 PPEC meeting, several people raised a concern over the federalization of the PTIO. Ohio EPA representatives at that meeting indicated that they had not fully considered the federal enforceability issue and would need to do so before moving forward with the PTIO proposal. The Commentors strongly believe that Ohio EPA must preserve long-standing state-only regulations. Permit requirements that were never intended to be federally enforceable, that are not expressly required by the Clean Air Act or its implementing regulations, and that do not further the attainment and maintenance of the National Ambient Air Quality Standards must not be federalized. Yet, by combining the PTI and PTO documents into one, this is exactly what could occur. This is unacceptable.

2. There Is No Authority For Or Requirement To Conduct An Annual Compliance Certification For Non-Title V Sources.

The Commentors believe that the proposal to add a compliance certification requirement to the PTIO bears no relation to Ohio EPA's stated rationale for combining the PTI and PTO permits into one document. Ohio EPA has indicated that imposing an annual compliance certification requirement will reduce reporting for permittees and create less paperwork for Ohio EPA to review because, under the PTIO proposal, annual compliance certification reports would replace quarterly reporting required by many current PTIs. The Commentors strongly support reductions in paperwork. However, if Ohio EPA seeks to reduce the paperwork burden for all involved, this can be done by simply changing the reporting frequency for any currently required reports. Creating a new compliance certification obligation for these relatively minor air sources does nothing to reduce burdens -- instead, it increases the burdens imposed on permit holders.

Unlike the Title V permit program, the underlying legislative authority for Ohio EPA's PTI and PTO programs does not require or authorize compliance certification. Ohio EPA staff acknowledged this during

⁸ See *Williams v. Schregardus*, 96 Ohio App.3d 664 (1994).

⁹ Interestingly, at the recent October 22, 2002 meeting of the PPEC, Steve Rothblatt of U.S. EPA seemingly agreed with the Commentors that all PTI terms are not federally enforceable.

¹⁰ This interpretation flies in the face of several guidance documents in which Ohio EPA and U.S. EPA both recognized that there is a distinction between state-only terms and federally-enforceable terms. Moreover, this interpretation begs the question of why Ohio needed to adopt rules in 1994 to provide for something known as a Federally Enforceable State Operating Permit (FESOP) as a means of limiting potential to emit if all PTI terms were already considered federally enforceable.

a meeting with PPEC members. Thus, the imposition of a new compliance certification requirement on non-Title V sources creates new liabilities for permittees that have not heretofore existed and places an undue burden on permittees without benefit to the environment. Given the vast number of small sources permitted in Ohio and potentially subject to regulation under the proposed PTIO program, compliance certification on an emissions unit-by-emissions unit basis will be an unwieldy and unduly burdensome task for both the permittee and the agency. The Commentors cannot support a proposal that would require annual compliance certifications from the thousands of non-Title V sources that would be subject to regulation under the proposed PTIO program.

3. The Proposed PTIO Program Would Eliminate The Shakedown Period Following Construction or Modification of a Source

Conceptually, the PTI and the PTO should not be identical. Nevertheless, at some point along the way, the distinction between a PTI and a PTO in Ohio has become so blurred that, as Ohio EPA representatives acknowledged at the October 22, 2002 PPEC meeting, today, the two permits are, for all intents and purposes, virtually identical.

Logically, a PTI, being a construction-related permit, should impose requirements related to the construction of a source (i.e., control device requirements, stack heights, etc.) and should identify those basic regulatory requirements that clearly will apply to the source (i.e., a PTI for a new process that will clearly be subject to OAC 3745-17-11 can identify this as an applicable rule). Once operation of a newly constructed or modified source commences, and testing is performed, both the company and the agency can ascertain what additional restrictions or limitations might be necessary to protect the environment.

The rules governing the existing PTI system recognize this. OAC 3745-31-01(YY) provides that a 180 day shakedown period is appropriate in certain circumstances. Indeed, for some sources, it is difficult to predict what emissions will be before actually operating the unit. Ideally, the information gathered during a “shakedown” period could be used to develop operating permit terms and conditions that would be contained in the PTO. Especially where Ohio EPA seeks to impose surrogate parameter monitoring requirements as it has been doing more frequently, such requirements should not be established prior to operating and/or testing the system.¹¹ Companies often find it impossible to comply with detailed operational restrictions that are being included in PTIs based on emission estimates, vendor guarantees, or just plain “best guesses” as to how the source will operate. As a result, Ohio EPA frequently has to modify newly-issued PTIs to revise the offending limitations. All the while, the permittee is in the untenable position of being out of compliance with the permit until such time as the modification is processed. To switch from a PTI to a PTIO effectively eliminates any possibility of fixing this problems by eliminating the ability to shakedown a new piece of equipment.

If a PTIO program is to move forward, Ohio EPA must address how shakedown will be accommodated. Issuing one detailed permit that contains all of the construction and operating requirements is not a time-saving mechanism or an improvement if, as a result of the inclusion of so much detail, PTIOs must routinely be revised after startup and shakedown. The Commentors want to ensure that to the extent detailed operating permit terms are included in permits, they accurate and can be complied with at all times.

¹¹ The Commentors do not necessarily agree that the imposition of such surrogate parameter monitoring requirements is reasonable or necessary. Nevertheless, to the extent that Ohio EPA is creating them, they should be developed based on actual data obtained after startup and shakedown of the emissions unit.

We are concerned that this PTIO proposal would eliminate the ability to use test and actual operation data to establish accurate and representative operating terms and conditions.

4. The PTIO Proposal Doesn't Fit With Ohio EPA's Long-Standing Position That PTIs "Live Forever."

The Commentors also have concerns about the legal ramifications of combining the PTI and PTO programs. Under the current PTI program, Ohio EPA has long maintained that the terms and conditions of the PTI "live forever." This fact has driven the way Ohio EPA has treated PTI terms and conditions, addressed permit revisions, and conducted enforcement actions for the past 30 years.

Under the PTIO proposal, Ohio EPA is proposing that the PTI terms would be combined with the PTO terms into one comprehensive document that would not live forever, but that would expire and have to be renewed on either a 5 year or 10 year basis. Clearly, if Ohio EPA adopts a PTIO program, Ohio EPA could do this going forward for new sources issued PTIOs under the new permitting rules. For existing sources, however, the Commentors do not believe that Ohio EPA can convert existing PTI requirements that were issued for the life of the emissions unit into requirements that will expire in 5 or 10 years.

B. Practical Concerns -- It Is Not Apparent How The PTIO Proposal Will Eliminate The Current Permit Backlog or Improve Overall Efficiency

The Commentors recognize that Ohio EPA is burdened with a tremendous task of issuing over 18,000 pending PTOs. Indeed, one of the reasons Ohio EPA has given for the proposed PTIO program is that it would ultimately address the PTO backlog by eliminating the need for separate PTIs and PTOs. The Commentors all agree that any measure that eliminates the need for additional permit applications or paperwork is a benefit for all involved. Having reviewed the PTIO proposal, however, it is not apparent to us how the PTIO proposal would eliminate or reduce the current PTO backlog.

As the Commentors see it, if a PTIO program is adopted, the pending PTO permits would still need to be issued as PTIOs. In order to issue a PTIO, Ohio EPA will need to review and revise the existing PTIs to convert them into PTIOs by including those operating terms that would have come from the as-yet-unissued PTOs. Thus, it would appear that Ohio EPA would still be faced with issuing over 18,000 permits, only now these permits would be more complex PTIOs as opposed to PTOs. As a result, while the PTIO approach eliminates the PTO permitting step for new sources installed after a PTIO program takes effect, it does not reduce or eliminate the current backlog.

Additionally, the Commentors see no significant "net" efficiency improvement associated with issuing a single PTIO as opposed to separate PTIs and PTOs. The PTIO would still need to be renewed, just as a PTO is renewed now. Thus, as we see it, industry and Ohio EPA would simply be trading the PTO renewal step for the PTIO renewal step. Consequently, the Commentors fail to understand how implementation of a new PTIO program improves overall permitting efficiency in a perceptible manner.

III. Counter-Proposal

The Commentors have given significant thought to the current PTIO proposal and potential alternatives for proceeding that would address Ohio EPA's objectives of simplifying the current permitting process and reducing the permitting backlog while also addressing the concerns raised above. The

Commentors have identified an approach that we believe would simplify the administrative process of issuing permits, while also addressing the legal and practical issues associated with the current PTIO proposal. This counterproposal would also address concerns that many permit holders have raised with the current PTI permit process. And, unlike the PTIO proposal, this counterproposal could be implemented with minimal, if any, revisions to the existing statutes or regulations.

The Commentors' counterproposal is simple. Rather than creating a combined PTIO program, which would require extensive revisions to the existing permitting regulations, redesign of the actual permit documents, and the need for new permit writing software, the Commentors suggest that Ohio EPA continue to issue separate PTIs and PTOs, but that they be processed at the same time, by the same Ohio EPA staff. Under the existing PTI/PTO program, responsibility for permitting lies with two separate groups of individuals within the agency. The PTIs are processed by the Engineering Section while the PTOs are processed by the Field Operations and Permit Management Unit. Indeed, Ohio EPA has itself recognized an inefficiency in this process and has proposed, as part of its internal reorganization, that these two groups be combined into one comprehensive permitting function. This counterproposal would be a logical extension of that reorganization plan.

The permitting process, as the Commentors envision it, would consist of the submission of a single comprehensive permit application that would contain all information necessary to issue both installation and operating permits. The existing PTI application should suffice. Next, Ohio EPA would prepare and issue both a PTI and a PTO. The permits would be separate documents but would be issued simultaneously and would be prepared and processed by the same person or persons. Because both documents would be prepared at the same time, there would be minimal if any additional work to the permit writer, as preparing the PTI and the PTO would simply require the permit writer to place the necessary permit terms in the correct document -- either the PTI or the PTO, or, where appropriate, in both. In the computer age, this is largely a question of "cutting and pasting" terms and generating two separate documents rather than one combined document and should not pose a measurable additional burden.

The Commentors perceive a number of benefits associated with proceeding in this fashion. First, because the PTO would be issued at the same time as the PTI, Ohio EPA would no longer need to include truly "operational" terms in the installation permit. If both the PTI and the PTO were issued at the same time, the PTI could contain all of the terms and conditions relevant to installation, including design specifications, requirements related to the installation of control equipment, and SIP requirements that are clearly applicable to the proposed emission unit. The PTO would then contain the more detailed operating conditions, to take effect after the source is constructed and has been started up and tested.

Because the PTI currently serves as the PTO for the first year (or until a PTO is issued), more and more operational terms have been appearing in the PTI. By issuing a PTI and a PTO simultaneously, Ohio EPA could make a clear distinction between installation terms and operating terms and place the truly operational terms in the operating permit as opposed to the federally enforceable construction permit. In so doing, Ohio EPA would also be addressing permit-holders' concerns over US EPA's recent intrusion into and oversight of what has always been a state permit program -- something that the PTIO proposal would only further complicate. With simultaneously-issued but physically separate permits, the federally enforceable construction terms would reside in the PTI and the PTO would continue to be a state-only enforceable permit, as it has been since its inception.

In addition, under the current system, permit applicants must submit PTO applications to Ohio EPA shortly after receiving their PTIs. Thus, almost immediately after the Engineering Section issues a PTI, a different group -- the Field Operations Section -- is being asked to process yet another permit for the same source. By having a single permitting group issue both the PTI and PTO simultaneously, the Ohio EPA

permitting staff is spared the duplication of effort that currently exists.

Ohio EPA could also improve upon the current permit design by making the PTO effective only after the source has been constructed and has successfully passed its stack test, following any necessary shakedown or startup period. Emission limits for sources that have never been operated are often overly conservative or are based on vendor estimates. Compliance with emission limits based on such predictions or estimates can be especially difficult during startup and shakedown, when the equipment is still being fine tuned to minimize emissions and the company is still learning how the equipment operates.

Additionally, more and more permits being issued by Ohio EPA contain detailed surrogate parameter monitoring requirements. If Ohio EPA is interested in simplifying the permitting program and reducing burdens on permittees, Ohio EPA should minimize or eliminate this practice of creating surrogate parameter monitoring requirements, especially for smaller sources. Here again, the Commentors urge Ohio EPA to consider the relative insignificance of the emissions units in question and to recognize that little is gained by imposing onerous requirements on such small sources of emissions. Alternatively, if parametric requirements are to continue to appear in permits, Ohio EPA should limit these requirements to the state-only operating permit and build into the permit a simple mechanism for revising those requirements where necessary. By so doing, Ohio EPA eliminates the need to revise the federally enforceable PTI, thereby removing US EPA oversight from the permit modification process. Additionally, because surrogate parameters included in permits for new sources are typically based on predictions and estimates that often prove to be incorrect, Ohio EPA could eliminate the need to modify permits to revise such parameters by providing a simple “notice and go” revision process. Under such an approach, revisions to such parameters could be incorporated by reference.

The Commentors sincerely believe that this proposal -- issuing separate PTIs and PTOs simultaneously and segregating installation and operation requirements -- would address the majority of the agency’s concerns with efficiency and would also address the problems identified with a single PTIO program. The counterproposal addresses the permit backlog just as well as the PTIO program does -- if not better. Moreover, it eliminates the need for the agency to develop and maintain several different permit programs. [Under the PTIO proposal, the agency acknowledges that it would still need to maintain a separate PTI program for Title V sources. As long as a separate PTI program will exist for Title V sources, it makes sense to keep separate PTIs for all emissions units rather than creating an entirely new PTIO program]. Ohio industry and Ohio EPA permit writers are familiar with and have worked with separate PTIs and PTOs for over 30 years.

The Commentors firmly believe that the desired efficiency improvements can be achieved by changing the way the permits are processed in the current system, rather than by creating an entire new permitting program. Especially where the emissions units in question are relatively minor in size and environmental impact, Ohio EPA could achieve significant improvements with minimal revisions to the current system, freeing up its staff resources to address more significant matters. This has been a goal of the PPEC process, and the Commentors strongly encourage Ohio EPA to avoid creating a more complex process for small sources so resources may be directed toward realizing greater efficiencies in the permitting of major sources. We respectfully urge Ohio EPA to consider the counter-proposal offered herein as a more efficient use of resources in permitting minor sources. We welcome the opportunity to meet with the Director to further explain our concerns and to work with Ohio EPA to develop this counterproposal into a workable alternative to the PTIO proposal.

These comments are respectfully being submitted on behalf of industry and trade association

members of the PPEC by:

Martin S. Seltzer
Katerina M. Eftimoff
Porter, Wright, Morris & Arthur, LLP
41 S. High Street
Columbus, Ohio 43215

Comment:

As a member of DAPC I would like to thank the people involved in the effort to put this proposal together. Going to the PTIO process would be an unbelievably HUGE improvement to the way DAPC issues permits. It would be a great disservice to the agency if the proposal is not implemented.

Thank you
Wendy Ordway
NWDO DAPC

Comment:

Linda,
Any change such as this, that cuts costs in the private sector as well as at the State level is refreshing news. Any and all additional changes, that would not compromise the spirit for which the EPA was created, will always be welcomed by all. Kudos to the people responsible.
Sincerely,
Brad Hance
Robin Enterprises Co.

Comment:

Dear Linda,

The DAPC's proposal to combine the PTI and PTO process into one application is a great idea! One would hope that the new process would provide a more efficient means of applying for the installation and operation of air contaminant sources. Please keep us informed.

Sincerely,
Wm. J. Hirzel
Plant Manager
Hirzel Canning Co.

Comment:

Since just completing the PTI / PTO process for our facility I would welcome any change that the agency could offer. I felt the

Response:

Thank you very much for your encouraging words. I will share your comments with the team members and management.

Response:

Mr. Hance,

Thank you for your comments on the proposed new PTIO permitting process.

We see the PTIO process as a way to significantly cut waste and improve environmental compliance while maintaining a level of protection to the environment sufficient to meet the national ambient air quality standards.

I have added your name to the interested parties mailing list and I will keep you informed of the progress of this group. We fully intend to continue to seek public input on this change to our permitting process. I hope that when the more detailed report is published, the detail in the report will answer any questions that remain.

Response:

Mr. Hirzel,

Thank you for your comments on the proposed new PTIO permitting process.

We see the PTIO process as a way to significantly reduce waste while maintaining a level of protection to the environment sufficient to meet the national ambient air quality standards.

I have added your name to the interested parties mailing list and I will keep you informed of the progress of this group. We fully intend to continue to seek public input on this change to our permitting process. I hope that when the more detailed report is published, the detail in the report will answer any questions that remain.

Response:

Mr. Tritt

Thank you for your thoughtful comments on the proposed new PTIO permitting process. Your comments will help this team to



process was extremely lengthy and very repetitive. The new program seems to make a little more sense in the respect that once the initial information is developed on the sources, this information is then converted over to the PTO. I would assume that a decrease in time for getting the permit would be experienced as well since the agency would only have to review the information once. Reduction in reporting requirements would ease the paper load as well. The only complication I can see would be in enforcement. Should a facility misinterpret a requirement of the PTIO, it may be up to 5 years or even 10 years until the oversight is caught and most likely it would be by the agency which would promptly issue an NOV. If the agency wishes to allow employers more flexibility then enforcement needs to be more relaxed as well to allow for more cooperation. What about changes? There is no mention if modifications need to be made, what and how long would these take? What about future expansion or need to convert to Title V? Would extreme delays and difficulties be encountered? just some food for thought.

I think overall the plan seems logical. Reduction in paper, longer permit times and a little flexible. Maybe computer submission may help to further the permit process along.
Scott W. Tritt
Precision Door and Glass

Comment:

LINDA-OUR COMPANY HAS APPLIED FOR A COUPLE PTT'S AND PTO'S NORMALLY WITH A PROFESSIONALS HELP ON THE PAPER WORK ETC. I CAN SAY WITHOUT DOUBT THE NEW PROPOSAL SHOULD STREAMLINE THE APPLICATION AND ULTIMATELY LOWER COST FOR BUSINESS' WHICH CAN IN TURN BE PASSED TO CONSUMERS.
BEST REGARDS
DUANE GRAFFICE
GENERAL MANAGER
WM DAUCH CONCRETE

Comment:

Dear Linda:
Based on the brief overview of the new PTIO process, I believe that it will be a positive change.
James Conlon
Vice President & General Counsel
Stein, Inc.

Comment:

better address these concerns (enforcement, Title V conversion, modifications) throughout their study and report.

The intention of the PTIO fact sheet was to solicit initial reactions to the proposal before proceeding any further with the project. I hope that when the full report is published, the detail in the report will answer any questions that remain.

I have added your name to the interested parties mailing list and will keep you informed of this teams progress.

Lastly, it is our intention to make all permit applications available through electronic web submittal in the next few years.

Please do not hesitate to contact me with further questions.

Response:

Mr. Graffice,

Thank you for your thoughtful comments on the proposed new PTIO permitting process.

I have added your name to the interested parties mailing list and will keep you informed of this teams progress.

Please do not hesitate to contact me with further questions.

Response:

Mr. Conlon,

Thank you for your comments on the proposed new PTIO permitting process.

I have added your name to the interested parties mailing list and will keep you informed of this teams progress. Hopefully, when the final detailed report is published, any questions which remain will be answered.

Please do not hesitate to contact me with further questions.

Response:

Mr. Wheeler,

Received your letter concerning the proposal to combining the PTI and PTO's for non-Title V sources. Sounds like a great idea.
John Wheeler
(Permit 0204010283)

Comment:

Dear Ms. Ours,

I recently received the interested parties letter regarding the proposed combination of PTI and PTO processes into a single PTIO. While I welcome the opportunity to provide comment, I find that the letter and accompanying fact sheet do not provide much detail. Specifically, I am wondering about what statutory and/or regulatory changes will be necessary.

Does Ohio EPA anticipate that the proposed changes would require action by the legislature?

If Ohio EPA believes that it has the authority to proceed without action by the legislature, will Ohio EPA need to change the OAC? If yes, are there proposed changes available to the public now?

Thank you for any help you might be able to provide.
-Glenn Landers
(Sierra Club)

Comment:

Ms. Ours.

How can you make it easier to obtain a permit??? We have enough trouble watching your so called regulations. I live in Cheshire, Ohio and think the EPA is overlooking the "Protection" part of their title. The EPA works for the big companies--not the citizens that they should be protecting. Instead of making it easier for companies to pollute our environment--you should be making it harder for them. I am against this wholeheartedly.

Sincerely,
Pam Thompson

Thank you for your return reply. I still believe that this PTIO process will make getting a permit faster, thus shortening the time the public has to become aware of, educating ourselves about the issue, and if need be questioning the environmental repercussions. We, the little people, have a hard enough road to travel without making it easier for large companies to slip through permits. It needs to be harder and stricter--not easier. Pam Thompson

Thank you for your comments on the proposed new PTIO permitting process.

I have added your name to the interested parties mailing list and will keep you informed of this teams progress.

Please do not hesitate to contact me with further questions.

Response:

Mr. Landers,

Thank you for your comments and input.

In short, the PTIO process would require minor legislative changes and major changes to the OAC. It was our intention to solicit initial reactions to the proposal before proceeding with law and rule changes. We didn't want to expend the considerable resources required to re-write the OAC only to later find out that everyone in Ohio was opposed to the proposal.

When the rules are drafted, we will absolutely seek public comment and hold public meetings. The drafting of the new rules is several months away.

I hope I have answered your questions. I will make sure you continue to receive all information published by this group.

Response:

Dear Ms. Thompson,

Thank you for your comments on the proposed new PTIO permitting process. Your comments will help this team to better address these concerns throughout their study and report.

We see the PTIO process as a way to significantly cut waste and increase environmental compliance while maintaining a level of protection to the environment sufficient to meet the national ambient air quality standards. The PTIO process would not reduce the requirements of the current air quality regulations.

I have added your name to the interested parties mailing list and I will keep you informed of the progress of this group. We fully intend to continue to seek public input on this change to our permitting process. I hope that when the more detailed report is published, the detail in the report will answer any questions that remain.

Comment:

Linda,

I received the 9-26-02 e-mail from Mike Ahern regarding the proposal to combine the PTI and PTO permits. I have many questions. The one and a quarter page fact sheet does not contain enough information for comments, only more questions.

Some of my questions are....

1. Who is on the "process improvement team"?
2. How many draft PTI have been issued in the past five years?
3. How many direct final PTI have been issued in the past five years?
4. How many (PTI) Public Hearings have been held in the past five years?
5. What is the time frame between PTI application and draft or final?
6. How many draft PTO have been issued in the past five years?
7. How many direct final PTO have been issued in the past five years?
8. How many (PTO) Public Hearings have been held in the past five years?
9. What is the time frame between PTO application and draft or final?

Thanking you in advance for answering the above questions.

Teresa Mills
Buckeye Environmental Network

Comment:

I reviewed the OEPA Fact sheet on the proposed permit process and have one comment. The proposal appears to be an improvement to the current process, but only if the time it takes to approve a permit application is less than the time it currently takes. The existing permit approval process takes a lot more time than it should!

Sincerely,

Stephen J. Evans
Modine Manufacturing Company

Response:

Ms. Mills,

Thank you for your interest in this program.

The intention of the PTIO fact sheet was to solicit initial reactions to the proposal before proceeding any further with the project. We didn't want to expend the considerable resources required to make these changes only to later find out that everyone in Ohio was opposed to the proposal. We also believe that an increased effort to involve Ohio citizens and the public can only benefit us all; thus a very preliminary fact sheet.

The fact sheet was intended to be a summary. Once the team completes their proposal, a full, detailed report will be available. Once the full report is available, rules will be drafted and public comment will be sought.

I would be happy to add your name to the Interested Parties email list to keep you updated on this teams progress.

Also, for more detailed information on the PTIO program, I suggest you download the process flow charts at: <http://www.epa.state.oh.us/dapc/page/whatsnew.html> (see Thursday September 5).

Team members are: Adam Ward, Isaac Robinson, Mike Hopkins, Nancy Meli, Mark Hartman, Mark Budge, Olen Ackman, Alan Harness, Pam Korenewych, Jenny Marsee, Brad Miller and Jan Tredway.

The questions you seek are not information that is easy to assemble. The difficulty of obtaining this information is one of the driving forces behind the rebuild of the STARS and STARShip software, which I manage. I suggest you go through the normal public information channels if you need this data as it is not a part of this team's work product.

Response:

Mr. Evans,

Thank you for your comments on the proposed PTIO permitting process. It is helpful for the team to know what specific concerns to address more fully, such as the 'time to obtain a permit' issue.

I can't definitively address whether or not the time it takes to get a PTIO would be less than the time it currently takes to get a PTI, however, I can say with certainty, the time it takes to get a PTIO will be dramatically less than the time it currently takes to get a PTO.

I have added your name to the interested parties mailing list so that I may keep you informed of the teams progress. When the final

report is published, hopefully any questions you still have will be answered.

Please feel free to contact me with any further questions.

Comment:

We have just witnessed the demise of the plans for Aquila power company to build a plant just south of us.

We have seen the trepidation of the powers that be walk all over the communities wishes on this matter. If this "new" implementation of the PTIO does not accommodate the communities input, loud and clear, then perhaps the EPA should consider another draft.

Remember, the government was originally institutionalized for the good of the people and not just business.

If the business is not helping people or if it is just being a plaque, then why facilitate its existence?

Stephen & Connie Caruso
Pataskala, OH

Response:

Mr. and Mrs. Caruso,

Thank you for your comments on the proposed new PTIO permitting process.

The intention of the PTIO fact sheet was to solicit initial reactions to the proposal before proceeding any further with the project. We didn't want to expend the considerable resources required to make these changes only to later find out that everyone in Ohio was opposed to the proposal. We also believe that an increased effort to involve Ohio citizens and the public can only benefit us all; thus a very preliminary fact sheet. This is the first time the Division of Air Pollution Control has sought to involve the public at such an early stage of a proposed process change.

We see the PTIO process as a way to cut waste and increase compliance while maintaining a level of protection to the environment sufficient to meet the national ambient air quality standards.

I have added your names to the interested parties mailing list and I will keep you informed of the progress of this group. We fully intend to continue to seek public input on this change to our permitting process. I hope that when the more detailed report is published, the detail in the report will answer any questions that remain.

Comment:

Linda, I belong to Ohioans for RESPONSIBLE Rural Development, and I strongly OPPOSE the change to PTIO! It is difficult enough to provide accurate information to our community and with new change to install and operate with one permit would through a roadblock our communities could not overcome. There is growing public concern with governing bodies NOT protecting the public! Ohio EPA must not allow this change. These "minor changes" can affect our environment. Thank you for listening to the public needs. Respectfully, Nancy Montell
graciemont@yahoo.com.
(Ohioans for Responsible Rural Development)

Dear Linda, In an effort to streamline the process, it appears that the public is at the mercy of Ohio EPA..."There may be a public comment period for one or both permits (the PTI and the PTO). A comment period is provided if Ohio EPA thinks there is public interest". I would hope the OHIO EPA would want to ensure PUBLIC opinion and comment as a protection for the EPA With a PTIO only ONE (if any) opportunity for public comment would be

Response:

Ms. Montell,

Thank you for your comments on the proposed PTIO permitting process.

The intention of the PTIO fact sheet was to solicit initial reactions to the proposal before proceeding any further with the project. We also believe that an increased effort to involve Ohio citizens and the public can only benefit us all; thus a very preliminary fact sheet.

We see the PTIO process as a way to cut waste and increase compliance while maintaining a level of protection to the environment sufficient to meet the national ambient air quality standards.

I would be very interested in knowing your specific concerns as to how a single permit to operate and install would reduce your ability to give accurate information to citizens. If we can better

provided! Renewals every ten years seems to me to be an over extended time allowance granted the misconduct in this day and age. Thank you, Nancy Montell

Comment:

Dear Ms. Ours:

I am writing to oppose the PTIO proposal. Please vote no on this. Public input is critical and all citizens must retain this right. We have all seen how big money interests seem to make (and break) the rules in bringing new industry to our state. Please...say no to PTIO.

Thank you for your time.

Nancy Waldren
Pataskala, Ohio

Comment:

Linda,

I have received and reviewed the 9/24/02 letter you sent regarding the proposed streamlining of PTT's and PTO's for non-title V sources.

From the information, I feel it is a viable program for businesses like mine.

Best Regards,

Art Yoder
Berlin Wood Products, Inc.

Comment:

I'm against the new PTIO proposal (PTI sets limits on the amount of pollution on new sources and existing, and the PTO tests, then permits the operation, the proposal seeks to combine the permitting, but opportunities for public comment and verification is too limited.

We should be working to increase public review not limit it.
The new proposal for combining permitting PTIO:
Limits public comment
Limits Reporting requirements
Limits verification
Extends the permit period to years before the renewal process
THIS WORKS AGAINST THE PUBLIC INTEREST
- Don Bearden

understand your concerns, we can try to address them in the draft proposal.

I have also added your name to the interested parties mailing list and I will keep you informed of the progress of this group.

Response:

Dear Ms. Waldren,

Thank you for your comments on the proposed new PTIO permitting process.

I have added your name to the interested parties mailing list and will keep you informed of this teams progress.

Please do not hesitate to contact me with further questions.

Response:

Art,

Thank you for your comments on the proposed new PTIO permitting process.

I have added your name to the interested parties mailing list and will keep you informed of this teams progress.

Please do not hesitate to contact me with any questions or comments.

Response:

Mr. Bearden,

Thank you for your comments on the proposed new PTIO permitting process.

Once all comments are received, we'll either hold a public meeting (keeping in mind this project is still in its infancy) or we'll publish a more detailed document which outlines comments received and responses to those comments.

I have added your name to the interested parties mailing list and will keep you informed of this teams progress.

Comment:

Dear Linda Ours:

GO FOR IT! The proposal not only makes sense, it saves time and money at the regulatory end of the process but most importantly (from my prospective) it saves time and money at my end of the process!

In these days of tight funds and "not enough time", it is enlightening to hear from the regulators that they want to make things quicker, faster, and less burdensome. Thank you for attempting to reduce the time required to obtain a permit and the frequency of reporting. In the past, I have had permits which required quarterly reports and it was a complete waste of everyone's time. The regulator only wanted an annual report and industry spent an inordinate amount of time generating unnecessary reports. Waste of time & resources.

You have my 110% endorsement on this one!

David Rinehart, CHMM
Sr. Environmental Engineer
Diebold, Incorporated

Comment:

Dear Ms. Ours:

I would like to offer the following comments regarding the proposed combined Permit-to-Install (PTI) and Permit-to-Operate (PTO) process:

Overall, the proposed PTIO process appears to be an excellent approach for improving the efficiency of permitting non-Title V sources. It also would help reduce the reporting burden for industry.

The only concern that I wish to communicate is that "Express PTIO" applications should be processed at least as quickly as the current PTO Registration options. (The Fact Sheet did not indicate whether this would be the case.)

Thank you for the opportunity to comment on these important efforts to improve the permitting process.

Sincerely,

Anne L. Tyler, P.E.
Capital Resin Corporation

Comment:

Dear Ms. Ours,
I would like to express my concern regarding the EPA's proposal

Please do not hesitate to contact me with further comments or questions.

Response:

Dear Mr. Rinehart,

Thank you for your encouraging comments on the proposed new PTIO permitting process!

We see the PTIO process as a way to significantly reduce waste while maintaining a level of protection to the environment sufficient to meet the national ambient air quality standards.

I have added your name to the interested parties mailing list and I will keep you informed of the progress of this group.

Response:

Hardcopy letter received, no response sent.

to combine the PTI and PTO applications into one process. In the past year, I have been involved in a grassroots efforts against siting a peaking power plant in a rural area. Although, this project never made it to application, I felt that the public comment requirement at both the PTI and PTO steps at the EPA would have been invaluable to our community to express concerns and have questions answered. Any changes in this process that limit the access of the public to question an industry's impact on their health and environment would devastate grass roots efforts to keep industry accountable to those it impacts. For this reason, I would like to see the permitting process remain a two step process.

Thank you,
Jill Maldovan
Baltimore, Ohio

Comment:

Ms. Ours,

This email is in response to OEPA's request for comments concerning the proposed merger of the PTI and PTO processes.

As a citizen of Ohio, I find the current methods of citizen participation in OEPA decision making barely adequate. OEPA defers to the applicant in most cases, over the objection of citizens most affected by those decisions. To reduce the amount of citizen participation by combining the PTI and PTO into a single opportunity for public comment would further weaken the public's ability to comment on proposals to increase the pollution of our environment. For this reason, I suggest the current process of requiring both a PTI and PTO be retained and even expanded.

As far as I can tell, OEPA conducts a public hearing, collects the public comments, and submits them to the applicant for a response. The applicant then replies to the issues raised by the public, and OEPA accepts the applicant's reasoning without any publicly accessible critical review. To the citizen, this looks like a rubber-stamp process, as OEPA denies only a very small percentage of permit applications.

This process should be expanded to allow more interaction between OEPA and the public. After an applicant's response to public comments are received and OEPA reviews the response, a second public hearing should be convened to allow the public an opportunity to question the review. OEPA should be required to show what public need/benefit is being satisfied by this additional pollution. All documents pertaining to the application should be posted in an easily accessible docket on the OEPA website. A precedent exists for this procedure - the State of Ohio already owns the software to provide this service. I refer to the Public Utilities Commission - Ohio Power Siting Board docket system. OEPA should institute a similar system to allow the public to review all documentation pertaining to any application to add to the net pollution of our state.

Response:

Dear Ms. Maldovan,

Thank you for your comments on the proposed new PTIO permitting process. Your comments will help this team to better address these concerns throughout their study and report.

We see the PTIO process as a way to significantly cut waste and increase environmental compliance while maintaining a level of protection to the environment sufficient to meet the national ambient air quality standards.

I have added your name to the interested parties mailing list and I will keep you informed of the progress of this group. We fully intend to continue to seek public input on this change to our permitting process.

Please do not hesitate to contact me with further comments,

Response:

Mr. Williams,

Thank you for your comments on the proposed new PTIO permitting process.

We also believe that an increased effort to involve Ohio citizens and the public can only benefit us all; thus a very preliminary fact sheet. This is the first time the Division of Air Pollution Control has sought to involve the public at such an early stage of a proposed process change.

We see the PTIO process as a way to cut waste and increase compliance while maintaining a level of protection to the environment sufficient to meet the national ambient air quality standards.

I agree with your suggestions regarding the DAPC web page. There are many improvements to data gathering which would make involvement easier for everyone. I will pass these suggestions along to the proper people. Also, when PTIO comments have been consolidated, I will be posting them on the web page.

I would like to take this opportunity to clarify one issue. It is not policy nor is it an Agency practice to send public comments to the permittee for comment. It is the Agency staff that respond to comments and they only contact the permittee if a clarification is needed. The Agency is bound by its rules and authority in responding to public comments. Please review Chapter 3745-47 for procedural requirements on public participation or contact our public interest center for written procedures regarding the collection and response to comments.

I have added your name to the interested parties mailing list and I

The second part of this proposal to allow polluters to police themselves is also inadequate. This is like the fox guarding the henhouse (or should I say, the Ohio Department of Agriculture guarding Buckeye Egg!). History has shown that any leeway given to Ohio polluters results in more pollution, not less. Changing the renewal term from 5 years to 10 years, and the reporting to an annual basis, results in more opportunities for polluters to pollute.

OEPA has become too polluter-friendly. It is time for OEPA to return to its roots, and act as the Ohio Environmental PROTECTION Agency. For this reason, I suggest that OEPA consider expanding the role of the public in PTIs and PTOs.

As an aside to this email, where on the OEPA website will I find an archive of public comments to this proposal?

Thank you for your time,

Sincerely,
/s
Bob Williams
Lancaster, Ohio

Ms. Ours,

Thank you for your prompt reply. I was pleasantly surprised that I received a reply, as I (evidently mistakenly) understood that you were just gathering public comment, and not necessarily responding to it.

One point of clarification on my part. I was involved in the public hearings jointly conducted by OEPA and the Army Corps regarding the Marathon pipeline. Public comments were assembled and delivered to Marathon, and Marathon returned a document to the Corps with their responses to those comments. From my perspective, there was no further comment or public review of Marathon's responses by either OEPA or the Corps. It seemed that the Corps took those responses at face value, with no critical review of them, nor with any opportunity for the public to respond to them. I realize that the Corps was responsible for providing the public transcript and letters to Marathon, but, as OEPA was part of the proceeding, I assumed this was standard practice for them as well.

This is why, from my point of view, I feel that public comments fall into a black hole. There seems to be no way that an average citizen can engage in a dialog w/OEPA, we only are able to provide initial opinions on an issue. The only way to further affect the decision making process is to appeal to ERAC, which entails attorney fees, etc., out of the reach of most "average citizens". It's no problem for a multi-million (or BILLION) dollar company to spend \$20,000-\$40,000 on attorneys, but that's not possible for most citizens and non profit organizations. Unfortunately, private

will keep you informed of the progress of this group. We fully intend to continue to seek public input on this change to our permitting process. I hope that when the more detailed report is published, the detail in the report will answer any questions that remain.

citizens and non-profits seem to be the only voice against those in favor of development at any cost to the environment.

OEPA's record over the past few years of approving the vast majority of PTI's/PTO's (not just air permits, but water, too) is one of the reasons for my concern. I have friends who are OEPA employees, and ex-employees. To a person, they complain about the pressure to approve permits. This is not just anecdotal, either. The recent poll by PEER (Public Employees for Environmental Responsibility) bears that out. It's most instructive to read the essay answers given by your colleagues, to get an idea of the lack of morale and the feeling that OEPA is not living up to its mission.

I truly appreciate that you plan to post the comments on the OEPA/DAPC website. This is a great first step in allowing a dialog. Please take the time to look at the PUC/OPSB web docketing system. That is a pretty good model for what OEPA should be doing.

Thanks for your time, Bob Williams

Comment:

Dear Ms. Ours,

I appreciate the opportunity to provide comments on Ohio EPA's proposal to combine the PTI and PTO processes into the one permit review process. I support the agency's position that the public, regulated community, the Agency and the environment will benefit from the change.

Having recently been the recipient of a 90+ page PTI for a facility with just over 15 pounds per day of VOC emissions, streamlining the permit and the permitting process is a welcomed change. This particular permit, written in a different format but including the same requirements, could have been minimized by 75%. It appears the Agency will address consolidation of terms and conditions to minimize the length of future permits. With the redundancy in the current permits, the permittee tends to mentally, if not physically, rewrite the permit to gain better understanding of the requirements for the permitted facility. Producing a clear, concise permit is paramount to achieving and maintaining compliance by the permittee.

The PTIO process proposed appears to address another issue associated with the current system of permitting non-Title V sources, which is flexibility. Improving the process to allow for equipment changes that result in no significant changes to emissions would benefit the regulated community as well as the permit review staff. The community would benefit by allowing the Agency more time to spend on issues of greater importance to the overall health of the community and environment.

Response:

Hardcopy letter received, no response sent.

Paperwork reduction comes in two forms: annual reporting versus quarterly reporting and one application instead of two. The combining of the current two-permit system into one permit is a practical change that eliminates submitting nearly duplicate information to the Agency.

Thank you for the opportunity to provide comments and support for OEPA's effort to improve the permitting process. I encourage the Agency to move forward with rule making to facilitate the changes. If I can be of assistance to the Agency in the process, please do not hesitate to call me at 501-624-8554.

Regards,

Richard Gay
North Central Area Regulatory Manager
Weyerhaeuser Company

Comment:

Dear Ms. Ours,

I must voice my objection to the proposed rule changes for the "Permit to Install" and the "Permit to Operate." Combining these two permits into one PTIO eliminates one more opportunity for the public to be informed and offer feedback. This may be what you want with this proposal but that is wrong. I am utterly dismayed by the poor level of "protection" afforded by our State regulatory agencies and OEPA is no exception. Public input must be considered paramount before proceeding with any plans to degrade the environment. Anything less than full and informed public participation, careful reviews, and diligent monitoring by State regulators is negligent. DO NOT CHANGE THE PERMIT RULES FOR "PTI's" AND PTO's.

Sincerely,
Martin Hammar
Logan, Ohio

Response:

Hardcopy letter received, no response sent.

Comment:

Dear Madam:

Regarding the PTIO proposal: Short cutting common (and expected) environmental safeguards such as environmental impact studies and common courtesy toward the public (evidenced by the behavior of Marathon Ashland in their drive to railroad approval for their hazardous pipeline) we are not at all surprised by this latest attempt to skip procedures and allow more leeway for industry.

Ever since Governor Taft told ODNR employees that; with regard to the pipeline and the nature preserves it will violate, there will be a hands-off policy. Jones and Speck have remarkably not been seen at any of the tumultuous meetings about the pipeline.

Furthermore 401 and 402 permits have been awarded, and not in the usual order, which delivered the message that 'all is well fellows, proceed without fear' Marathon began cutting the Amerine tree farm without warning, in spite of telling the Amerines that they would not. Even cutting trees outside the surveyed limits "because I can". All this with the Hocking County sheriff deputies standing by.

The need for energy is great. No one argues that. However this need does not mean that energy companies can avoid cleaning up their act (using some of their profits) as long as the playing field is even. As for being trusted to tell the truth I need only cite Enron and the California energy crunch last summer. Enron has now been cited for creating the event to their profit.

I am violently against this PTIO proposal and likewise the lengthening of time between their reports to your agency. I am likewise violently in favor of your department increasing their investigative staff to enable the truth be known, in this climate of laissez faire from our elected officials!

Stuart B. Hughes
Lancaster, Ohio

Comment:

Andrew,

I wanted to thank you for the presentation of the PTIO process. This was the first chance U.S. EPA had to hear OEPA's plans for this program. I want to say that we support this program and see how this option will benefit OEPA's permitting program. While I was listening to your presentation a few thoughts came to me that I would like to discuss.

1. The concept of an expiring PTI is one to stay away from. I do know that there are programs out there with expiring PTIs but it has a whole host of problems not the least of which is degradation of the permit terms over time and supersession issues. The ability to construct under a permit should expire within 18 months but the terms and conditions should not.
2. The reduction of reporting frequency might have some bigger issues particularly with synthetic minors and netting permits. (not so much the small true minors). Many would be enforcement related. We should consider engaging U.S. EPA's enforcement staff on this question
3. As OEPA works through the renewals, will the PTIOs be merged into one permit?
4. I don't believe the credible evidence concerns are limited to Title V sources. We should consider the impacts of this rule on the PTIO program.

Response:

Dear Mr. Hughes,

Thank you for your comments on the proposed new PTIO permitting process.

We see the PTIO process as a way to significantly cut waste and increase environmental compliance while maintaining a level of protection to the environment sufficient to meet the national ambient air quality standards. The PTIO process would not reduce the requirements of the current air quality regulations and in many ways would help to strengthen them by increasing our contact with many facilities who currently aren't required to report even on an annual basis.

We neglected to make it more clear in the fact sheet that the proposed PTIO Program would only apply to smaller, non-Title V facilities. If Ohio EPA permit staff only have to review one permit document (currently, the PTI and PTO are virtually identical documents for non-Title V facilities), they would have more free time to perform critical inspections and engage in enforcement activities.

I have added your name to the interested parties mailing list and I will keep you informed of the progress of this group. We fully intend to continue to seek public input on this change to our permitting process. I hope that when the more detailed report is published, the detail in the report will answer any questions that remain.

Response:

Genevieve,
I am pleased that the U.S. EPA supports the PTIO program. We will continue to involve you as we further develop the process. Thank you for providing comments. Responses are noted below, in bold.

Thanks again,
Andrew

5. Where the CCR is NOT the Title V annual compliance certification, it is replacing a lot of reporting. For this reason, OEPA will really need to evaluate what is required in the form.

Genevieve Damico
U.S. EPA Region V

Comment:

Dear Linda

As a member of CARE who have been opposing the proposed power plant for Northwestern Ohio in Metamora, Fulton County, I firmly believe you need to have a greater firmness in dealings with power plants. We need to have more control over the amount of pollution they emit. It needs to be based on the amount of time they will be operating not based on the whole year. For example: you allow a power plant so many tons of pollution per year, and this is fine if they operate 365 days per year... But please do something about the plants who operate only 3 months a year with the same yearly allotment. These plants are operating with a much higher allowance of pollution per day, which would not be tolerated for the daily operating plants.

I was brought up to believe that the EPA was designed to protect the people, but I am beginning to think your main concern is protecting big business....

I say no to the PTIO. We the public would lose even more opportunities to speak either for or against a project. We need more than one comment period and a renewal changed from 5 to 10 years could create a large amount of laxness in the process for both the company and the EPA..

Ohio EPA
Division of Air Pollution Control

1. The concept of an expiring PTI is one to stay away from. I do know that there are programs out there with expiring PTIs but it has a whole host of problems not the least of which is degradation of the permit terms over time and supersession issues. The ability to construct under a permit should expire within 18 months but the terms and conditions should not.

We do plan to stay away from this concept of an expiring PTI with the PTIO process. Under the PTIO process, we expect the authority to operate to expire, but the PTIO to remain effective.

2. The reduction of reporting frequency might have some bigger issues particularly with synthetic minors and netting permits. (not so much the small true minors). Many would be enforcement related. We should consider engaging U.S. EPA's enforcement staff on this question

We will explore this issue in greater detail and contact Region V enforcement staff at a later time.

3. As OEPA works through the renewals, will the PTIOs be merged into one permit?

The process will be flexible to allow individual PTIOs to remain separate or to be merged into one document. We envision that PTIOs would be merged into one document for certain facilities, whereas in other cases individual PTIOs would remain separate in order to allow us to track projects at a given facility.

4. I don't believe the credible evidence concerns are limited to Title V sources. We should consider the impacts of this rule on the PTIO program.

That is a very good question and we will explore this regarding the PTIO process.

5. Where the CCR is NOT the Title V annual compliance certification, it is replacing a lot of reporting. For this reason, OEPA will really need to evaluate what is required in the form.

We expect more changes to occur to the draft CCR form in response to industry comments and look forward to receiving U.S. EPA's comments on a revised CCR form.

Response:

see below response to Ms. Herr (this message and the following three all came from Ms. Herr's email address)

Our community had a hearing last Aug. 13 with promises to address our letters to the EPA before the Bowling Green district EPA sent their recommendation to the Columbus office, as of today we have received no letters from the EPA addressing our comments. Please don't even think about making the process weaker by combining the PTI and the PTO.....

Comment:

I oppose the changes you are proposing by combining the PTI and the PTO.

Tom Herr
Metamora, Ohio

Comment:

I am against the proposed changes you are suggesting by combining the PTI and the PTO.

Thomas Herr
Metamora, Ohio

Comment:

Dear Linda

As a member of CARE who have been opposing the proposed power plant for Northwestern Ohio in Metamora, Fulton County, I firmly believe you need to have a greater firmness in dealings with power plants. We need to have more control over the amount of pollution they emit. It needs to be based on the amount of time they will be operating not based on the whole year. For example: you allow a power plant so many tons of pollution per year, and this is fine if they operate 365 days per year. But please do something about the plants who operate only 3 months a year with the same yearly allotment. These plants are operating with a much higher allowance of pollution per day, which would not be tolerated for the daily operating plants who operate 365 days a year.

I was brought up to believe that the EPA was designed to protect the people, but I am beginning to think your main concern is protecting big business...

I say no to the PTIO! We the public would lose even more opportunities to speak either for or against a project. We need more than one comment period and a renewal changed from 5 to 10 years could create a large amount of laxness in the process for both the company and the EPA.

Response:

see below response to Ms. Herr (this message and the following three all came from Ms. Herr's email address)

Response:

see below response to Ms. Herr (this message and the following three all came from Ms. Herr's email address)

Response:

Dear Ms. Herr,

Thank you for your comments on the proposed new PTIO permitting process.



Our community had a hearing last Aug. 13 with promises to address our letters to the EPA before the Bowling Green district EPA sent their recommendation to the Columbus office, as of today we have received no letters from the EPA addressing our comments. Please don't even think about making the process weaker by combining the PTI and the PTO.

Lynn K. Herr
Metamora, Ohio

Comment:

Linda, We are most definitely opposed to the the idea of combining the PTO and the PTI into one permit!!!!!!

Karen and Dempsey Ohlinger

Comment:

Linda,
We are living next to a site where a proposed power plant is due to be built in Metamora, Ohio.

We are totally against the combining of the PTI and the PTO into one permit. We were especially taken aback when we read that the EPA wants the applicant to receive their permit faster.

If anything, we feel that a major polluter such as a power plant have a longer waiting time for a permit. Its our air and water that they are polluting.

On August 13th, 2002 we had meeting in Metamora, Ohio with the Bowling Green EPA. We were told that we could send a letter with questions that we wanted answered and that we would get a reply. It is now October and we are still waiting for our letter to be answered.

We say no to PTIO.

Hank and Helen Haury
Metamora, Ohio

Comment:

Linda,

Because I attended the August 13th meeting in Metamora, OH with the EPA I learned about the permit process. After reading the

We see the PTIO process as a way to significantly cut waste and increase environmental compliance while maintaining a level of protection to the environment sufficient to meet the national ambient air quality standards. The PTIO process would, in many ways, strengthen our regulatory position by increasing our contact with many facilities who currently aren't required to report even on an annual basis.

We neglected to make it more clear in the fact sheet that the proposed PTIO Program would only apply to smaller, non-Title V facilities. If Ohio EPA permit staff only have to review one permit document (currently, the PTI and PTO are virtually identical documents for **non-Title V** facilities), they would have more free time to perform critical inspections and engage in enforcement activities.

I have added your name to the interested parties mailing list and I will keep you informed of the progress of this group. We fully intend to continue to seek public input on this change to our permitting process. I hope that when the more detailed report is published, the detail in the report will answer any questions that remain.

Lastly, I will forward your permit limits suggestions to our Engineering Section.

Response:

Karen and Dempsey,

Thank you for your comments on the proposed new PTIO permitting process.

I have added your name to the interested parties mailing list and will keep you informed of this teams progress.

Please do not hesitate to contact me with any questions or comments.

Response:

see below response to Ms. Northcott (this message and the following two all came from Ms. Northcott's email address)

information sheet on the proposed PTIO, I am against it. The PTIO is a bad idea.

Arlan Reimschusel
Metamora, OH

Comment:

Linda,

First of all, I should explain that I live directly on the Michigan-Ohio state line and directly downwind from the proposed Aquila power plant in the town of Metamora, Ohio. (Fulton County) I've been actively involved in trying to keep the Aquila peaker plant from coming to our area and I'm a member of CARE.(Challenging Aquila Regarding Electricity).

That is why I am writing with a Michigan address.

After reading about the proposed PTIO, I think that it is a bad idea. I vote no to it. The information states that an applicant would be allowed to receive their permit faster. I don't believe this process should be sped up for the applicants convenience.

With Ohio one of the most polluted states in the country, it makes no sense to make it easier for polluters to come in.

Fulton Countys neighboring county, Lucas County, had 15 days this summer when it exceeded the ozone limitations due to diesel engines and power plants.

The information Fact Sheet also states that by combining the two permits, the EPA could save money.

If the permit applicant fee was increased, then the EPA wouldnt have to cut costs. After all, these are extremely high dollar industries that the EPA is dealing with. Aquilas Fulton County faculty will cost 160 million dollars to build.

Also, the change from a current 5 year permit renewal cycle to a 10 year would be a definite weakening of the process.

When a polluting industry wants to build in an area,---it shouldnt be a rushed process. The community needs time to evaluate and research the effects of this industry and ask questions of the EPA.

Leave the PTI and PTO process intact. The PTIO sounds like a weakened system to me and I am not for it.

Gail Northcott
Blissfield, MI

Comment:

Dear Ms. Ours:

Response:

see below response to Ms. Northcott (this message and the following two all came from Ms. Northcott's email address)

Response:

Dear Ms. Northcott, et.al.

Thank you for your comments on the proposed new PTIO permitting process.

We see the PTIO process as a way to significantly cut waste and increase environmental compliance while maintaining a level of protection to the environment sufficient to meet the national ambient air quality standards. The PTIO process would, in many ways, strengthen our regulatory position by increasing our contact with many facilities who currently aren't required to report even on an annual basis.

We neglected to make it more clear in the fact sheet that the proposed PTIO Program would only apply to smaller, non-Title V facilities. If Ohio EPA permit staff only have to review one permit document (currently, the PTI and PTO are virtually identical documents for **non-Title V** facilities), they would have more free time to perform critical inspections and engage in enforcement activities.

I have added your name to the interested parties mailing list and I will keep you informed of the progress of this group. We fully intend to continue to seek public input on this change to our

I am submitting these comments regarding Ohio EPA's proposed combining of Permits to Install and Permits to Operate into one permit (PTIO). I have discussed this issue at length with a number of non-Title V facilities, and these comments are reflective of those discussions as well as my own personal opinions.

I support the concept of the PTIO and appreciate Ohio EPA's efforts in this regard. The backlog of PTOs has been a longstanding issue with many facilities. While in most cases facilities submit timely PTO applications, and thus can operate under a PTI indefinitely pursuant to ORC Chapter 119, this certainly is not how the system was intended to work. It is a common complaint that Ohio EPA has not yet issued a PTO for a source where the application was submitted some years ago.

While in support of Ohio EPA's PTIO process, there are a number of issues that warrant further analysis.

Comment 1.

The Fact Sheet summarizing the PTIO proposal states the "The operation T&Cs would be active upon issuance of the PTIO". It further states that the certification of installation (Construction Compliance Certification) would no longer be needed upon completion of installation since the emission unit's status would be reflected on the annual Compliance Certification Report (CCR).

It would seem that the certification of installation/construction, or some indication that the unit has moved from the construction to the operational phase, is important so that one could definitively determine when certain permit obligations commenced.

Under the PTIO proposal, it would appear that a facility would not have to necessarily report when normal operation began and thus when certain obligations (pressure drop monitoring, incinerator temperature, etc.) legally commenced. Once the unit has been constructed, and debugging has been completed, then it would fall under the operation requirements. Without any indication of when normal operation commenced, Ohio EPA may have difficulty enforcing operational conditions until at least the first CCR. Likewise, it would be important for an entity to know exactly when the operational requirements of the PTIO became effective.

Comment 2.

There is a concern with the agency is replacing various quarterly, semi-annual, and annual reporting with a comprehensive compliance certification similar to Title V. While efforts to foster consistency in reporting are appreciated, Title V contains clear authority for annual compliance certifications. Similar authority is not apparent in either the PTI or PTO rules. Ohio EPA should review and identify the authority for requiring an annual

permitting process. I hope that when the more detailed report is published, the detail in the report will answer any questions that remain.

Again, thank you for taking the time to comment.

Response:

Mr. Hayes,

Thank you for your thoughtful comments on the proposed new PTIO permitting process.

Your comments will help the PTIO team to better address specific concerns throughout the remainder of their study and in the final report.

I hope that when the full report is published, the detail in the report will answer any questions that remain.

I have added your name to the interested parties mailing list and will keep you informed of this team's progress.

Please do not hesitate to contact me with further comments or questions,

compliance certification reflective of a Title V certification. The fear most commonly expressed is that Ohio EPA will require a new annual compliance certificate in addition to the various quarterly and semi-annual reporting.

Comment 3.

By combining PTI and PTO requirements, an obvious question arises as to how USEPA will view these permits given their draconian approach to issues of federal enforceability. Will these permit have specific state and federally enforceable sections similar to Title V (but with more substance on the state side)? Presently, PTOs in and of themselves are not viewed as federally enforceable unless they are issued as a FESOP. Many facilities are concerned that USEPA will simply adopt an approach that the entire PTIO permit is federally enforceable. Industry is interested in reducing USEPA's condescending approach and involvement with Ohio permitting, and additional federal involvement is discouraged. USEPA has expressed a view that all PTI conditions, and all PTIs, are federally enforceable. It would not surprise many if they then took the same approach with PTIOs.

Comment 4.

The proposal of combining identical Terms and conditions (T&Cs) is strongly supported. As you know, many of Ohio EPA's PTIs have become unduly burdensome in part because of repetitive T&Cs. The concept of an appendix containing a single set of T&Cs with reference to the emission units they apply to appears to have wide support among those I have talked to.

I recognize that both industry and environmental groups have expressed strong concerns regarding the PTIO proposal. I believe the concept is fundamentally sound and is an appropriate response to the current backlog of PTOs. However, a number of the concerns raised are valid and warrant appropriate attention.

I appreciate the opportunity to submit these brief comments and support the PTIO initiative. However, the DAPC is encouraged to review and address the issues raised by all factions in order to build consensus for this proposal.

Sincerely

William D. Hayes
Vorys, Sater, Seymour and Pease LLP

Comment:

I'm against combining the two permits (ptio). The one to install and the one to operate.

Thank You,

Beth Haury

Metamora, OH

Comment:

Dear Linda,

Anything that can speed the process and alleviate tedious paper work is good for me. We are a small family business, projects sometimes require immediate action. Under the current system timeliness of documentation and process takes too long.

Comment:

Dear Ms. Ours,

I understand the OEPA is trying to streamline the permitting processes by merging PTI and PTO. This merger will allow the exclusion of much public comment. This is so wrong. If it were not for the public who would buy the various applicant's products. You need to do all in your power to protect the public.

You are there to protect the environment for all of us. The environment is our life and breath, not just dollars and cents. What matters is that we have a clean environment to pass on to the next generation.

I want to go on record that I oppose the merging of the PTI and PTO permitting process.

Respectfully

Janet M. Neeley
Millersport, OH

Comment:

Dear Ms. Ours:

As members of the SCSNDA Environmental Committee, we are very concerned about a proposal to condense the permit process for state regulated facilities from the current Permit to Install (PTI) and Permit to Operate (PTO) system to a combined "Permit to Install and Operate" (PTIO) system. We see this proposed change as limiting public involvement and by implication

Response:

Ms. Haury,

Thank you for your comments on the proposed new PTIO permitting process.

I have added your name to the interested parties mailing list and will keep you informed of this teams progress.

Please do not hesitate to contact me with further comments or questions.

Response:

Mr. Keynes,

Thank you for your comments on the proposed new PTIO permitting process.

We see the PTIO process as a way to significantly reduce waste while maintaining a level of protection to the environment sufficient to meet the national ambient air quality standards.

I have added your name to the interested parties mailing list and I will keep you informed of the progress of this group. I hope that when the more detailed report is published, the detail in the report will answer any questions that remain.

environmentally unjust. We, as residents of a low income racially mixed neighborhood have little recourse as it is when facilities want to move into the neighborhood or install machinery that emit various pollutants. This proposal whittles away at what little we already have.

The current PTI process provides our only opportunity for public comment when a facility wants to install an emitting device within our mixed residential and industrial neighborhood (Cleveland zoning laws do not address this issue). Sometimes these devices are installed literally next door to our homes. Also, unlike the Title V program, there is no legal requirement for community involvement, that we are aware of. The same goes for the PTO process. It provides a potential but not guaranteed window for public input into the ongoing operation of a facility, every 5 years. Such windows are crucial in making sure that such permits are indeed tight enough to be practically enforceable. Otherwise, any inspections that we may ask for may have little impact on a facility.

Combining these processes into a single permit and, even worse, extending the renewal period to 10 years rather than 5 severely limits our ability to have some say in what is being dumped into the air that we breath. Limiting reporting to only once a year limits this ability even further. If anything we need more frequent reporting and more frequent inspections of facilities not less.

The Cleveland Bureau of Air Pollution Control is overtaxed in its resources in attempting to cover all of Cuyahoga County as it is. Reducing the tools that they have just makes matters worse. We are especially alarmed, given the fact that we have many small polluting facilities that are too small to be under Title V or even the Toxic Release Inventory for that matter. Since permit information and reporting are the primary means of finding out and limiting what facilities emit, condensing the process into the PTIO would:

- severely hamper our ability to control the pollution in our neighborhood;
- know how much pollution there is;
- understand what particular kinds of pollution there are; and
- where this pollution is coming from.

Therefore we must emphatically oppose this proposed change. If you have any questions please feel free to contact us at the SCSNDA Office at (216) 881-0644 or by email at: scsnda@aol.com.

Thank you for your consideration.

Sincerely

Pastor Marvin Smith
Chair, SCSNDA Environmental Committee

Response:

Hardcopy letter received, no response sent.

Response:

SCSNDA Environmental Committee,

Thank you for your comments on the proposed new PTIO permitting process. Your comments will help this team to better address these concerns throughout their study and report.

In summary, we see the PTIO process as a way to significantly cut waste and increase environmental compliance while maintaining a level of protection to the environment sufficient to meet the national ambient air quality standards. The PTIO process would not reduce the requirements of the current air quality regulations but would help free up staff time (including the Cleveland Bureau of Air Pollution Control staff) to work on inspections and enforcement activities by reducing redundant work.

I have added your names to the interested parties mailing list and I will keep you informed of the progress of this group. We fully intend to continue to seek public input on this change to our permitting process. I hope that when the more detailed report is published, the detail in the report will answer any questions that remain.

Again, thank you for taking the time to comment on this important proposal.

Comment:

Dear Linda:

In accordance with Ohio EPA's 9/25/02 Notice, I wanted to provide you with Honda's rather general comments on the PTIO proposal.

First, given our considerable involvement in the "permitting improvement" discussions over the last several years, Honda recognizes that the development and preparation of this proposal undertook a significant amount of reflection and effort on Ohio EPA's part. Honda sincerely thanks and compliments Ohio EPA's staff for the effort which has culminated in this proposal.

Second, Honda must be candid in acknowledging that as a Title V facility, the proposal's direct impact on Honda will be limited, and that we have had very little contact with the existing PTO system for many years. It is for this reason that we are keeping our comments rather general, as we fully expect that you will receive much more detailed comments from entities who must actually operate within the confines of the existing PTO system and know its advantages and disadvantages better than we do. However, Honda does have suppliers which could be affected by this proposal, and Honda has tried to place itself in the shoes of these smaller facilities to determine the potential impact of the proposal.

All that said, Honda is of the general opinion that this proposal represents a significant step forward for Ohio EPA. In short, Honda believes a permitting system whereby an entity need only obtain one permit instead of two is an improved system, as it eliminates unnecessary, time-consuming, and confusing redundancy. We think that a "one permit" system would be simpler and would consume fewer resources (i.e., resources devoted to application preparation, application processing, permit notice and issuance, etc.) resulting in an efficiency improvement which would benefit both the regulated parties and Ohio EPA. We also do not see any "environmental quality" downsides to the proposal.

That said, we do have a number of comments/concerns regarding the proposal, as follows:

As noted at the recent PPEC meeting, the issue regarding which terms and conditions contained within a PTIO will be deemed "federally enforceable" will be extremely important. Based on the meeting, even different representatives from Region 5 seem to currently have different interpretations regarding the current federal enforceability of PTIs. Not surprisingly, this topic continues to generate confusion among the regulated community, and, as Director Jones noted, will have to be contemplated and clarified in the context of the proposed PTIO system.

Response:

Dear Chris,

Thank you for your thoughtful comments on the proposed new PTIO permitting process.

Your comments will help the PTIO team to better address specific concerns throughout the remainder of their study and in the final report.

I have added your name to the interested parties mailing list and will keep you informed of this teams progress.

Please do not hesitate to contact me with further comments or questions.

Honda asks that Ohio EPA approach the concept of an annual compliance certification with great caution. First, Honda wonders if Ohio EPA currently even has the statutory authority to implement an annual compliance certification process for PTIO holders, given that (to my knowledge) the "compliance certification" concept currently derives solely from the provisions of ORC Chapter 3704 which require implementation of the TV program.

Second, Honda is familiar with the complexity of the compliance certification process in the TV context, and asserts that imposing similar complexity on minor sources is not advisable and not of benefit to either Ohio EPA or the owners/operators of minor sources. Under the TV compliance certification provisions, companies have been directed to certify compliance with every emission limitation, monitoring requirement, and recordkeeping provisions in the permit, and to also certify that even insignificant sources listed in the permit are in compliance with applicable requirements. Given the increasing similarity between PTIs and TVPs, in terms of the degree and complexity of monitoring, recordkeeping, etc., Honda fears that the proposed compliance certification process for PTIOs will result in the same degree of confusion and complexity as has been generated by the TV compliance certification process, which is something to be avoided.

(Stated another way, the more that all Ohio air permits begin to "look, feel, and act" like TVPs, then haven't we lost sight of the fundamental concept that the TV program, with all its requirements and complexities, was really only to be imposed on large sources arguably worthy of such regulation?)

Further, just the notion of a "compliance certification report" (with its attendant "legal admission of violation" baggage) is likely to send shivers of anxiety through facility operators currently subject to the existing PTO system, and engender substantial opposition to the PTIO proposal. To that end, Honda suggests that Ohio contemplate, in lieu of an annual "compliance certification" process, an annual "deviation report". This retains the benefit of reduced once-per-yr reporting, which Ohio EPA has highlighted, but isn't that different from the deviation reporting already required. Operators are already required to report deviations, without having to voluntarily certify under oath to the presence of a "noncompliance".

Again, Honda commends Ohio EPA's efforts and looks forward to hearing further information about the proposal. Of course, should you have any questions regarding these comments, please let me know.

Sincerely,

Chris Korleski
Environmental Counsel
Honda Legal Department

Ohio EPA
Division of Air Pollution Control

Comment:

Dear Ms. Ours,

I am writing to provide comment on behalf of the Ohio Public Interest Research Group (PIRG) on Ohio EPA's proposal to combine minor source construction (PTI) and operating (PTO) permits processes into a single process, to be known as PTIO. It is our belief that the proposed changes would not serve the citizens of Ohio, and we urge Ohio EPA to reject the idea.

While we recognize that Ohio EPA wishes to reduce the cost of permitting, we believe the current two-step process of permitting is neither too onerous for applicants nor out of proportion to the size and impact of the sources involved. The permit to install is a one-time only requirement, which usually proceeds in a timely fashion, followed by an operating permit after the new installation is proved out. Nothing in the current system prevents Ohio EPA from preparing PTO information during the PTI stage, so there are already economies available to Ohio EPA, should the Agency choose to do PTO work upfront during the PTI phase.

By combining the PTI and PTO, Ohio EPA and the public may both lose a valuable opportunity to change the operating permit based on what has been learned during the construction of the new source. Ohio EPA usually provides a public comment period for minor sources only if the agency believes there would be sufficient public interest. This cannot however always be accurately predicted. Today, because there are separate processes for PTIs and PTOs, a failure to anticipate public interest before the construction phase might be somewhat mitigated by provision of a public comment period during the construction phase, even if the two permits do cover somewhat different issues. With the PTIO, this opportunity would be lost, and the public would not have an opportunity to comment on the facility for five or ten years, depending on the permit.

And though these permits may involve smaller sources, the cumulative effect of multiple permits at a single facility or from multiple facilities in a given area can be very large. In our experience, smaller facilities are often the primary focus of neighborhood concern, even when larger facilities are present. One might even speculate that this is because the smaller facilities generally get less scrutiny from regulators. The implementation of the PTIO proposal would only aggravate this situation. The current system should be maintained.

Thank you for this opportunity to provide comment.

Sincerely,
Amy Simpson
State Director

Ohio EPA
Division of Air Pollution Control

Response:

Dear Ms. Simpson,

Thank you for your thoughtful comments on the proposed new PTIO permitting process.

Your comments will help the PTIO team to better address specific concerns throughout the remainder of their study.

I have added your name to the interested parties mailing list and will keep you informed of this team's progress.

Comment:

Ms. Ours,

On behalf of the Sierra Club, I'd like to express our strong opposition to the PTIO proposal currently being considered by Ohio EPA. While we there is plenty of opportunity to improve Ohio EPA's permitting program, we do not believe that the proposal put forth would be better for Ohio. In fact, from the public's perspective, we believe it would a significant step backward.

Citizens already have very limited opportunity to comment on minor source permits. Usually the decision to hold a public comment period and a hearing is at the Director's discretion. Though appeal options may be available, most often they are missed during a construction permit period. Public notices are generally missed by the public, even if the notice fully complies with legal requirements. Real public awareness of a project will usually not occur until construction actually occurs. This is often the first opportunity the public has to express concern and request a comment period. The PTO process, following a PTI process, thus provides the public with an important opportunity for comment. It also provides the Ohio EPA with a chance to provide for public involvement, in case the judgment of the Director about a lack of public interest during the PTI process proves to have been wrong.

This problem with the PTIO would be further aggravated by the proposal to extend the life of some operating permits to ten years. It is inconceivable to us that Ohio EPA would propose saying to citizens who might have a problem with the operation of a facility, "Wait a decade and you'll have the opportunity to comment on the permit."

We are also concerned that the PTIO proposal seems to advocate for less frequent reporting. We find this extremely objectionable. Ohio needs more enforcement, not less.

Though the permits covered by this proposal are generally small, together they account for a large portion of the air pollution coming from stationary sources in Ohio. In most cases, a minor source permit is non-controversial. But, when they are controversial, they can be a major source of discomfort for the community. And, though the source is relatively small, the cost of applying for separate permits is relatively small also, and worthwhile it for the important check it provides on the system.

Ohio EPA does need to do a better of processing permits. But,

Response:

Mr. Landers,

Thank you for the thoughtful and detailed comments provided to us on behalf of the Sierra Club.

much of the backlog has been created as a result of the funneling of resources to the Title V program. As the first round of Title V permits are issued, resources should be freed up to return to minor source permitting. If funding is a problem, Ohio EPA should raise the fees for emissions and permit applications to a level that supports the program. The primary focus of permitting should be ensuring that permits are properly issued and adhered to. Strengthening the current system with additional funding and enhanced enforcement will achieve that. PTIO will not.

Thank you for this opportunity to provide comment.

Glenn Landers
Sierra Club Cleveland Office

Comment:

Dear Ms. Ours --

Please be aware of our support for OEPA's recent proposal to combine the separate PTI and PTO processes into a single PTIO process. The Andersons currently maintains over fifty non-Title V permits at approximately twelve facilities in Ohio. The Andersons is a diversified agribusiness, headquartered in Maumee, specializing in grain handling and fertilizer distribution, among other business enterprises, throughout the eastern US.

We agree that the PTIO proposal should improve the permit process for all stakeholders while maintaining protection of Ohio's environment and citizens. We also agree that this will benefit the public, the regulated community, the agency, and the environment. We also agree that this will benefit all stakeholders by reducing: (1) paperwork and paper use, (2) the time required to obtain a permit, and (3) reporting frequency, as well as improving compliance tracking. We have long felt that routine reporting requirements built into permit terms and conditions that are more frequent than annual result in poor use of agency time and resources and unnecessarily burdens the permittee.

We do believe it will be important for the agency to develop a process that makes PTIO terms and conditions clear as they relate to specific installation versus operational concerns. It would be disappointing if the new process failed to clearly differentiate between terms and conditions. To that end, it seems appropriate that PTIO permits be issued with clear language that defines distinct permittee responsibilities during: (1) construction and installation phases and (2) post-installation operations. Any terms and conditions that apply to the installation phase that should be null and void or superseded by new operational terms and conditions will need to be clearly defined in the PTIO document.

Furthermore, we agree that combining emission units with identical operational terms and conditions in the permits as well as providing for "partial" and/or "facility-wide" terms and conditions

As I stated before, I will continue to keep you updated on the progress of this proposal.

Please do not hesitate to contact me with further comments or questions.

will both reduce the paperwork burden and increase flexibility for both the agency and the permittee. In addition, the combination of renewal dates into a single date makes good sense for all concerned. It appears the PTIO proposal is a "win-win" for all concerned.

We do have a concern, however. If it is true that the agency plans to do away with the current "registration status" permit designation, we'd ask the agency to reconsider. These very minor sources should not have on-going reporting burdens or renewal requirements placed upon them that are similar to those required of the larger sources. The ability of the agency to grant "registration status" to very minor sources has worked very effectively in the past (for the agency as well as the regulated community) and should not be abandoned now. In fact, such a change could have the opposite of the intended effect -- by actually increasing the number of permits with reporting (and potentially other) terms and conditions as well as the total number of permit renewals that the agency has to process. If the agency insists on eliminating the "registration status" designation, then the current "de minimus" thresholds should be expanded to accommodate more of these very minor sources. To do otherwise would be a mistake.

It is our hope that in combining these two permitting processes the agency will be able to develop streamlined, user-friendly permit applications and improve the timing and ease of permit issuance. Indeed, if we can accomplish this, it will be to the benefit of all.

Thank you for the opportunity to comment on this important proposal. If we can be of any further service, please feel free to call me.

Sincerely,
Stacy Schmidt, MPH, MS, Director
Safety, Health & Environmental Protection
The Andersons, Inc.

Comment:

Dear Ms. Ours:

HB Engineering, Inc. a engineering, environmental consulting firm is submitting these comments for the proposed PTIO regulation as interested party on behalf of clients it serves in Ohio.

The proposal to combine the issuance of a PTI with a PTO for a new source as a one document is a time and money savings to the regulated community.

We hope that this idea will be extended to sources that obtained PTI and lacks the PTO due to the agency's workload, priorities and lack of staff.

Compliance assurance regarding annual reporting instead of

Response:

Dear Ms. Schmidt,

Thank you for your comments on the proposed new PTIO permitting process. Your comments will help this team to better address specific concerns throughout their study and report.

I have added your name to the interested parties mailing list and I will keep you informed of the progress of this group. I hope that when the more detailed report is published, the detail in the report will answer any questions that remain.

quarterly and semiannual reporting is another good idea that will save time and money to the regulated community and to OEPA staff.

Although taking away these burdensome requirements will definitely reduce the revenue for the consulting community, we feel that the agency is on the wright track by making these changes. We are in support of the changes.

Respectfully submitted,
Ike Habib, P.E. President
HB Engineering, Inc.

Comment:

To: Linda Ours,

Re: Changes to the OEPA permitting process for those stationary sources requiring only a state permit

I object to the proposal by the OEPA to combine the separate Permit To Install (PTI) and Permit To Operate (PTO) permits into a single permit (PTIO). Currently there may be a public comment period for each of these permits, if the Ohio EPA thinks there is public interest. Combined (PTIO), there would be at most only one comment period. The public will lose at least one opportunity to comment on new or changed facilities. If public concern regarding a facility is misjudged or overlooked, citizens would just be out of luck for at least five, maybe ten years, because under the proposed process there is only one opportunity for public input. The time between the PTI and PTO is critical. Many times citizens don't know about a project until it begins. When the community as a whole becomes aware of a project and can judge the full impact of construction, there is then an opportunity to mitigate negative impacts through a tough operating permit.

I have had occasion to spend the last year fighting to keep a power plant from being sited in my rural residential neighborhood. Many months of this battle were spent preparing to appear before the Ohio Power Siting Board and to participate in the OEPA permitting process. At a meeting with representatives of these entities, it was asked and admitted that it would take "expert" testimony to affect conditions of the OEPA permits. Because the people in my area are not wealthy, we had to rely upon the kindness of members of the environmental community to help prepare to the best of our ability to examine applications, permits and provide "meaningful" testimony for hearings. It took weeks of searching for the right attorney willing to help with just this part of the process, and months to coordinate these people and the information we had amassed. Meantime, funds had to be raised and "expert" advice obtained to learn what would be necessary for us to participate in and not be swallowed up by the process.

So, am I concerned for business and industry that might be complaining that they are not getting their PTO fast enough? NO! Am I concerned that the OEPA has become more concerned with

Response:

Dear Mr. Habib,

Thank you for your comments on the proposed new PTIO permitting process.

We see the PTIO process as a way to significantly cut waste and improve environmental compliance while maintaining a level of protection to the environment sufficient to meet the national ambient air quality standards.

I have added your name to the interested parties mailing list and I will keep you informed of the progress of this group. I hope that when the more detailed report is published, the detail in the report will answer any questions that remain.

serving those they are supposed to regulate than those they are supposed to protect? YES!

Reducing reporting requirements so that it can take a year to discover a facility is having compliance problems is objectionable. Extending the life of some permits to ten years so a citizen who suspects a facility is in violation must wait a decade for an opportunity to affect conditions of the permit is wrong. This is not efficiency; it is expediency for the benefit of business and industry that will no doubt respond with great enthusiasm to the PTIO proposal.

Will legislative changes, which could result in massive changes in agency rules and include changes to the State Implementation Plans (SIP), be part of the PTIO proposal package? When may we expect an OEPA proposal to be presented to better serve the interests of the environment and encourage and increase opportunities for "meaningful" involvement and more inter-action with concerned citizens? Or is the waste you refer to reducing, considered to be the time wasted in holding public hearings?

I suspect the bottom line to be, as usual, money-that wont have to be spent by business and industry on permitting, a good chance of obtaining weaker permits and less pesky citizen involvement. I propose that you leave the process alone, and fix or replace the Star and Starship software if there is a problem with it.

Let the Chamber of Commerce and Department of Development continue to look after business and industry interests. Let the OEPA concern itself with the environmental protection of human health and safety, biological resources and natural resources by preventing or reducing the pollution or degradation of air, land or water resources or by preventing or limiting the exposure of humans, animals or plants to pollution.

Sincerely,
Margie Hunter

Comment:

Dear Linda,

I am writing on behalf of ECO:Environmental Community Organization to submit comments on the proposed PTIO permitting change.

I want to preface my comments by saying that they are based upon the limited information provided by your agency about the proposed changes. ECO will supplement these comments with more ample and detailed comments as more information becomes available to us.

The rule change proposes to cut the opportunities for public input on a permit in half. Our feeling is that the proposed changes are undesirable because they limit the opportunities for public input into the permitting

Response:

Dear Ms. Hunter,

Thank you for your thoughtful comments on the PTIO process. Your specific comments will help this team to better address these concerns throughout the remained of their study.

Once all comments are received, we'll either hold a public meeting (keeping in mind this project is still in its infancy) or we'll publish a more detailed document which outlines comments received and responses to those comments.

I hope that when the full report is published, the detail in the report will answer any questions that remain.

I have added your name to the interested parties mailing list and will keep you informed of this teams progress.

Please do not hesitate to contact me with questions.

process. It is understandable that your agency would wish to reduce volume of paperwork. The other part of the rationale for this proposed change is to reduce the paperwork and accounting burden on the polluter. However, when this reduction comes at the expense of the citizen participation, we do not feel the cost savings are justified. The EPA's document "Plain English Guide to the Clean Air Act" says the "Public participation is a very important part of the Clean Air Act." We feel that the proposed PTIO change is not in keeping with the spirit of the Clean Air Act's provisions for public participation.

We oppose the proposed reduction of reporting cycles from quarterly or semi-annual to annual. What if a permit holder has an emission source that begins to malfunction at the beginning of a reporting year. That the EPA would not be notified for almost a full year, and consequently the interested public would not have access to records indicating the noncompliance for almost a year as well. This is unacceptable. We feel it will compromise the enforcement of permit requirements to go with annual reporting.

We question how the "compliance assurance [would] be improved under the PTIO process", as stated in the OEPA fact sheet. From your description, the DO/LAA evaluation of compliance status would remain essentially unchanged: these agencies already "conduct inspections, review records, request additional information" as the fact sheet states the PTIO process will enable them to do. Would then the only change in compliance assurance be the elimination of three-quarters of the compliance reporting?

We oppose the change from a 5 year to a 10 year permit renewal cycle. Over the course of a decade, much change can happen in technology for a given production process. The EPA recognizes this element of frequent technological innovation and change when it requires construction on a facility to begin within 18 months of issuance of the final PTI. The reason that EPA has given for this rule is that it will reasonably ensure that pollution control technologies which have been chosen have not been superceded by more current technologies. So, within the period of a decade, we expect that there would be dramatic retooling of a facility with upgraded technologies. It seems possible that permit terms and conditions would have become obsolete and inapplicable within that decade time-span. Therefore, we believe that permit renewal cycle should not be changed from its current five-year time.

Finally, we want to know how, as you suggest, the proposed PTIO change "will benefit the public...and the environment."

Thank you for the opportunity to submit these comments.

Response:

Dear Karen,

Thank you for your thoughtful comments on the PTIO process. Your specific comments will help this team to better address these concerns throughout the remained of their study.

In short, we see the PTIO process as a way to significantly cut waste and increase environmental compliance while maintaining a level of protection to the environment sufficient to meet the national ambient air quality standards. The PTIO process would not reduce the requirements of the current air quality regulations

Respectfully,
Karen Arnett, CO:Environmental Community Org

Comment:

Dear Director Jones:

I urge you to reject the changes that Ohio EPA is considering for the PTI/PTO programs. These changes would weaken public input into setting limits on air pollution. It would also reduce the ability of the agency to correct problems with a facility's permit.

Today, communities can have a say in limiting air pollution levels both before a facility is constructed and after it is fully operational. This two step process allows the public to be address potential concerns about air emissions before a facility is built and then provide feedback based on the facility's actual operation.

Under the changes being considered by Ohio EPA, a community would have to wait up to ten years before it could put that experience to use. The proposed changes would also allow facilities to take up to a year to report their track record on complying with air pollution limits.

In an effort to make this process more efficient, Ohio EPA is limiting the public voice in the process and limiting its own ability to protect our air quality. Please reject these proposed changes.

Sincerely,
Mary Guilbert
Reynoldsburg OH

Comment:

Dear Director Jones:

I urge you to reject the changes that Ohio EPA is considering for the PTI/PTO programs. These changes would weaken public input into setting limits on air pollution. It would also reduce the ability of the agency to correct problems with a facility's permit.

Today, communities can have a say in limiting air pollution levels both before a facility is constructed and after it is fully operational. This two step process allows the public to be address potential concerns about air emissions before a facility is built and then provide feedback based on the facility's actual operation.

Under the changes being considered by Ohio EPA, a community would have to wait up to ten years before it could put that experience to use. The proposed changes would also allow facilities to take up to a year to report their track record on

but would help to strengthen them by freeing up staff time to work on activities such as inspections and enforcement by reducing redundant work.

Once all comments are received, we'll either hold a public meeting (keeping in mind this project is still in its infancy) or we'll publish a more detailed document which outlines comments received and responses to those comments.

I hope that when the full report is published, the detail in the report will answer any questions that remain. One such question I can answer now is that certain conditions, such as malfunction reporting will remain the same as they currently are at a maximum of 30 day's after the occurrence.

I have added your name to the interested parties mailing list and will keep you informed of this teams progress.

Please do not hesitate to contact me with questions.

complying with air pollution limits.

In an effort to make this process more efficient, Ohio EPA is limiting the public voice in the process and limiting its own ability to protect our air quality. Please reject these proposed changes.

Sincerely,
Joe Jennings
Columbus OH

Comment:

Dear Director Jones:

I urge you to reject the changes that Ohio EPA is considering for the PTI/PTO programs. These changes would weaken public input into setting limits on air pollution. It would also reduce the ability of the agency to correct problems with a facility's permit.

Today, communities can have a say in limiting air pollution levels both before a facility is constructed and after it is fully operational. This two step process allows the public to be address potential concerns about air emissions before a facility is built and then provide feedback based on the facility's actual operation.

Under the changes being considered by Ohio EPA, a community would have to wait up to ten years before it could put that experience to use. The proposed changes would also allow facilities to take up to a year to report their track record on complying with air pollution limits.

In an effort to make this process more efficient, Ohio EPA is limiting the public voice in the process and limiting its own ability to protect our air quality. Please reject these proposed changes.

Sincerely,
Adele Shelton
Toledo OH

Comment:

Dear Director Jones:

I urge you to reject the changes that Ohio EPA is considering for the PTI/PTO programs. These changes would weaken public input into setting limits on air pollution. It would also reduce the ability of the agency to correct problems with a facility's permit.

Today, communities can have a say in limiting air pollution levels both before a facility is constructed and after it is fully operational. This two step process allows the public to be address potential concerns about air emissions before a facility is built and then provide feedback based on the facility's actual operation.

Response:

Ms. Guilbert,

Thank you for your thoughtful comments on the proposed new PTIO permitting process.

Your comments will help the PTIO team to better address specific concerns throughout the remainder of their study and in the final report.

I hope that when the full report is published, the detail in the report will answer any questions that remain.

I have added your name to the interested parties mailing list and will keep you informed of this teams progress.

Please do not hesitate to contact me with further comments or questions.

Response:

Mr. Jennings,

Thank you for your thoughtful comments on the proposed new PTIO permitting process.

Your comments will help the PTIO team to better address specific concerns throughout the remainder of their study and in the final report.

I hope that when the full report is published, the detail in the report will answer any questions that remain.

I have added your name to the interested parties mailing list and will keep you informed of this teams progress.

Under the changes being considered by Ohio EPA, a community would have to wait up to ten years before it could put that experience to use. The proposed changes would also allow facilities to take up to a year to report their track record on complying with air pollution limits.

In an effort to make this process more efficient, Ohio EPA is limiting the public voice in the process and limiting its own ability to protect our air quality. Please reject these proposed changes.

Sincerely,
Molly Flanagan
Columbus OH

Comment:

Dear Director Jones:

I urge you to reject the changes that Ohio EPA is considering for the PTI/PTO programs. These changes would weaken public input into setting limits on air pollution. It would also reduce the ability of the agency to correct problems with a facility's permit.

Today, communities can have a say in limiting air pollution levels both before a facility is constructed and after it is fully operational. This two step process allows the public to be address potential concerns about air emissions before a facility is built and then provide feedback based on the facility's actual operation.

Under the changes being considered by Ohio EPA, a community would have to wait up to ten years before it could put that experience to use. The proposed changes would also allow facilities to take up to a year to report their track record on complying with air pollution limits.

In an effort to make this process more efficient, Ohio EPA is limiting the public voice in the process and limiting its own ability to protect our air quality. Please reject these proposed changes.

Sincerely,
Susan McGarvey
Johnstown OH

Comment:

Dear Director Jones:

I urge you to reject the changes that Ohio EPA is considering for the PTI/PTO programs. These changes would weaken public input into setting limits on air pollution. It would also reduce the ability of the

Please do not hesitate to contact me with further comments or questions.

Response:

Ms. Shelton,

Thank you for your thoughtful comments on the proposed new PTIO permitting process.

Your comments will help the PTIO team to better address specific concerns throughout the remainder of their study and in the final report.

I hope that when the full report is published, the detail in the report will answer any questions that remain.

I have added your name to the interested parties mailing list and will keep you informed of this teams progress.

Please do not hesitate to contact me with further comments or questions.

Response:

Ms. Flanagan,

Thank you for your thoughtful comments on the proposed new PTIO permitting process.

agency to correct problems with a facility's permit.

Today, communities can have a say in limiting air pollution levels both before a facility is constructed and after it is fully operational. This two step process allows the public to be address potential concerns about air emissions before a facility is built and then provide feedback based on the facility's actual operation.

Under the changes being considered by Ohio EPA, a community would have to wait up to ten years before it could put that experience to use. The proposed changes would also allow facilities to take up to a year to report their track record on complying with air pollution limits.

In an effort to make this process more efficient, Ohio EPA is limiting the public voice in the process and limiting its own ability to protect our air quality. Please reject these proposed changes.

Sincerely,
Douglas B. Bailey
Grove City OH

Comment:

Dear Director Jones:

I urge you to reject the changes that Ohio EPA is considering for the PTI/PTO programs. These changes would weaken public input into setting limits on air pollution. It would also reduce the ability of the agency to correct problems with a facility's permit.

Today, communities can have a say in limiting air pollution levels both before a facility is constructed and after it is fully operational. This two step process allows the public to be address potential concerns about air emissions before a facility is built and then provide feedback based on the facility's actual operation.

Under the changes being considered by Ohio EPA, a community would have to wait up to ten years before it could put that experience to use. The proposed changes would also allow facilities to take up to a year to report their track record on complying with air pollution limits.

In an effort to make this process more efficient, Ohio EPA is limiting the public voice in the process and limiting its own ability to protect our air quality. Please reject these proposed changes.

Sincerely,
Pat Hammel
Columbus OH

Comment:

Your comments will help the PTIO team to better address specific concerns throughout the remainder of their study and in the final report.

I hope that when the full report is published, the detail in the report will answer any questions that remain.

I have added your name to the interested parties mailing list and will keep you informed of this teams progress.

Please do not hesitate to contact me with further comments or questions.

Response:

Ms. McGarvey,

Thank you for your thoughtful comments on the proposed new PTIO permitting process.

Your comments will help the PTIO team to better address specific concerns throughout the remainder of their study and in the final report.

I hope that when the full report is published, the detail in the report will answer any questions that remain.

I have added your name to the interested parties mailing list and will keep you informed of this teams progress.

Please do not hesitate to contact me with further comments or questions.

Dear Director Jones:

I urge you to reject the changes that Ohio EPA is considering for the PTL/PTO programs. These changes would weaken public input into setting limits on air pollution. It would also reduce the ability of the agency to correct problems with a facility's permit.

Today, communities can have a say in limiting air pollution levels both before a facility is constructed and after it is fully operational. This two step process allows the public to be address potential concerns about air emissions before a facility is built and then provide feedback based on the facility's actual operation.

Under the changes being considered by Ohio EPA, a community would have to wait up to ten years before it could put that experience to use. The proposed changes would also allow facilities to take up to a year to report their track record on complying with air pollution limits.

In an effort to make this process more efficient, Ohio EPA is limiting the public voice in the process and limiting its own ability to protect our air quality. Please reject these proposed changes.

Sincerely,
Robin Weirauch
Napoleon OH

Comment:

Hi Linda,

Listed below are my personal comments on the PTIO concept paper. I would like to clarify that these comments are my own and are not intended to represent any of the various organizations I am involved with (e.g. GT, PPEC, OMA, etc.).

I am providing what I consider more general "management level" comments and will leave the details to others to comment on. I encourage the PTO group to engage both DAPC managers and Director office managers in the issues below prior to finalizing the report/recommendations. Given the size, scope and ramifications of your project, I think the PTIO group need to know management's positions on these issues to consider in the final recommendations.

I do think I can provide a unique perspective on the proposal since I am former DAPC permit review staff and have worked for the last several years helping facilities apply for and comply with air permits (i.e. "been on both sides of the fence").

I will try to be concise on my points and if the group cannot understand any of my comments please let me know and I would be happy to talk further with you.

Response:

Mr. Bailey,

Thank you for your thoughtful comments on the proposed new PTIO permitting process.

Your comments will help the PTIO team to better address specific concerns throughout the remainder of their study and in the final report.

I hope that when the full report is published, the detail in the report will answer any questions that remain.

I have added your name to the interested parties mailing list and will keep you informed of this teams progress.

Please do not hesitate to contact me with further comments or questions.

Response:

Ms. Hammel,

Thank you for your thoughtful comments on the proposed new PTIO permitting process.

Your comments will help the PTIO team to better address specific concerns throughout the remainder of their study and in the final report.

I hope that when the full report is published, the detail in the report will answer any questions that remain.

I have added your name to the interested parties mailing list and will keep you informed of this teams progress.

Please do not hesitate to contact me with further comments or questions.

My comments are:

1. Unclear objectives of the PTIO proposal with regard to eliminating the current PTO backlog- My understanding from Director Jones' statements in the October 22, 2002 PPEC meeting was that the PTIO proposal in conjunction with the efforts of the PPEC was intended to eliminate the state PTO backlog as a primary goal.

In contrast, in a follow up meeting with a PPEC subcommittee on October 30, in response to questions on the plan to eliminate the current PTO backlog with the PTIO concept, Andrew Hall indicated that the PTIO was not intended to be the primary method (in conjunction with the PPEC effort) for reducing the current PTO backlog. Andrew did add the PTIO group would quantify the projected benefit of the proposal with regard to the current PTO backlog and include it in the report/recommendation provided to DAPC management. He also said it would help reduce the backlog but, clearly state is was not intended to be a primary method eliminate the current PTO backlog.

Given this conflicting information between the Director and a representative of the PTIO group, I recommend the group clarify to DAPC management and the Director its understanding of the goals of the PTIO with respect to elimination of the current PTIO backlog. Moreover, I recommend this be done prior to finalizing the group's report and recommendations to make sure the DAPC management and/or Director are not currently under the impression the PTIO concept (in conjunction with the PPEC effort) will eliminate the current PTO backlog. Finally, I recommend documenting in the final report the PTIO groups' understanding of the DAPC and Director's office goals for the PTIO concept with respect to the current state PTO backlog.

Moreover, for the purpose of planning, with regard to the PPEC effort, I recommend the PTIO group assume a 30% reduction in permitted emissions units. Previous statistical analyses of the PTIs processed on an annual basis (by the PPEC) and considering on-going implementation efforts support a maximum 30% reduction in the number of emissions unit requiring PTIs and PTOS is a realistic projection unless of course the agency has developed a more refined analysis of the PTI/PTO issuance data. If they have I suggest sharing that with the PPEC.

It does not make sense to me, given the size of the current PTO backlog, and the complexity (statutory and regulatory changes) of implementing a PTIO, to not address eliminating the current PTO backlog as a key part of considering the PTIO concept or any other similar proposal.

2. Consideration of projected OEPA resources and priorities for all Ohio air permits- From the presentations of the PTIO proposal it is not clear how the PTIO group considered OEPA's projected air permitting resources (staff and budget) with respect to the PTIO proposal.

For example given the state's budget situation, it seems

Response:

Ms. Weirauch,

Thank you for your thoughtful comments on the proposed new PTIO permitting process.

Your comments will help the PTIO team to better address specific concerns throughout the remainder of their study and in the final report.

I hope that when the full report is published, the detail in the report will answer any questions that remain.

I have added your name to the interested parties mailing list and will keep you informed of this teams progress.

Please do not hesitate to contact me with further comments or questions.

Response:

David,

Thank you for taking the time to write such thoughtful comments on the proposed PTIO process. For obvious reasons, I can't presently respond to the issues you raised, however, the PTIO team will use these comments to further expand their study and report.

I have added you to the interested parties mailing list and will keep you informed of future happenings.

impractical to assume an increase in the state budget for processing state PTOs in the foreseeable future. As a matter of fact Director Jones' indicated in the October 22, 2002 PPEC meeting that an 80% budget baseline (ie.a 20% reduction from current budget) was being contemplated currently for the agency for the next biennium. It should be considered and quantified by the PTIO group how this might affect available resources to implement a PTIO proposal.

In questioning Andrew Hall in the October 28, 2002 meeting on clarification for the agency's priorities for processing and issuing state PTOs he indicated he was unaware of the agency's priorities with respect processing and issuance of to PTOs, PTIs and T-V permits. This implies the agency management has not conveyed their permitting priorities to the PTIO group.

I recommend the PTIO group ask the management for their priorities in terms of processing PTIs, PTOs and T-V permits and consider this in their final recommendations and report.

Given the limited and possible future reduction in resources for processing air permits it is critical the PTIO group consider this in their report and recommendations to the agency management. I also recommend documenting the agency management air permitting priorities in the final report and recommendations.

3. Consideration of overall utilization of DAPC resources with respect the to the PTIO proposal - Under the PTIO proposal it appears the general idea is all (non-Title V) facilities will be treated the same with regard to permit content and requirements (e.g. CCR).

Assuming this is correct, I recommend further review and refinement of the proposal to focus state PTO air permitting resources on more environmentally significant operations.

For example it does not make sense to impose similar monitoring, recordkeeping and reporting requirements on a very small emitting operation as on a operation with emissions of a magnitude higher.

Years ago, the agency considered this utilization of resources in establishing guidelines for requiring monitoring, recordkeeping and reporting in state PTOS based on upon the size and type of the permitted emissions. For some reason over the last 8 years, the agency has deviated from this approach for state PTOs and, as a result, often uses valuable resources (staff) for requiring collection of data, submittal of reports and review of reports by agency personnel for operations with an indiscernible environmental impact.

In conclusion I recommend the PTIO group consider eliminating or refining the PTIO proposal and adjusting general compliance requirements under current state PTOs and future PTIOS to consider the relative environmental impact of the operation and the resource limitation of the agency and regulated facilities.

I believe this approach is also consistent with how other state

programs have been implemented with regard to recognizing priorities and resource limits.

David Newsad

Comment:

Dear Director Jones:

I urge you to reject the changes that Ohio EPA is considering for the PTI/PTO programs. There is little justification for such a proposal. At a time when the US EPA and other state governments are looking for ways to improve public participation in environmental decision making, it makes no sense to combine stages of the permitting process and further reduce the number of opportunities for communities to be involved. Combining the PTI and PTO processes would weaken public input into decisions that have an important impact on air quality and human health. It would also reduce the ability of the agency to correct problems with a facility's permit.

Under the changes being considered by Ohio EPA, a community would have to wait up to ten years before it could put that experience to use. The proposed changes would also allow facilities to take up to a year to report their track record on complying with air pollution limits.

In an effort to make the permitting process more "efficient," Ohio EPA is limiting the public voice in the process and limiting its own ability to protect our air quality. This is simply unacceptable. I urge you to reject these proposed changes.

Respectfully,

John Delicath
Assistant Professor, Department of Communication
Research Associate, Center for Environmental Communication
Studies
University of Cincinnati

Comment:

Dear Ms. Ours:

This letter is in response to Ohio EPA's request for comments regarding the proposed changes to the Permit to Install and Permit to Operate processes.

We at The Andersons, Inc. strongly support the idea of combining the Permit to Install and Permit to Operate processes for non-title V sources. We agree that combining emission units with identical operational terms and conditions in the permits, as well as reducing emissions compliance reports from quarterly to yearly will greatly ease the burden on the agency and the reporting

sources.

It is our hope that in combining these two permitting processes the agency will be able to develop user-friendly permit applications and maintain prompt permit issuance.

Sincerely

Melissa Farrington
Environmental Health Administrator
The Andersons, Inc.

Comment:

Dear Ms. Ours:

I am in agreement with combining the Permit to Install (PTI) and Permit to Operate (PTO)s. This would greatly reduce the amount of paperwork for all parties involved.

Thank You.

Sincerely, Billy G. Griffith, Clark Cleaners

Response:

Mr. Delicath,

Thank you for your thoughtful comments on the proposed new PTIO permitting process.

Your comments will help the PTIO team to better address specific concerns throughout the remainder of their study and in the final report.

I hope that when the full report is published, the detail in the report will answer any questions that remain.

I have added your name to the interested parties mailing list and will keep you informed of this teams progress.

Please do not hesitate to contact me with further comments or questions.

Response:

Harcopy letter received, no response given.

Response:

Harcopy letter received, no response given.

Appendix D - Permit Structure Matrix

Nomenclature Section:

CP = construction permit

OP = operation permit

ECP = emissions unit based construction permit

EOP = emissions unit based operation permit

ECP/EOP = emissions unit based construction permit and emissions unit based operation permit

ECP/FOP = emissions unit based construction permit and facility based operation permit

ECOP = emissions unit based construction-operation permit, a single document is issued

FOP = facility based operation permit

FCOP = facility based construction-operation permit, a single document is issued

CC = compliance certification

IC = installation certification

SQ = status quo

Permit Program Recipes:

<u>Raw Materials</u>	<u>1. ECP/EOP</u>	<u>2. ECP/FOP</u>	<u>3. ECOP</u>	<u>4. FCOP</u>
Title V Permits	SQ	SQ	SQ	SQ
PSD/Non-attainment NSR/Netting	SQ	SQ	SQ	One FCOP document for whole facility
Construction Permits	SQ	SQ	One ECOP document for each emissions unit	One FCOP document for whole facility
Synthetic Minor /FESOP	SQ	SQ	One ECOP document for each emissions unit (unknown as to CC)	One FCOP document for whole facility
Non-Federally Enforceable Operation Permits (State-only)	A. Automatic EOP issuance concurrent with ECP issuance (no CC) B. Automatic EOP issuance upon receipt of IC and CC	A. Automatic FOP issuance concurrent with ECP issuance (no CC) B. Automatic FOP issuance upon receipt of IC and CC	One ECOP document for each emissions unit (unknown as to CC)	One FCOP document for whole facility

Spices:

1. No permits required for emissions units with Potentials To Emit less than "X".
2. Increase the number of permit-by-rules.
3. CP terms are automatically converted to OP terms.
4. Periodic compliance certification (performed either by the facility or by the DO/LAA)
5. Fill in the blank permits.
6. Establish/publish permit writing quality standards.
7. Combine CP and OP applications.
8. CP or first OP never expires.
9. OP replaces/supersedes the CP as the permit which a facility must comply with

Spice Applicability Matrix (x = applicable)

Spice Number	<u>1. ECP/EOP</u>	<u>2. ECP/FOP</u>	<u>3. ECOP</u>	<u>4. FCOP</u>
1	x	x	x	x
2	x	x	x	x
3	x	x	-	-
4	x	x	x	x
5	x	x	x	-
6	x	x	x	x
7	x	x	x	-
8	x	x	-	-
9	x	x	-	-

Options not suggested or explored further:

FCP/FOP- used now for facilities that are PSD/Non-attainment NSR and Title V or Synthetic Minor and FESOP.

FCP/EOP- not used in any situations.

Appendix E - PTIO Business Tasks and Process Flowcharts

PTIO Business Tasks and Process Flowcharts

All PTIO Business Tasks and Process Flowcharts can be found at the following web address:

<http://www.epa.state.oh.us/dapc/flow/index.htm>

Appendix F - Permit Advisory Group Feedback

ORIGINAL QUESTION

To Technical PAG and PAG members:

I am a member of an internal working group exploring the possibility of Ohio EPA going to a combined PTI/PTO permit process. We are currently contacting other states to find out more about their programs and what works and what does not work with a combined permit program. We would like to explore in more detail states that have "good" programs. In order to determine "good" I am asking you for your opinion on the programs in other states. I would like to know two things from you.

First, which states do you feel have a "good" permit program that meets your needs?

Second, what do you like or dislike about any state combined permit program you have had experience with?

Please e-mail me with your response. Thanks.

Tom Rigo: Could you please send this to any other PAG members? Thanks.

Mike

Michael E. Hopkins, P.E.
Manager, Air Quality Modeling and Planning Section
Ohio EPA, Division of Air Pollution Control
Lazarus Government Center
P.O. Box 1049
Columbus, Ohio 43216-1049
(614) 644-3611 phone
(614) 644-3681 fax
mike.hopkins@epa.state.oh.us e-mail

GT Environmental

Mike...

Thanks for the opportunity to provide you my thoughts concerning "separate" versus "combined" PTI/PTO systems...

I am sure that different people have different ideas about what constitutes a "good" combined PTI/PTO program... My opinion is forged on the basis of experience in Ohio (with separate programs) and in numerous other states (some with "combined programs" and some with "separate programs")... I don't think that there is one "model" program out there that would meet Ohio EPA's definition of "good" as well as the definition of "good" from every other organization's perspective... I recommend that you focus on what's right for Ohio...

Ohio EPA has placed considerable emphasis in the past several years on upgrading PTI terms and conditions for all emissions units (including those issued to "minor sources")... Your objective is to have every PTI that is issued be a "good" PTI... From my perspective, there is absolutely no benefit achieved from the preparation of a PTO application and the issuance of a PTO if a "good" PTI was issued... The "separate" system produces more paperwork w/o any tangible benefits (other than perhaps revenue from fees)... The failure of Ohio EPA to process most PTO applications supports this conclusion (apparently the fee incentive is not great enough to overcome this inertia)...

I believe that the "separate" PTO system should be abandoned for state-only (i.e., non-Title V)PTOs and replaced by greater emphasis on the "construction certification" form that accompanies every PTI... When the PTI recipient certifies that the emissions unit(s) was/were constructed consistent with the PTI, the PTI should "morph" into the renewal of the operating permit

(for a five year term)... If there are changes from the PTI "as issued" versus the emissions unit(s) "as constructed", either an "administrative change" should be issued (if the differences are non-substantive) or a modification of the PTI application should be submitted and processed by Ohio EPA...

There would be more complaints about the "separate system" now in place in Ohio if Ohio EPA were issuing more state-only PTOs... Many Title V permits drafted by Ohio EPA contain significant substantively different permit terms and conditions for emissions units than were included in recently issued "good" PTIs... This should not be the case... Nonetheless, Ohio EPA apparently believes that even "good" PTI terms and conditions may not be "good enough" for the Title V operating permit... I have no reason to expect otherwise if a "separate" state-only PTO was issued for each emissions unit for which a PTI was issued...

Unless Ohio EPA concludes that issuance of state-only PTOs to non-Title V facilities provides some significant benefit, the "separate PTO system" should be dropped... I don't think that anyone's experience with another state's program should be a factor in this determination... Most states did not have PTO systems before Title V... Ohio EPA isn't going to design a new system that is exactly like any other state's system anyway... I believe that the current Ohio system requires/produces unnecessary paperwork that could "clog the permit processing arteries" (if Ohio EPA were processing all of the PTO applications submitted for non-Title V facilities, PTI and Title V processing would be even slower) and directs resources away from activities that should be higher priority than processing state-only PTO applications (e.g., citizen complaints, facility inspections and evaluating deviation reports)...

I vote for getting unnecessary paperwork out of the system... That means going to a "combined system"... Any concerns that Ohio EPA has about the terms and conditions of a PTI being inadequate should be addressed within the issuance of the PTI (not a subsequent PTO)... Any concerns that Ohio EPA has about emissions units being constructed different than anticipated by the PTI should be addressed with the "construction certification" (non-substantive changes should be addressed with the issuance of an "administrative modification", substantive changes should require an updated PTI application and the issuance of a modified PTI)... The loss of FESOPs can be easily replaced by establishing "federally enforceable" limitations in a PTI... If fee revenue is a concern, Ohio EPA should address that with an increase in the costs for PTIs... The most difficult part of this may be deciding what to call the new "combined" permit... (Nevada simply calls them "Operating Permits" and requires that the applicant indicate if the application is for an altogether new source/emissions units, a modification of an existing source or for a "grandfathered" existing source)...

I think there will be lots of support for legislation that creates a "combined system"... US EPA should not care (after all, USEPA doesn't recognize the state-only PTOs anyway unless it is a FESOP)... Environmental groups can be educated to the benefits (i.e., more focus on the issuance of "good" permit terms and conditions in the PTI)... Industry should prefer to invest their resources in negotiating acceptable permit terms and conditions once rather than twice... The only possible negative is "fear of the unknown" (although no one vigorously supports the current "separate system" no one really knows for sure whether the replacement could be worse)... This shouldn't be an issue if Ohio EPA sets clear objectives for the new system and keeps the design of the "combined system" simple...

Chuck Taylor
GT Environmental, Inc.
635 Park Meadow Road - Suite 112
Westerville, OH 43081
614-794-3570
614-898-9255 (fax)
ctaylor@gtenvironmental.com

BP Oil
Mike:

We would recommend that you look at the Illinois PTI/PTO program as an example of a combined program.

Regards,
Allen R. Ellett

BP Oil North America
Toledo Refinery
PO Box 696
Toledo, Ohio 43697-0696
Telephone: (419) 697 - 6064
Facsimile: (419) 697 - 4946
Pager: (877) 677-8116
Email: EllettAR@BP.Com
Pager Email: 8776778116@skytel.com

Part of the BP Group

DP&L
Mike,

Your e-mail was forwarded to me by Mike Born. With the recent permitting experience we have had in neighboring states, I would like to pass on my thoughts directly to you. DPL Energy LLC has permitted new sources (combustion turbines) in both Indiana and Kentucky, as well as Ohio. Both states have combined permit systems that made the permitting process much less cumbersome than Ohio's. Kentucky is the most "combined" of the two.

In Kentucky, DPLE filed the necessary applications and received a permit that combines not only the authority to construct and operate, but also serves as the Title V/Phase II Acid Rain Permit. This is all in a single document. DPLE was not required to submit any separate application for the Title V permit. It is only 25 pages long.

In Indiana, two separate permits are issued. One is the Acid Rain Permit, a 7 page document that incorporates the provisions of 40 CFR part 75. The other is the construction/operating permit. This is a 30 page document that requires the source to apply for a Title V permit within 12 months after the source becomes subject to Title V. This permit is much simpler than any synthetic minor permits we have received in Ohio. It does not have multiple emission limitations on the same pollutant (i.e. #/hr, PPM, TPY, #/mmBtu, etc.).

I have not had any negative experience with either of these permitting programs. Both Indiana and Kentucky have produced documents that did not necessitate an appeal of the terms and conditions and provided maximum operating flexibility. Ohio's PTI's leave a company so constrained it becomes difficult to meet the terms and conditions, requiring appeals and modifications.

I would be happy to share both permits with you. Let me know and I'll send copies.

Thanks.

Amy H. Wright

The Dayton Power and Light Company
8150 Washington Village Drive
Centerville, Ohio 45458
Phone 937.331.3105

Ohio EPA
Division of Air Pollution Control

129

Fax 937.331.3050

GM

Mike:

I forwarded your request for permit program info on to the permit engineers in Detroit and have, so far, received the following opinion back. You may want to reference some of the benchmarking work that Bob H did in reference to our working group. I believe Louisiana was included in that effort. Hope this helps.

Bob Hare

----- Forwarded by Robert Hare/US/GM/GMC on 10/01/2001 10:08 AM

Michael D. Zielke
10/01/2001 09:12 AM

To: Robert Hare/US/GM/GMC@GM
cc:
Subject: Re: Any Good Combined PTI/PTO Permit Programs? (Document link not converted)

I believe that a combined PTI/PTO permit process is preferable to two separate programs since the review for both permits is done simultaneously. This avoids the second application and review required to incorporate the PTI permit into the PTO. I think that the Louisiana program is a good model for a combined PTI/PTO.

SE Johnson

Michigan

Michigan has combined their Permit to Install and Permit to Operate Program. I feel that this was a good decision. It still takes 4-6 months to get a FESOP permit issued, however, once the permit is received, this is all a facility needs. There is not permit to operate to obtain. They also have a General Permit for certain industries, ie.. Nonmetallic Mineral processing. They are working on one for asphalt plants as well. This program has worked extremely well for medium to small production facilities. A permit is received in less than 30 days. Modifications (includes adding or replacing equipment) can be accomplished without obtaining a new permit. All that is required is the proper notifications, and compliance testing.

Indiana

I am not sure if they had a permit to operate and permit to install program at one time. Currently, obtaining FESOP permits from IN takes 4-6 months. A separate permit to operate is not required. Unlike Michigan, Indiana's program requires that permits be renewed every 5 years. I have had no problems getting permits renewed or issued. Indiana also has what they call there Source Specific Operating Agreement (SSOA). This works like a general permit. Once applied for, SSOA are issued in 30 days. They have Sosa's for nonmetallic mineral processing, ready mix plants and a few others. The SSOA program has worked very well. I believe Indiana is working on something similar for asphalt plants so that the permits can be more streamlined.

In my opinion, Ohio would benefit by combining the permit to operate and permit to install programs. I believe that this would help reduce the workload for OEPA and help relieve the backlog of PTO permits since they will be no longer required. Also, there is a real concern for facilities that do not have first issue permits to operate. When given a choice by the Agency, we will always choose having PTI issued before working on our Permits to operate. However, that does not change the fact that USEPA can decide to fine us for not having a PTO.

My suggestions for Ohio would be eliminate the current PTO system. Combine PTI and PTO. Utilize some type of general permit program like Michigan and Ohio. The path has already been paved by these two states. This would be a positive for the

agency as well as industry. Also, it might be helpful to allow for certain types of modifications (equipment replacements, additions, etc..) in FESOP permits. This would also help reduce workload.

If I can help in any other way, please let me know. Sue Hanf

Graphic Arts Technical Foundation

Tom--I forwarded your request to Gary Jones at the Graphic Arts Technical Foundation in Pennsylvania as he works with printers and printing associations throughout the US and Canada.

Here's his reply. Hope it's helpful. Anita Herington

----- Original Message -----

From: "Jones, Gary" <GJones@gatf.org>
To: "Anita Herington" <aherington@pianko.org>
Sent: Thursday, October 04, 2001 11:18 AM
Subject: RE: Any Good Combined PTI/PTO Permit Programs?

> Anita:

>

> In response to the request for the combined PTO/PTI permits, I would suggest that they look at three states that have revised their permitting programs for printers that have produced benefits for the state and printer. The three states are Massachusetts, Maryland, and Pennsylvania. We just completed last week a project that has resulted in a very simple general permit for sheetfed printers in Maryland. I can provide more details on each of these programs, let me know who I have to speak with.

>

> Gary

Tom--Gary Jones forgot Minnesota in the list I sent you yesterday.

Following is his comment. Anita

----- Original Message -----

From: "Jones, Gary" <GJones@gatf.org>
To: "Anita Herington" <aherington@pianko.org>
Sent: Thursday, October 04, 2001 5:09 PM
Subject: RE: Any Good Combined PTI/PTO Permit Programs?

> Anita:

>

BP Toledo

Mike:

Sounds like a good study. I'm not personally familiar with it, but I've heard from some of our corporate Air experts that Illinois has a good combined program. Let me know if you need a BP contact to talk to about this.

Linda Wilson
BP Toledo
419-698-6328

> I also forgot to mention Minnesota. They have an excellent permitting program.

- >
- > Gary
- >

Appendix G - PTIO Fact Sheet

September 25, 2002

To Whom it May Concern,

The Division of Air Pollution Control (DAPC), in an effort to improve the permit process for all, is proposing to combine the Permit to Install (PTI) and Permit to Operate (PTO) processes for non-Title V sources. The proposed new permitting process would require only one application to be completed in order to obtain a permit that allows for both installation and operation of air contaminant sources. This permit would be issued in place of separate PTIs and PTOs and would be called a Permit to Install and Operate (PTIO).

In June 2001, DAPC implemented a process improvement team empowered to review the current permit processes and to improve the efficiency of the processes. The team's goal was to improve the permit process for all stakeholders while maintaining protection of Ohio's environment and citizens. We strongly believe this change to the way we do business will benefit the public, the regulated community, the Agency and the environment by reducing paperwork and paper use, reducing the time required to obtain a permit, reducing reporting frequency and improving compliance tracking.

DAPC is in the initial stages of proposing this new program and has yet to construct rules which would enable us to issue PTIOs. It is our hope that you, as interested parties, will provide us feedback and suggestions on the proposed new permitting process.

The following pages provide details of the proposed new permitting process. We are asking you to review the concepts enclosed and provide us with your comments by October 31, 2002.

Please e-mail comments to linda.ours@epa.state.oh.us or mail to:

Ohio EPA, DAPC
Linda Ours
PO Box 1049
Columbus, OH 43216-1049

Sincerely,



Bob Hodanbosi,
Chief, Division of Air Pollution Control

Proposed Combined Air Permit-to-Install and Permit-to-Operate Process

September 2002

General

The proposed permit process would combine the current, separate Ohio EPA, DAPC permitting processes for the installation of an emissions unit (also called an air contaminant source) (PTI) and the operation of an emissions unit (PTO) into a combined PTI/PTO (PTIO) process. The PTIO process would only apply to non-Title V (i.e., the smaller, non-major) facilities.

Annual reporting of an emissions unit(s) compliance status would replace most quarterly, semi-annual and annual reports, thereby reducing the reporting burden on Ohio industry. The annual Compliance Certification Report (CCR) will include all emissions unit(s) at a facility that have been issued a PTIO. A facility must continue to submit quarterly, semi-annual and annual reports required under their existing permits until a PTIO is issued for the emissions unit.

Facilities with federal reporting requirements would still need to submit the required reports.

The PTIO would contain both installation terms and

conditions (T&Cs) and operation T&Cs. The operation T&Cs would be active upon issuance of the PTIO. Paperwork would be reduced under the PTIO process since separate PTI and PTO applications would no longer be required and only one permit document would be issued.

Paperwork would be further reduced because the certification of installation (Construction Compliance Certification) under the current PTI process would no longer be needed upon completion of construction/or installation of the emissions unit(s). Under the PTIO process, an emissions unit's installation status would be indicated on the annual CCR.

The opportunity for public participation in the permit process would remain the same as it is for the current PTI process.

The annual facility-wide emissions based fees would remain the same under this process.

Facilities would still need to apply for and obtain a permit prior to starting construction or modification of an air contaminant source.

Compliance Assurance

Compliance assurance would be improved under the PTIO process over the current, separate PTI and PTO processes. Under the PTIO process a facility would be required to certify compliance with the T&Cs of their PTIO(s) on an annual basis instead of submitting variously timed required reports. Facilities would need to review annually each emissions unit to determine if the emissions unit meets all requirements in their permit. Facilities would then need to certify compliance for each emissions unit and identify and report any non-compliance issues and provide a plan for achieving compliance.

Ohio EPA would be able to more accurately and completely track a facility's permitting and compliance status under the PTIO process. District Office and Local Air Agency (DO/LAA) staff would continue to evaluate an emissions units compliance status and may conduct an inspection, review records, request additional information as needed, etc... as part of this evaluation.

Under the PTIO process, T&Cs would be re-

examined every 5 years for Synthetic Minor (SM)/ Federally Enforceable State Operating Permit (FESOP) facilities and at least every 10 years for all other facilities. This is a change from the current 5 year permit renewal cycle.

PTIO Document

The PTIO could include one or more emissions units, just like under the current PTI process, however several improvements to the permit document would occur under the PTIO process.

The PTIO would identify those emissions units with identical T&Cs and a single set of T&Cs would be issued that applies to each listed emissions unit; or the PTIO would refer to an appendix containing a single set of T&Cs that applies to each listed emissions unit. This would reduce the volume of the permit by reducing the duplicate language.

The PTIO document would allow for flexibility to have "partial" facility-wide and/or facility-wide T&Cs (i.e., grouped limits or requirements) through the use of an optional section of the PTIO titled "Facility-wide or Multiple Emissions Unit" section.

Proposed Combined Air Permit-to-Install and Permit-to-Operate Process

September 2002

PTI & PTO Registrations Under the PTIO Process

The old "PTO Registration option" would no longer be available for new emissions units. Under the PTIO process, a new emissions unit would either get a PTIO or would not get a PTIO.

Existing PTO Registrations would remain effective. These emissions units would not need to go through the PTIO process or require further action unless modifications are made to the emissions unit(s) that require re-permitting.

PTI registrations would be renamed and processed as "Express PTIO (PTI Registration)" to more accurately convey that this process simply allows an applicant to receive their permit faster.

PTIO Renewals

Facilities would be required to renew their PTIOs every 5 or 10 years. A facility with several PTIOs could submit all renewal applications at the same time.

Revisions of PTIOs could be requested at any time; however, all PTIOs for a facility would have the same expiration date. This expiration date would be set at a maximum of 10 years after the issuance of the first PTIO at the facility. Having a single renewal date for a facility would reduce paperwork and cut down on record keeping time and cost by simplifying the renewal process.

Appendix H - SPRINT Parking Lot

SPRINT Parking Lot

- No permits required for emissions units with potential to emit (PTE) less than "X".
- Increase the number of general permits/template permits/fill-in-the-blank permits for specific Emissions Activities.
- Increase the number of permit by rule exemptions for specific Emissions Activities.
- Establish a linking system for Title V to bring emissions unit terms from a PTIO into the Title V permit if the facility changes status to Title V (and vice-versa).
- In the permit T&Cs when a compliance/testing T&C references a monitoring T&C section and paragraph number, and upon revisions to the T&Cs a permit writer changes the order of the monitoring T&Cs, this change in section and paragraph number should be automatically made in the compliance/testing T&C. This enhancement to the permit writing software makes the permit review process less labor-intensive and less subject to human error.
- In the final report, SPRINT should address how the changed permit process affects: staffing/workload to accomplish the new permit production requirements (i.e., are we reducing a workload at one point in the permit production process only to increase the workload at another?); and Compliance Certifications, inspections and permit modifications (i.e., have we reduced permit work loads only to increase inspections and file review work loads)?
- In the final report, SPRINT should develop contingency plans to address the needs of the other affected areas within DAPC so that the new permit program is not undermined by incompatible policies and practices.
- For the Ohio Innovation Award (\$\$) on how SPRINTs recommendation will save the State money: in addition to identifying where savings will occur, you (SPRINT members) **must** identify what things we need to start collecting data on **now** that will change with the new system.
- Keep the design of the "combined system" simple.
- Map the information flows in the PTIO process (post-SPRINT workgroup).
- Standardize records and reports and organize requirements for use during inspections, file reviews, and compliance certifications.
- Under the PTIO process ensure that the permit writer doesn't need to receive all information on a permit application before beginning work on the permit. If the DO/LAA has requested additional information from a company, this should not prevent the staff from beginning to work on T&C's for an emissions unit they do have information for.
- The new STARS should have a database that keeps a tally of the facility-wide emissions. We would enter in all the permits and limits. With each PTIO application, that tally will obviously increase. We would only need to perform a few keystrokes on the computer to find out the

facility's current potential emissions instead of sifting through files (all of which may not be there).

- For the simpler PTIs not requiring any stack test, write a rule that automatically turns them into PTIOs.
- The PTIO should contain a clause that allows the agency to “deactivate” the PTIO.
- Cons of promulgating a 25 tpy De minimis/exemption level for permitting air contaminant sources:

For those emissions unit whose PTE is less than 25 tpy annually,

- a. we lose BAT for these sources, thereby losing some or a great degree of environmental protection, because it has been in this group of sources historically, perhaps due to limited financial resources, that many air pollution problems needed attention and resolution;
- b. only four (4) sources exempted, could make for a Title V facility;
- c. for those sources that are vented from a baghouse to the outside, parametric monitoring would not be strictly regulated let alone enforced;
- d. what if the 25 tpy potential included 10 tpy per year of HAPS; and
- e. with the effective date of the new PM_{2.5} and the stricter averaging calculation requirement for ozone, how will we control or regulate 25 tpy potential sources that contribute to non-attainment status.

Appendix I - SPRINT Charter

CHARTER FORM

Prepared	SPRINT (Systematic Permitting Reorganization and Integration Team)
Date	January 23 2002
Project	PTI and PTO Process Integration Options
Project Scope	
Project Statement	The current two-tiered PTI/PTO permitting process does not process permits as efficiently as desired
Project Objectives	Study the advantages and disadvantages of issuing two types of permits versus a combined permit (or variants such as the concurrent issuance of two documents) and recommend the
Project Customers	Bob Hodanbosi, Cindy DeWulf, and Linda Ours
Customer	A recommendation and report of the teams findings
Final Deliverables	<p>Producing a report on the project (the items in the Deliverable Basic Outline may be used as a guide)</p> <p>Discussion in the report of various alternatives to the final recommendation</p> <p>Development of an implementation plan</p> <p>Identify predicted benefits achieved by the final recommendation</p>
Project Milestones	<p>Choose a Team Name</p> <p>Develop a Work Breakdown Structure for the group</p> <p>Review of "as is"</p> <p>Study other entities (State/local agencies, army corp, etc.) with multiple permitting layers</p> <p>Determine evaluation criteria which allows comparison of the "as is" versus "future state"</p> <p>Create list of options</p> <p>Study options</p> <p>Evaluate options</p> <p>Solicit U.S. EPA input</p> <p>Create implementation plan</p> <p>Make recommendations</p>

Project Milestones - Continued	Write report (it should be noted that portions of the report can be written prior to commencing work on the final report) Present options to management
Key Stakeholders	Permit writers, permittee, citizens, DAPC, STARS Rebuild Steering Committee Director's Office, and U.S. EPA
Organizational Goals	Completion of this project so that the recommendation may be incorporated into the STARS Rebuild Project
Project Assurance	

Reviews & Approvals Required	Review by Steering Committee and final approval by DAPC sponsors
Status Updates	Periodic Status Updates to STARS Rebuild Steering Committee
Project Resources	

Team Assignments	To be defined by the team. (e.g. Team Leader, Minute Taker, individual assignments)
Deadline	Recommendation to be submitted to Bob Hodanbosi, Cindy DeWulf, Linda Ours, and the STARS Rebuild Steering
Staff Effort Limit	Four hours a week.
Organizational Constraints	Possible constraints are delays obtaining legal opinions, Title V and PTI priorities

Team Members:

Mike Hopkins, DAPC
 Andrew Hall, DAPC
 Brad Miller, HAMCO
 Jan Tredway, NWDO
 Mark Budge, NWDO
 Jenny Marsee, RAPCA
 Nancy Meli, NEDO
 Pam Korenewych, NEDO
 Olen Ackman, SEDO
 Alan Harness, DAPC
 Mark Hartman, CDO
 Isacc Robinson, CDO
 Adam Ward, CDO
 Mike Ahern, DAPC

Appendix J - Response to Sponsors Comments

Response to Sponsor Comments

Comment: Although Linda provided a courtesy response to everyone that sent in comments, I do not think that there was enough response on a technical / legal level to the issues that were raised. Specially, I believe more substantive responses should be prepared for the letter from Bill Hayes, Porter Wright, and the general public.

Response: The SPRINT team has compiled a Question and Answer document that will be posted on the DAPC web site as well as emailed to all interested parties. The questions which SPRINT focused on for this document are a thorough compilation of questions asked by a variety of persons representing the full spectrum of opinions on the proposed PTIO program.

Comment: The change from the Annual Certification Form to the Certification and Division Report is a good start in trying to distinguish between Title V Certification and Non-Title V reporting. As far as the language above the signature on a CDR, I recommend that we use the exact language from the PTI rules to avoid any issue of authority to specify the legal liability associated with a false certification.

Response: The CDR is a consolidated, streamlined report indicating the compliance status of each emissions unit at the facility each year. Compliance assurance is improved since a permittee will be required to certify compliance with the T&C's of their PTIO. To be able to certify compliance, a permittee must read and understand their permit and are therefore more likely to actually be in compliance with their permit T&Cs. Unlike the current system, the proposed CDR will require facilities to have a greater responsibility to determine their own compliance for each emissions unit. Ohio EPA's responsibility to evaluate and verify compliance will remain the same. Unlike the current reporting system, the CDR will be a certified report that is verified and signed by the responsible official. The permittee will understand that deliberate misinformation reported to the Ohio EPA will have severe consequences.

Under the PTIO system the CDR serves to increase compliance assurance and acts as the mechanism for the continued authorization to operate the emissions unit. Therefore, SPRINT believes that the signatory language for the CDR should reflect the permittees increased obligation for compliance assurance and should carry a greater legal liability for the submission of the CDR. This legal liability was intended by SPRINT to be greater than the legal liability for the submission of permit application data or permit report data.

The signatory language for the CDR reads as follows:

"I certify under penalty of law that I have personally examined and am familiar with the data submitted in this CDR; that the data in this report is true, accurate and complete; and I am aware that falsification thereof could result in the imposition of fines and penalties including suspension or revocation of the authorization to operate this emissions unit."

Under the current PTI rules, OAC rule 3745-31-04 states that "...signatures shall constitute personal affirmation that all statements or assertions of fact made in the application are true and complete, comply fully with applicable state requirements, and shall subject the signatory to liability under applicable state laws' forbidding false or misleading statements." The signatory language for the CDR goes beyond OAC rule 3745-31-04 in scope. However, it should be noted that the authority for the CDR signatory language already exists under Ohio law [ORC 3704.05(H)(1) (no person shall falsify a report...); ORC 3704.99(B) (penalties); and ORC 2921.13(A)(7) general criminal falsification statute (reports made with a purpose to secure

authorization....in this case, continued authorization to operate an emissions unit)]. Under the current PTO rules, OAC rule 3745-35-02(F) provides for suspension or revocation of the authorization to operate an emissions unit if it has been determined that the permit terms and conditions or any other applicable air pollution control law or rule of the Ohio environmental protection agency has been or will be violated. SPRINT recommends that this authority be explicit in the PTIO rules.

Comment: Did you evaluate whether we should provide an option-quarterly reporting or CDR? Although that would be my preference the permit issuance time could be delayed while we ask the facility for their preference.

Response: No, we did not evaluate this specific option, however SPRINT evaluated many other options before ultimately deciding on the annual CDR as the best option. The annual CDR is expected to reduce the number of reports coming into the field offices while improving compliance assurance. Adding this option of quarterly deviation reporting or annual CDR reporting would greatly increase the complexity of the tracking required in the PTIO process.

Quarterly deviation reporting and CDR reporting both report exceedances of emission limitations and deviations from operational restrictions. No information that is currently required to be reported through quarterly deviation reporting will be excluded by CDR reporting. Other reports required by federal rule such as NSPS (40 CFR Part 60), NESHAP (40 CFR Part 61), and MACT (40 CFR Part 63) will still be required to be submitted at the required times. The proposed CDR does not change those reporting requirements.

SPRINT recognizes that annual CDR reporting appears to be less stringent than quarterly deviation reporting. Once per year reporting is obviously less frequent than reporting four times per year. However, SPRINT believes the CDR provides the most efficient means of obtaining providing accurate, complete reports. Under current quarterly deviation reporting, Ohio EPA is often unaware if a facility omits a quarterly report for one or more emissions units. SPRINT therefore decided to hold the facility ultimately responsible for reporting all required information for all permitted emissions units. Ohio EPA will oversee the CDR reporting and provide the permittee with the CDR form for tracking these emissions units.

SPRINT notes that permits for synthetic minor facilities will still require more frequent reporting than annual (e.g., quarterly deviation reporting of exceedances of a rolling, 12-month emission limitation) to ensure federal enforceability per U.S. EPA guidance.

Comment: The notion of federalizing state terms must be addressed in a better fashion. Our goal should be not to expand the regulatory reach of the federal government to sources/conditions not previously covered. (This may be solved as simply as the separation of state only terms and conditions).

Response: The SPRINT report was clarified on page 37 of the Implementation Issues section to read:
“Ensure that state-only enforceable installation and operating T&Cs of the PTIO remain state-only enforceable while the installation and operating T&Cs that are federally enforceable under the State Implementation Plan (SIP) remain federally enforceable.”

Comment: We should consider the issuance of simultaneous PTI/PTO on a limited scale basis prior to the implementation of the PTIO program. We have the authority to do both, if we can issue both permits at the same time, we may find out some problems/ issues that we cannot foresee currently.

Response: The following was added to the Implementation Issues section on page 38:

“Consider performing a non-issuing trial run using a mock facility applying for a PTIO. This procedure could help identify additional implementation issues that should be addressed.”

Comment: We really need to present a better picture as to the benefits of PTIO to the Agency and the public. If this continues to be reviewed as just a way to speed up permitting and cut out public participation, we will continue to receive criticism of a proposal that has true benefits. As an example, with PTIO, the complete picture is provided to the public, not just the standards that are contained in a PTI, but also what will be the ongoing requirements and monitoring in the future.

Response: SPRINT believes the Question and Answer (Q&A) document which will be distributed on a wide-scale, will help to clarify why the Agency believes that the PTIO program will benefit all stakeholders. The Q&A will help to alleviate stakeholder concerns by answering those questions raised regarding enforcement procedures, compliance assurance, and the public input process under the PTIO program. In addition, the SPRINT implementation team intends to hold public forums where the new program can be discussed in detail.

Appendix K - PTIO Program Questions and Answers

Ohio EPA Division of Air Pollution Control Questions and Answers About the Proposed Permit-to-Install and Operate (PTIO) Program

During the course of the PTIO program development, several comments were received from a variety of sources including, but not limited to, the Permit Advisory Group, public interest groups, law firms, individuals and permittees. These comments and questions were compiled and consolidated into eight categories. Questions were then developed under each category which together, comprise the sum of all concerns that were voiced. The SPRINT team then answered each question in the most complete and concise manner possible, obtaining input on the final document from the Public Interest Center. The SPRINT team believes that by distributing the following document to all interested parties and by posting it on the Ohio EPA website, DAPC will be providing an accurate and clear description of the main PTIO program concerns for all interested parties to review.

I. General

How does the air permitting process currently work in Ohio?

The current two-tiered permitting system includes a separate permit to install (PTI) and permit to operate (PTO). An air PTI must be obtained from Ohio EPA before an air pollution source may be constructed in the state of Ohio. A PTI outlines technical and design requirements, as well as pollutant limits necessary for compliance with air pollution laws and rules. An air PTI allows 90 days for the source to operate and may require a test of the emissions to demonstrate compliance with the air pollution limits in the PTI. If a facility demonstrates compliance with the air pollution control limits and meets the terms of the PTI, a PTO is granted. A PTO must be obtained from Ohio EPA to allow the facility to operate the air pollution source in Ohio.

Why did Ohio EPA evaluate its air permitting process?

The dual permit process is inefficient. Ohio EPA sought to eliminate or minimize inefficiencies in permit processing without creating a negative impact on air quality in Ohio. An internal team - the Systematic Permitting Reorganization and Integration Team (SPRINT) - studied the advantages and disadvantages of various permitting systems. The team concluded that a combined air permitting program (PTIO program) would be more efficient, while enhancing air quality through a more targeted allocation of limited resources.

What are the benefits of a permit-to-install and operate (PTIO) program?

Processing two permits (PTI and PTO) required duplication of activities such as application submittal, receipt and review; data entry by Ohio EPA; drafting of terms and conditions; reviews of the permits; approvals; and permit issuance. With a combined process, Ohio EPA and permit applicants can allocate resources (primarily staff time) more efficiently by eliminating duplicative tasks.

With a decrease in resources, Ohio EPA decided to focus on processing permits for the large facilities that have the greatest impacts on Ohio's air (Title V facilities, which are not included in the PTIO program). As a result, PTOs (required in Ohio Administrative Chapter 3745-35) have been given a lower priority. This results in lag time between submittal of the PTO application and permit development. Because a significant amount of time passes between issuance of a PTI and development of a PTO, Ohio EPA staff must revisit issues and become reacquainted with the PTI. Also, if there were changes at the facility during that time, it may be necessary for the facility to re-submit the PTO application. Both parties commit time and resources that could be better applied to compliance assurance activities that benefit the environment and the public.

Compliance and enforcement would be enhanced under the proposed PTIO program. Understanding of and compliance with air permit requirements in a PTIO would improve with all requirements consolidated into one permit. The result should be an increase in the number of facilities in compliance, which achieves Ohio EPA's objective of obtaining cleaner air.

Furthermore, the PTIO program requires an annual Compliance and Deviation Report (CDR) that would benefit all stakeholders by improving compliance assurance. Permit holders would use the CDR to report non-compliance or unknown compliance, prompting assistance and/or possible enforcement action from Ohio EPA. There would be a greater responsibility among permitted facilities to self report compliance problems. This responsibility would require affirmation that each permittee has read, understands, and will maintain compliance with permit requirements. Additionally, Ohio EPA staff would conduct regulatory oversight through review of CDR data and compliance inspections.

An additional benefit of the CDR is increased communication with the regulated community. There currently is no system to ensure that smaller facilities will report changes in ownership, business shutdowns or shutdowns of emissions units. The CDR would achieve this on an annual basis. This would improve the accuracy of data that is passed along to the public.

Why should it be easier for a facility to obtain an air permit?

The goal of clean air is not achieved by a wasteful and inefficient permitting system. Simply making it difficult for a source to obtain a permit does not benefit the environment, is not supported by law, and may actually result in greater non-compliance (if more facilities operate unpermitted sources that result in higher air emissions). Regulating sources of air pollution is a complex activity. An efficient permitting system reduces confusion and misunderstanding regarding what is required of the permittee, thus resulting in greater compliance rates. Reducing administrative and redundant steps in the process benefits all, and most importantly, the environment.

What effect would the permit-to-install and operate (PTIO) program have on the current permit backlog?

The proposed program for minor air pollution sources would support Ohio EPA's goal of reducing the backlog by eliminating duplicative permitting. PTO processing has fallen behind because of increased employee obligations and U.S. EPA's emphasis on high-priority facilities. Currently, 17,698 emissions units need a PTO, and PTIs for new emissions units are constantly being issued at a rate that exceeds PTO issuance rates. Thus, the PTO backlog is ever expanding.

By combining the permit process, there should be a steady reduction in the rate of growth of the backlog. Resources can then be directed toward reducing the backlog over a long-term basis. Ohio EPA is also proposing that minor PTIOs have a renewal period of 10 years rather than the current term of five years. This would further help reduce the backlog without creating a negative impact on air quality. Extending the permit term would require a legislative change.

II. Obtaining a Permit-to-Install and Operate (PTIO)

Would a permit-to-install and operate (PTIO) be more complex than a separate PTI and PTO?

There would be no change in the complexity of the terms and conditions of the permit. The PTIO process allows one document to be issued instead of a separate PTI and PTO. It is expected that there would be a few changes in how emissions unit-specific terms and conditions are developed and written.

Would the permit-to-install and operate (PTIO) process be shorter?

Yes. It would take less time to receive a permit under the PTIO process. Under the current system, the facility representative must complete a separate application for a PTO after a PTI is received. Both applications must go through reviews at Ohio EPA's district office or local air agency, then again at Ohio EPA's central office. Under the proposed PTIO process, the time required by the facility to complete a PTO application and the Ohio EPA PTO permit processing time would be eliminated. Therefore, a PTIO could be issued in the same time frame as a PTI in the existing permit system.

How would current facilities be migrated into the permit-to-install and operate (PTIO) program?

As existing PTOs expire, PTIOs would be issued. If a PTI has been issued but a PTO has not yet been issued, then a PTIO would be issued.

What type of permit application would be involved with the permit-to-install and operate (PTIO) process and the PTIO renewal process?

First-issue PTIOs for new installations and modifications (Chapter 31 or Administrative) could use the recently updated PTI application. First-issue PTIOs for PTO renewals or modifications and pre-1974 sources without a PTO could require additional information beyond that which is required in the existing PTO application. A supplemental form may have to be developed to obtain the additional information.

Could a permit-to-install and operate (PTIO) be expedited in the same way some PTIs are now?

The existing “rush list” is a method for facilities to request that their PTIs be expedited due to adverse consequences that could occur if a permit decision from Ohio EPA is not obtained by a certain date. Adverse consequences can include things like additional construction costs, lost business, lost or delayed jobs or additional interest on loans. Public involvement requirements still must be met. Under the PTIO system, the “rush list” process would continue to be utilized and the PTIO would be issued as expeditiously as possible.

III. Public Input Process

What opportunities are available for citizens to be involved in permitting decisions?

Air pollution permits are often very complex. It can be a challenge for citizens to learn enough about a proposed project and applicable rules to make meaningful, timely comments on a proposed permit. To help citizens participate in the decision-making process, Ohio EPA uses a number of outreach tools. These include, among others: web pages; brochures and documents; mailing to interested parties; notification in local newspapers when applications are received and when the director takes actions (including issuance of draft and final permits, and public hearing notices); public information sessions and hearings; and direct guidance to citizens through phone calls and meetings. All of these outreach efforts are available now and would be available with the PTIO program.

Would the new permit-to-install and operate (PTIO) permit process reduce the opportunity for public comments?

No. Under the proposed PTIO permit system, the permit issuance and public notice system would remain nearly identical to the current PTI system.

Under the proposed PTIO system, the terms and conditions regarding the installation and operation of an emissions unit are contained within a single permit. The public notice would be advertised in the local paper and would offer a 30-day public comment period. In addition, a public meeting may also be scheduled before a final action is taken on the permit. During this public comment period, the public may comment on the entire permit (both the installation and operation terms and conditions of a permit) at the same time. This should result in a more comprehensive review and early identification of all issues before a source is built

With only one opportunity to comment, is it more likely that a public meeting would not be offered and the public would be left out of the process?

It is Ohio EPA’s intention to fully and fairly evaluate public interest in any environmental permit intended to be issued to a facility. The purpose of the public comment period is to notify, inform and involve the public in such environmental matters. Therefore, it is important for the public to communicate (either orally or in writing) to the Agency during the public comment period so the Agency can accurately evaluate public interest. Elevated public interest in a facility is an indication that a public meeting should be scheduled.

Does Ohio EPA send public comments to the facility to obtain responses?

No. Ohio EPA employees review and address public comments directly. Ohio EPA may, if a particular question or comment warrants, ask the facility for clarification on any technical question the Agency cannot answer regarding facility operations.

Some citizen concerns may not be realized until after a facility starts operating, yet the only opportunity

to offer comments would be prior to construction of a facility. How can operational concerns be addressed?

The PTIO integrates the installation and operation requirements (terms and conditions) of a permit, while still providing a public notice/comment period process. Citizens would continue to have the opportunity to provide factual information that could affect the PTIO terms and conditions. If any concerns arise after construction and operation of a source, citizens should contact Ohio EPA, and our staff will investigate the concerns. If warranted, appropriate enforcement actions would be taken to address any compliance issues. This complaint investigation process exists now for facilities with final permits, and would not change under the PTIO program.

IV. Reporting and Compliance

What authority does Ohio EPA have to require the annual Certification and Deviation Report (CDR)?

Under existing Ohio law, ORC 3704.03(I) provides that the director of environmental protection may require the person responsible for any air contaminant source to operate monitoring devices, maintain records, and file periodic reports containing any pertinent information the director prescribes.

Would switching to annual reporting reduce Ohio EPA's ability to track a facility's compliance status?

No. In fact, it is envisioned that compliance oversight of non-Title V sources would increase once the Compliance and Deviation Report (CDR) requirement is implemented. Assuring compliance is achieved in many ways including on-site visits, compliance inspections, complaint investigations, correspondence with the facility and the review of compliance reports. The change in reporting frequency (from quarterly deviation based reporting to annual CDR reporting) would not change the frequency of the monitoring required in the permit. Implementation of the CDR would consolidate the review of compliance reports and over the long term, should free up resources to conduct other "hands-on" compliance oversight activities. Additionally, required monitoring and record keeping are not affected by the CDR. Thus, documentation of the compliance status would continue to be available for review and inspection, in addition to reporting under the CDR.

Finally, it is important to note that rule-based reporting requirements would not be altered by implementation of the CDR. For example, Ohio Administrative Code rule 3745-15-06 requires companies to report malfunctions of equipment used to control air pollution. This reporting requirement remains in effect and requires a company to report malfunctions "immediately" with a follow-up written report concerning the malfunction within 30 days. A summary of the reports would be included in the CDR, thus enabling the report reviewer to notice problems with control equipment at a facility that otherwise might not be detected through quarterly deviation reports.

Would switching to annual reporting make it harder to keep the air clean and protect human health?

First, it is important to note that the change in reporting frequency (from quarterly deviation based reporting to annual CDR reporting) would not change the frequency of the monitoring required in the permit. This is an important point to note since the frequency of monitoring an emissions unit (air contaminant source) has a much greater effect on actual emission levels than does the frequency of reporting for that emissions unit

As noted previously, the change to annual CDR reporting would likely free up staff time that could be spent conducting compliance assurance activities at facilities and establishing a greater Ohio EPA presence in the field. A greater Ohio EPA presence in the field would increase the chance that a facility would be inspected and would likely result in a higher percentage of facilities operating in compliance with permit requirements.

Since the change to annual CDR reporting is not expected to impact emissions, and a greater Ohio EPA

presence in the field would likely increase compliance with permit requirements, the proposed change ensures that the air is kept clean and human health is protected.

Would annual reporting reduce the ability to respond effectively to citizens' requests for information?

No. It is envisioned that implementation of the Compliance and Deviation Report (CDR) would enhance citizen understanding and knowledge concerning the compliance status of facilities. The CDR would provide a comprehensive picture regarding the compliance status of facilities over the preceding year. In addition, inspection reports and other required reporting documentation would provide citizens with a well-rounded understanding of facility compliance status rather than requiring citizens to sift through many monthly or quarterly reports. An added benefit of the CDR would be that field office staff would be available to respond more quickly to citizen inquiries, including conducting facility inspections if needed. As mentioned earlier, this first-hand knowledge is important for purposes of compliance oversight and also aids in providing understanding and responsiveness to citizens.

Which reports, currently required, would still be required in addition to the annual Compliance and Deviation Report (CDR)?

Federal or Ohio rule-based reporting frequencies that are required on a more frequent basis would not be altered by implementation of the CDR. For example, reporting specified in a federal New Source Performance Standard (NSPS) or National Emissions Standards for Hazardous Air Pollutants (NESHAP), would still be required to be submitted at the frequency specified in that rule. In addition, Ohio Administrative Code rule 3745-15-06 requires companies to report malfunctions of equipment used to control air pollution. This reporting requirement remains in effect and requires a company to report malfunctions "immediately" with a follow-up written report concerning the malfunction within 30 days under certain circumstances. This reporting requirement would not be altered. A summary of the reports would be included in the CDR, thus enabling the report reviewer to notice problems with control equipment at a facility that otherwise might not be detected through quarterly deviation reports. The primary change associated with implementing the CDR would be the implementation of annual CDR reporting for those facilities that do not have a specified reporting frequency in their permits. For other facilities subject to quarterly deviation reporting requirements, the CDR would replace these requirements. Ohio EPA would continue to retain the ability to prescribe a more stringent reporting frequency in a PTIO when appropriate.

By switching to annual reporting, would Ohio EPA be increasing the reporting requirements for industry?

The CDR is a consolidated collection of information about the emissions units at a facility for a given year and represents a shift from quarterly to annual reporting. Facilities would be provided with a form for reporting, developed by Ohio EPA. As you may be aware, Ohio EPA does not currently require any particular format in reporting the compliance status of operations. This has advantages and disadvantages. The advantage is that permittees are left to develop internal compliance tracking and reporting systems to best suit their needs and mesh with their internal procedures and practices. The disadvantage is that many permittees that would fall into the PTIO population have limited resources and staff to dedicate to ensuring proper records are kept and adequate information is provided regarding permit requirements. Ohio EPA envisions that a structured reporting regime would lend consistency in reporting, and a better understanding of permittee record keeping and reporting obligations.

To which terms and conditions would the annual Compliance and Deviation Report (CDR) apply?

The annual CDR applies to the entire PTIO issued for the emissions unit. The annual CDR is used to indicate whether the required monitoring and record keeping required in the PTIO has been performed; report

exceedances from emission limitations, usage restrictions, and production rate limitations; and report deviations from control device operating parameter ranges specified in the PTIO. The annual CDR is only applicable to these types of terms and conditions. In the case of an emission limitation in the PTIO that reflects the emissions units' potential to emit, reporting would not be applicable since this limitation could never be exceeded. Similarly, the results of any required emission testing and submittal of emission test reports is not associated with the annual CDR.

The CDR also requests information regarding the installation/operating status of emissions units, and whether a permit is still needed for a particular emissions unit. These components of the CDR would provide additional information not currently required in the quarterly reports.

The CDR also provides an avenue for reporting any other pertinent information that may be useful to Ohio EPA. It is an opportunity for the permittee to report process improvements, issues and projects. It can open the door for discussion and understanding between Ohio EPA and the facility concerning regulated operations. Better understanding of facility operations and projects would result in greater compliance rates.

Would facilities with emissions units currently operating without an active permit-to-operate (PTO) suddenly have annual reporting requirements?

The requirement for annual Compliance and Deviation Report (CDR) reporting begins after a PTIO is issued. Thus, existing non-Title V facilities would become subject to the CDR requirements as the renewal permits are processed and issued as a PTIO. Therefore, if an emissions unit does not have a PTIO, the permittee would not be required to submit a CDR.

Under Ohio rules, most existing PTOs are still active and effective, even though Ohio EPA has not renewed them. Companies must continue to comply with their existing PTOs because they applied to renew the permits.

How is the annual Compliance and Deviation Report (CDR) process different from the Title V compliance certification process?

The CDR is a consolidated annual report that incorporates all of the existing required reports into one document. The CDR is not a "line-by-line" compliance report as is required in Title V annual compliance certifications whereby Title V permit holders must certify compliance with each term and condition in the permit. Additionally, the CDR, unlike the authority granted for the Title V annual certification of compliance, does not provide a mechanism for subjecting the signatory of the report to criminal penalties for falsification of reports. However, falsification of CDR reporting requirements would subject the permittee to state-enforceable fines and penalties.

V. Enforcement

Would the Compliance and Deviation Report (CDR) be considered self-reporting and therefore not require a Notice of Violation?

The CDR process does require a company to self report violations; however, this would not affect the procedure for issuing Notices of Violation or any possible further enforcement action. Furthermore, the self reporting of a violation in the CDR would not qualify as a self-disclosure under Ohio's Amended Audit Privilege and Immunity Law, which became effective on September 30, 1998. As a result, the Audit Privilege and Immunity Law would not exempt a company from civil penalties that may result from enforcement activities pursued as a result of the information provided in the CDR. The main goal of Ohio EPA is for companies to operate in compliance. The pursuit of enforcement action for violations that are reported on the CDR would be based on such things as severity of violation, the length of time a company operated out of compliance, and other such factors.

Would less frequent reporting inhibit the prompt discovery of violations?

Currently, not all permits require quarterly deviation and semi-annual reports. Although there would be a reduced reporting frequency for those companies that have quarterly deviation and semi-annual reporting requirements, it is anticipated that the companies would be much more diligent about both the timely submission of the Compliance and Deviation Report (CDR) and the accuracy of the information contained in the reports. Currently, many companies are inundated with producing quarterly, semi-annual, and annual reports and tracking these reports; Ohio EPA is equally tasked with tracking and reviewing these reports. The current system is complex and confusing to many companies, resulting in many reports being completed inaccurately or omitted altogether. As a result, the current reporting system is not an effective system for tracking the compliance status of a company. It would be much easier for Ohio EPA to review and track the submission of the CDRs than the several different types of reports that are currently required. As a result, Ohio EPA expects to find at least as many, and probably more, violations through CDR reporting than with the current process.

Would annual reporting reduce Ohio EPA's ability to pursue enforcement against violators?

Annual reporting would not affect Ohio EPA's ability to pursue enforcement. The length of time between the occurrence of a violation and when it is reported on an annual Compliance and Deviation Report (CDR) would be well within the time frame in which Ohio EPA could pursue enforcement if it is warranted by the violation.

VI. Registrations

Would "express" permits-to-install and operate (PTIOs) be processed as quickly as the current permit-to-install (PTI) registrations?

Currently, PTI registration permits are issued for certain emissions units with small maximum uncontrolled emissions. Installation of the emissions unit may begin if the applicant has not been notified to halt construction within 60 days of their application or upon issuance of the permit(s). "Express PTIOs" would replace PTI registration permits under the PTIO program. It is anticipated that "express PTIOs" would be processed in the same manner as current PTI registration permits. PTI registration permits are not necessarily processed quicker, but there is an option to install the new emissions unit more quickly. Ohio Administrative Code (OAC) 3745-31-05(E) states, in part, that "...(W)ithin sixty days of the receipt of a complete request, the director shall notify the applicant whether the air contaminant source will be accepted for permit to install registration status. Installation or construction of the air contaminant source may commence after sixty days if the applicant has not been notified or upon the issuance of the registration status..."

Under the permit-to-install and operate (PTIO) program, emissions units that would have previously qualified for a permit-to-operate (PTO) registration permit would now have to obtain a PTIO permit and consequently have annual reporting requirements and renewal obligations. How does this reduce the reporting burden or the complexity of the permitting process?

Currently, a PTO registration permit is used for units with potential air emissions of an amount and type that are considered minimal by Ohio EPA. It is used in place of a PTO. Permittees are not required to renew registration notices.

Ohio EPA has expended a considerable effort to develop additional permit exemptions aimed at reducing the number of emissions units required to have air permits and, thereby, removing many emissions units that would have previously qualified for PTO registration status from the air permit system. This effort is a result of recommendations of the Ohio EPA/Industry Permit Processing Efficiency Committee (PPEC) formed in early

2001. The goal of this joint venture between the Agency and industry representatives was to identify ways to improve the efficiency of the air permitting process in Ohio.

The following four recommendations were made by the PPEC: 1) develop a new emissions-based PTI exemption threshold; 2) identify areas where an expanded use of permits-by-rule would be effective; 3) identify permit categories where the use of a general permit would be effective; and 4) develop a permitting process that would allow a facility-wide emissions cap. Four workgroups were formed to further develop and implement the PPEC's recommendations. The first three of the four listed workgroups are currently working toward this goal.

So even though a PTIO registration permit option would not be available, the smaller, insignificant emissions units (PTO registration status units) would most likely become either exempted from the air permitting system altogether or permitted by rule. As such, the PTIO permitting program would include the typically more significant emissions units at non-major (non-Title V) facilities that would not have been eligible for PTO registration status.

VII. Renewals

What are the benefits of going with a longer, 10-year renewal cycle?

Ohio EPA conducts a compliance evaluation as part of the PTO renewal process. However, the renewal process has been significantly backlogged due to the number of emissions units regulated in Ohio, the short (five-year) permit renewal period, and decreasing Agency resources.

The PTIO program consists of two components: a renewal cycle of up to 10 years and an annual Compliance and Deviation Report (CDR). The extended renewal period would allow the Agency to apply greater resources to compliance oversight through reduced renewal permitting activities. Although compliance issues are sometimes discovered through the permit renewal process, increased regulatory oversight and compliance assurance would result in less time spent renewing permits and, instead, applying the limited resources to compliance evaluations through site inspections, reviewing site records, reviewing the CDR and verifying compliance.

The CDR is an annual compliance certification completed by the permittee that Ohio EPA would utilize to assess facility compliance annually rather than conducting a full compliance review as part of the permit renewal process every five years. Additionally, the PTIO program would require more frequent internal compliance evaluations by regulated entities as they prepare the annual CDR. It is anticipated that this would lead to more timely discovery and corrections of violations. It is important to note that the CDR does not replace any other monitoring, record keeping, or reporting requirements that are contained in applicable permits.

Would a longer permit renewal period affect Ohio EPA's ability to keep Ohio's air clean?

No. Although compliance assessments driven by permit renewals would decrease in frequency, the initiation of an annual Compliance and Deviation Report (CDR), coupled with a renewal cycle of up to 10 years, would significantly increase the overall number of compliance assessments. In addition, Ohio EPA would have more time to perform detailed compliance evaluations and direct its attention to non-compliance situations that warrant additional time and resources.

Under the current permitting structure, a regulated entity is rarely required to document and report all non-compliance situations. The PTIO program shifts the burden to the permittee to certify compliance on an annual basis. By requiring regulated entities to conduct an annual review of each emissions unit and assess compliance with permit requirements, Ohio EPA believes there would be greater awareness of permit requirements and subsequent compliance. Additionally, it is anticipated that Ohio EPA would be better positioned to apply

enhanced regulatory oversight rather than spending resources on administrative renewal processing activities.

What could be done to modify a permit before it expires if a problem is discovered with a facility?

Even under the current system, discovery of violations does not typically result in modification of the permit. Rather, the permittee is required to take steps to ensure compliance with the permit as it is written. The PTIO initiative does not alter the enforcement process administered by Ohio EPA. Problems discovered at a facility would be resolved using the appropriate enforcement mechanism. However, consistent with existing authority, a request for a new application or suspension or revocation of a PTIO may be initiated by Ohio EPA at any time depending on the result of investigated violations.

If Ohio EPA identifies a problem with the permit, the PTIO can be modified in the same manner as a current PTO. These changes could include a change in the emissions limit or a change in operational restrictions.

The PTIO program specifies that PTIOs would have a life of between 5 and 10 years. Although it is envisioned that most emissions units would be permitted for the maximum 10 years, consistent with existing authority, Ohio EPA can permit an emissions unit for a renewal period chosen by the Agency. Several factors could cause the Agency to permit an emissions unit for a period that is less than 10 years: compliance history; type of emissions unit(s); location of the facility; nature of the emissions; and attainment status of the county where the facility is located.

VIII. Technical Issues

What mechanism would be in place to change the operating portion of the permit after the “shake-down” period?

The current method of writing permits does not normally require that the terms be modified from the original PTI after the "shake-down" period. In fact, the current PTIs often function as the first PTO for the initial operating period. If changes are necessary after the "shakedown" period, then in many cases an administrative modification of the permit would be processed. For instance, sometimes stack testing shows that an allowable emission limitation in the permit should be changed. Under the existing system, Ohio EPA would process an administrative modification to correct the limitation. In the future, Ohio EPA would process an administrative modification of the PTIO to change the limitation. The current modification procedures used to address "shakedown" after a PTI is issued would also be used under the PTIO program.

Would the number of modifications required increase because operating terms would be written before installation?

Ohio EPA does not expect the number of modifications to increase under the PTIO program. To understand the reasons for this, one must first understand that there are two general types of modifications. First, a “Chapter 31” modification occurs when a facility makes a physical change or change in the method of operation of an emissions unit that triggers the definition of “modification” under OAC rule 3745-31-01. When this happens, the permittee is required to apply for and obtain a new PTI in order to account for this change. The PTIO program does not affect how frequently permittees make physical or operational changes. Therefore, any changes that constitute a “modification” would simply require the permittee to obtain a new PTIO for the change.

Second, sometimes permits need to be changed when the legal definition of “modification” is not triggered. Ohio EPA considers this an “Administrative Modification.” The benefit of the PTIO program would be in modifying one document (the PTIO) instead of two (the PTI and the PTO).

Would the installation and construction terms be binding once the facility is operational?

The installation and construction terms would continue to be binding after the facility is operational. The installation and construction terms of a PTIO would be treated no differently than the installation and construction terms of a PTI issued today. In a current PTI, the installation and construction terms are effective and remain applicable even when an emissions unit becomes operational. In either system, installation and construction terms remain effective until the emissions unit is either modified or permanently shut down.

How can Ohio EPA convert existing permit-to-install (PTI) requirements that were issued for the life of the emissions unit into requirements that would expire in 5 or 10 years?

The installation requirements in a PTIO would be effective for the life of the emissions unit just as they are in PTIs issued currently. Terms and conditions concerning the operation of the emissions unit would expire and need to be renewed.

Without some indication that the unit has moved from the construction to the operational phase (installation certificate), how would Ohio EPA determine when certain permit obligations commenced?

The information used to determine when an emissions unit has moved from construction and installation to operation under the PTIO program would be no different than the information that is currently used to determine the completion of construction as signified in a current installation certificate. Under the PTIO program, the installation certificate would be eliminated and an annual Compliance and Deviation Report (CDR) would be used for determining compliance with permit obligations including construction/installation and operational requirements. Ohio EPA would retain its current responsibility to evaluate and verify compliance issues.

Until it receives the first annual Compliance and Deviation Report (CDR) from a facility, how would Ohio EPA know that “normal operations” commenced and operational conditions are in effect?

The operational conditions in the PTIO are effective and can be enforced upon issuance. Therefore, it is not necessary to know when “normal operations” commenced.

Would equipment changes that result in no significant changes to emissions be allowed without a modification under the permit-to-install and operate (PTIO) program?

The switch to a PTIO program does not affect the need for any permit modification; permit modifications would be treated like they are today. If a physical change or change in the method of operation triggers the definition of “modification” under OAC rule 3745-31-01, then the permittee is required to apply for and obtain a PTIO prior to initiating the change. If the necessary change is not considered a “modification,” then either the permittee or Ohio EPA would initiate the change. Ohio EPA would then issue an administrative modification of the PTIO. The only difference from the existing program concerning modifications is that instead of having to change two documents (the PTI and the PTO), we would only have to change one document (the PTIO).

Would all the permit-to-install and operate (PTIO) terms and conditions now become federally enforceable under the State Implementation Plan?

The PTIO program would provide that individual requirements (i.e. individual terms and conditions) of a permit retain their current designation as being either federally enforceable or state-only enforceable.