Environmental Protection Agency

§ 52.1879 Review of new sources and modifications.

(a) The requirements of sections 172, 173, 182, and 189 for permitting of major new sources and major modifications in nonattainment areas for ozone, particulate matter, sulfur dioxide, and carbon monoxide are not met, because

(1) USEPA is disapproving new exemptions for the use of cutback asphalt [(Rule 3745–21–09(N)(3) (a) and (e)], because Ohio did not provide documentation regarding the temperature ranges in the additional two months that the State permits the use of cutback asphalts, and a lack of training is not sufficient reason for the 1000 gallons exemptions.

(2) USEPA is disapproving Section V [Rule 3745–21–09(V)], because it contains an alternative leak testing procedure for gasoline tank trucks which USEPA finds to be unapprovable.

(3) USEPA is disapproving exclusion of the external floating roof (crude oil) storage tanks from the secondary seal requirement [Rule 3745–21–09(Z)(1)(a)], because Ohio has not demonstrated that the relaxation would not interfere with the timely attainment and maintenance of the NAAQS for ozone.

(4) USEPA is disapproving compliance test method Section G, [Rule 3745–21–10] as an alternative leak testing procedure for gasoline tank trucks, because such action on Section G, is consistent with USEPA’s action on Rule 3745–21–09(V), which USEPA finds to be unapprovable.

(5) USEPA is disapproving compliance test method Section H, [Rule 3745–21–10], which involves a pressure test of only the vapor recovery lines and associated equipment. Compliance test method Section H is inconsistent with USEPA’s control technique guidances and with tank truck certification regulations that are in effect in 19 other States. In addition, OEPA has presented no acceptable evidence demonstrating why this rule constitutes RACT.


§ 52.1878 [Reserved]

§ 52.1879 [Reserved]
Ohio's regulations exempt source categories which may not be exempted and because the State has not adopted the new permitting requirements of the Clean Air Act Amendments of 1990 in a clear or enforceable manner.

(b) [Reserved]

(c) The requirements of §51.161 of this chapter are not met because the State failed to submit procedures providing for public comment on review of new or modified stationary sources.

(d) Regulation providing for public comment. (1) For purposes of this paragraph, Director shall mean the Director of the Ohio Environmental Protection Agency.

(2) Prior to approval or disapproval of the construction or modification of a stationary source, the Director shall:

(i) Make a preliminary determination whether construction or modification of the stationary source should be approved, approved with conditions or disapproved;

(ii) Make available in at least one location in the region in which the proposed stationary source would be constructed or modified, a copy of all materials submitted by the owner or operator, a copy of the Director's preliminary determination, and a copy or summary of other materials, if any, considered by the Director in making his preliminary determination; and

(iii) Notify the public, by prominent advertisement in a newspaper of general circulation in the region in which the proposed stationary source would be constructed or modified, of the opportunity for public comment on the information submitted by the owner or operator and the Director's preliminary determination on the approval of the new or modified stationary source.

(3) A copy of the notice required pursuant to this paragraph shall be sent to the Administrator through the appropriate regional office and to all other State and local air pollution control agencies having jurisdiction within the region where the stationary source will be constructed or modified.

(4) Public comments submitted in writing within 30 days of the date such information is made available shall be considered by the Director in making his final decision on the application.

(e) Approval—EPA is approving requests submitted by the State of Ohio on March 18, November 1, and November 15, 1994, for exemption from the requirements contained in section 182(f) of the Clean Air Act. This approval exempts the following counties in Ohio from the NOX related general and transportation conformity provisions and non attainment area NSR for new sources and modifications that are major for NOX: Clinton, Columbiana, Delaware, Franklin, Jefferson, Licking, Mahoning, Preble, Stark, and Trumbull. This approval also exempts the following counties in Ohio from the NOX related general conformity provisions; non attainment area NSR for new sources and modifications that are major for NOX: Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Medina, Portage, and Summit.

(f) Approval—USEPA is approving two exemption requests submitted by the Ohio Environmental Protection Agency on September 20, 1993, and November 8, 1993, for the Toledo and Dayton ozone non attainment areas, respectively, from the requirements contained in Section 182(f) of the Clean Air Act. This approval exempts the Lucas, Wood, Clark, Greene, Miami, and Montgomery Counties from the requirements to implement reasonably available control technology (RACT) for major sources of nitrogen oxides (NOX), non attainment area new source review (NSR) for new sources and modifications that are major for NOX, and the NOX-related requirements of the general and transportation conformity provisions. For the Dayton ozone non attainment area, the Dayton local area has opted for an enhanced inspection and maintenance (I/M) programs. Upon final approval of this exemption, the Clark, Greene, Miami, and Montgomery Counties shall not be required to demonstrate compliance with the enhanced I/M performance standard for NOX. If a violation of the ozone NAAQS is monitored in the Toledo or Dayton area(s), the exemptions from the requirements of Section 182(f) of the Act in the applicable area(s) shall no longer apply.
Environmental Protection Agency

§ 52.1881 Control strategy: Sulfur oxides (sulfur dioxide).

(a) USEPA is approving, disapproving or taking no action on various portions of the Ohio sulfur dioxide control plan as noticed below. The disapproved portions of the Ohio plan do not meet the requirements of §51.13 of this chapter in that they do not provide for attainment and maintenance of the national standards for sulfur oxides (sulfur dioxide). (Where USEPA has approved the State's sulfur dioxide plan, those regulations supersede the federal sulfur dioxide plan contained in paragraph (b) of this section and §52.1882.)