



State of Ohio Environmental Protection Agency

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November 20, 1995

Mr. David Kee, Director
Air and Radiation Division
U.S.EPA - Region V
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

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AIR AND RADIATION DIVISION
REGION V

Dear Mr. Kee:

This letter is the Ohio Environmental Protection Agency (Ohio EPA) request to the United States Environmental Protection Agency (U.S. EPA) for delegation of Section 112 of the Clean Air Act (42 U.S.C. 7412), and the National Emission Standards for Hazardous Air Pollutants (NESHAPs) promulgated thereunder (40 CFR Parts 61 and 63). Specifically, the Ohio EPA also requests delegation of authority to include the specified Section 112 NESHAPs standards and requirements for non-Part 70 sources (40 CFR Part 70), with the exception of those enumerated below. Also included in this request for delegation is a request for delegation of authority for the Section 112 programs, identified individually below. Incorporated by reference are the relevant elements of Ohio's Title V Operating Permit Program under Section 2 U.S.C. 7661.

As previously demonstrated for Ohio's Title V Permit Program's delegation of authority, the Ohio EPA can successfully implement selected Section 112 programs and NESHAP standards. Other Section 112 programs will require consideration as to whether Ohio EPA can fulfill the requirements of the programs without additional considerations.

The Ohio regulations authorize Ohio EPA to issue permits for Part 70 and non-Part 70 sources of regulated pollutants, including Section 112 pollutants, within the State of Ohio. The Ohio EPA has the authority to perform inspections, request compliance information, and incorporate monitoring and record keeping requirements into Ohio EPA Permits to Install (PTIs) and Permits to Operate (PTOs). The Ohio EPA has adequate resources and organizational structure to enforce Section 112 for Part 70 sources through the Title V Program revenues. Non-Part 70 sources will be supported by Section 105 (42 U.S.C. 4205) grant resources with

George V. Voinovich, Governor
Nancy P. Hollister, Lt. Governor
Donald R. Schregardus, Director

supplemental help from Ohio EPA funding. The Ohio EPA has been implementing standards specified by Part 63, beginning with the Perchloroethylene Dry Cleaning Standard of September 1993. Ohio EPA will intensify its efforts for NESHAP MACT standards as resources allow. Detailed descriptions of the above requirements have been previously supplied to U.S. EPA Region V in the Title V Permit Program submittal, and subsequent approval.

Ohio EPA would like to enumerate several concerns that need addressed prior to formal acceptance of Section 112 delegation of authority from U.S. EPA to Ohio EPA.

Section 112(g) Modifications

Until U.S. EPA finalizes the requirements for 112(g), Ohio EPA does not desire to request delegation of this program. We do support the STAPPA/ALAPCO suggested program of accepting state's air toxic permit programs in lieu of the 112(g) program.

Section 112(I) (5) Early Reduction

Ohio EPA does not request delegation of authority for this program. Ohio EPA has cooperated with and aided U.S. EPA Region V with the few applicants received from Ohio, as stated in the previous Planned Program Accomplishment (PPA) grant agreements. The official determinations for use of this program resides, in the opinion of Ohio EPA, with the Regional Office (Region V) of U.S. EPA. The application of this program especially requires Regional Office supervision in regards to the specifications for Coke Oven Batteries early reductions 112(I) (8) (A-F).

Section 112(j) Equivalent Emission Limitation by Permit

Ohio EPA requests delegation of authority to administer this program. Although it may be possible that the "hammer" need not fall on the state's for permit-based equivalent standards, the implementation of this program will be difficult for all states to administer, including Ohio.

Section 112(k) Area Source Program

Ohio EPA has been conducting area source monitoring and risk assessments in the urban areas of Ohio for quite a few years. Some of these studies have been instrumental in the acquisition of urban air pollutant data collection, and have been benchmarks for use by U.S. EPA. Ohio EPA will continue to collect data to help U.S. EPA with the

administration of this program.

Section 112 (l) State Programs

Ohio EPA is complying with Section 112(l) by creating this request for delegation of authority letter. Ohio EPA is fulfilling its obligation to request delegation of authority for selected Section 112 emission standards and programs, as stated in the March 31, 1995 letter to U.S. EPA Region V. This position also remains consistent with the implementation strategy of the U.S. EPA letter to Ohio EPA of June 27, 1995.

Section 112(m) Atmospheric Deposition to the Great Lakes and Coastal Waters

Ohio EPA was participating currently in monitoring for atmospheric deposition into Lake Erie by operating 2 sites for the GLAD (Great Lakes Atmospheric Deposition monitoring network). Funding had recently been removed by U.S. EPA for these sites. Upon restoration of funding, Ohio EPA would participate further in research on the Great Lakes ecosystems.

Section 112(r) Prevention of Accidental Releases

Ohio EPA has received a one-time grant from U.S. EPA for use in initiating a 112(r) emergency release program for the State of Ohio. Ohio EPA has had one full time employee dedicated to the 112(r) program for 2 years. Great strides have taken place in the planning and building of this program for Ohio. A primary concern, however, rests in the ability of Ohio to maintain this level of staff commitment without additional support from U.S. EPA. The Title V permit fee program in Ohio, like many states, did not envision funding a comprehensive 112(r) review program. We believe that 112(r) is a federal program and we cannot operate an effective review and enforcement program without additional resources from the federal government. At this time, we are not requesting delegation of authority for 112(r).

Section 112(d) Emission Standards

Ohio EPA would like to express additional concerns with 2 NESHAP MACT standards scheduled for implementation by U.S. EPA, with delegation of authority to Ohio EPA. The Hazardous Organic NESHAP (the HON) and the Coke Oven MACT Standard are difficult for Ohio to implement for many reasons. The expertise required for each of these MACT standards requires intensive background research, source emission training, and

detailed record keeping that is currently accomplished by the U.S. EPA. It is quite possible that the amount of effort required for these 2 MACT standards alone may overload the air toxics program work of Ohio EPA. As such, Ohio EPA is seeking further discussion as to the method of implementing these MACT standards, utilizing the previous expertise of U.S. EPA combined with help from Ohio EPA.

Ohio EPA is supplying this letter in an effort to continue discussion on the delegation of authority process. Ohio intends to complete all delegated programs and MACT standards in the best, most efficient manner possible, completely fulfilling the intended toxic air pollution controls of Congress through the CAA of 1990. Please contact Mr. Mike Hopkins, Section Manager of the Air Quality Modeling & Planning Section, or Mr. Paul Koval, Supervisor of the Air Toxics Unit, both in the Division of Air Pollution Control of Ohio EPA at (614)644-2270.

Sincerely,



Robert F. Hodanbosi, PE

Chief, Division of Air Pollution Control
Ohio Environmental Protection Agency
RH/pk