



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JUN 05 2008

REPLY TO THE ATTENTION OF:

AR-18J

Robert Hodanbosi
Chief, Division of Air Pollution Control
Ohio Environmental Protection Agency
122 South Front Street
P.O. Box 1049
Columbus, Ohio 43266-1049

Dear Mr. Hodanbosi:

On January 24, 2008, the U. S. Environmental Protection Agency received a request to revise Ohio's State Implementation Plan (SIP) from the Ohio Environmental Protection Agency (OEPA). One of the rule changes involves Ohio Administrative Code (OAC) rule 3745-31-05(A)(3)(b), which now includes a *de minimis* cutoff of 10 tons per year (tpy) for criteria pollutants or precursors for new minor sources, so that under the revised rules Best Available Technology (BAT) is not required for new sources emitting less than 10 tpy after control. This constitutes a SIP relaxation because previously the threshold had been lower than 10 tpy. Federal regulation requires that a state's minor New Source Review (NSR) program ensure that the construction of a source will not result in a violation of the SIP, or interfere with attainment or maintenance of a National Ambient Air Quality Standard (NAAQS) (40 C.F.R. 51.160(a)).

States are to provide a demonstration in a SIP revision request showing "that the national ambient air quality standards, prevention of significant deterioration (PSD) increments, reasonable further progress demonstration, and visibility, as applicable, are protected if the plan is approved and implemented" (40 C.F.R. 51 App. V 2.2(d)). Clean Air Act (CAA) section 110(l) states that: "The Administrator shall not approve a revision of a plan if the revision would interfere with any applicable requirement concerning attainment and reasonable further progress (as defined in section 171), or any other applicable requirement of this Act."

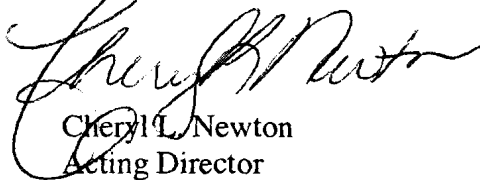
OEPA has not demonstrated in its SIP submittal that all the rule changes contained in the revision will comply with NSR program requirements, therefore, EPA has determined that the submittal is incomplete. Because this submittal is incomplete, it cannot be processed as a revision to OEPA's SIP and therefore, EPA will take no further action on this submittal. In order for EPA to consider the submittal to be complete and merit action, OEPA must submit a demonstration showing that the NAAQS, PSD increments, reasonable further progress demonstration, visibility, and anti-backsliding requirements, as applicable, would be protected if all of the submitted rule changes were approved into OEPA's SIP.

In the absence of a complete submittal, EPA is not at this time providing a full evaluation of Senate Bill 265 in its entirety. However, we believe it is important to make you aware that

additional approvability issues exist. In addition to the CAA section 110(l) completeness issue associated with the 10 tpy de minimis cutoff for BAT in this SIP revision request as noted above, other potentially unapprovable rule changes include the "begin actual construction" exemptions in OAC rule 3745-31-33, the change of definition of air contaminant source in OAC rule 3745-31-01(A), and potential backsliding issues associated with not being able to promulgate BAT rules by the August 3, 2009 deadline. Should Ohio EPA seek to move forward with this SIP revision, EPA will provide a more detailed approvability analysis of the rule and is prepared to work with OEPA to address how to resolve these issues.

If you have any questions, please do not hesitate to contact me, or contact Richard Angelbeck, of my staff, at 312/886-9698.

Sincerely,

A handwritten signature in cursive script, appearing to read "Cheryl L. Newton".

Cheryl L. Newton
Acting Director
Air and Radiation Division