

OHIO COASTAL MANAGEMENT PROGRAM POLICY 30 – AIR QUALITY

IT IS THE POLICY OF THE STATE OF OHIO TO ATTAIN AND MAINTAIN AIR QUALITY LEVELS THAT PROTECT PUBLIC HEALTH AND PREVENT INJURY TO PLANT AND ANIMAL LIFE AND PROPERTY BY SURVEYING AND MONITORING AIR QUALITY; ENFORCING NATIONAL AMBIENT AIR QUALITY STANDARDS THROUGH PERMITS AND VARIANCES; AND RESTRICTING OPEN BURNING. (O.R.C. CHAPTERS 3745, 3706 AND 5709).

Authorities and Administration

The Ohio EPA, Division of Air Pollution Control, operates several programs that have far-reaching effects on the air quality of the state and Lake Erie. Such programs range from those developed and implemented since the inception of the agency, to new initiatives that limit the exposure of the population to air toxics.

Ohio's State Implementation Plan (SIP), approved by U.S. EPA, is developed, revised, implemented, and enforced by the Ohio EPA, local air pollution control agencies, and areawide planning agencies designated by the Governor. The principal provisions of the SIP are state emission limitations designed to meet federal primary and secondary ambient air quality standards (O.A.C. 3745-17, 3745-18, 3745-21, 3745-23 and 3745-71). Implementation and enforcement of these regulations are achieved through the issuance of air permits by the Director, Ohio EPA (O.A.C. 3745-31 and 3745-35).

SIPs are in effect statewide, with specific provisions for sources in nonattainment areas. Pursuant to the 1990 Clean Air Act (CAA) amendments, Cuyahoga, Lake, Lorain, Lucas and Wood counties underwent SIP revisions to reduce point and mobile sources which contributed to the moderate ozone nonattainment. Automobile inspection and maintenance are required in these areas, with the exception of Lucas and Wood counties.

Ohio's SIP also incorporates the following:

1. Emergency episode standards requiring the reduction of air contaminants during air pollution alerts, air pollution warnings and air pollution emergencies (O.A.C. 3745-25);
2. Restrictions on certain types of open burning within the boundaries of municipal corporations and buffer areas, and total prohibition of open burning of garbage (O.A.C. 3745-19);
3. Transportation control plans prepared by NOACA and TMACOG in the coastal area and geared toward encouraging and providing facilities for alternative means of transportation such as buses, rapid transit, bicycling and car pooling, as mandated by Section 174 of the CAA and enforced by Ohio EPA pursuant to its directive to adopt and maintain a program

for the prevention, control and abatement of air pollution that is consistent with the federal CAA (O.R.C. 3704.02(2));

4. Extensive procedural means for citizen and industry involvement in agency actions; and
5. Provisions for daily Pollutant Standards Index readings in each major metropolitan area.

Operators of new sources of air contaminants must obtain a Permit to Install (O.A.C. 3745-31) and must meet criteria for the Prevention of Significant Deterioration (PSD) in attainment areas or emission offset regulations in nonattainment areas. New Source Performance Standards (NSPS), National Emission Standards for Hazardous Pollutants (NESHAPs), Best Available Technology (BAT) criteria, and source impact determinations must all be met before issuance of a Permit to Install. Risk assessment modeling studies may be conducted.

Additionally, permits to operate are issued to pollution sources that are in full compliance with regulations. Sources unable to attain compliance can be issued variances that include a schedule outlining the control program that the source will follow to achieve full compliance (O.A.C. 3745-35). Once full compliance is attained, a Permit to Operate may be granted.

Ohio EPA conducts field surveillance and source inspection to ensure that sources remain in compliance and that noncompliant sources make timely progress toward compliance. The Director of Ohio EPA may revoke or suspend any Permit to Operate upon finding that any conditions, standards or regulations have been or will be violated.

The Division of Air Pollution Control conducts an enforcement program. Compliance is monitored in the field, and noncomplying sources are referred to the Central Office, where enforcement cases are developed. Industry can be issued findings and orders to comply, or the case may be referred to the Ohio Attorney General for prosecution.

The Ohio General Assembly enacted legislation and subsequently revised O.R.C. 5709.20 to 5709.27 in 1963 and in 1973 to provide incentives for the purchase, installation and use of air pollutant emission control equipment. The incentives were in the form of exemptions from Ohio's real and personal property, franchise use and sales taxes. The legislature empowered the Tax Commissioner of Ohio to issue Air Pollution Control Certificates granting such exemptions after a determination that the equipment qualifies for such tax benefits.

The Division of Air Pollution Control assists with the development of a procedure for risk assessment, management, and communication, and will participate in cooperative efforts with other Ohio EPA divisions and Great Lakes states concerning multiple pathway pollution sources. These pathways of contamination to the Great Lakes should be monitored and controlled. New initiatives will begin to assess the impacts of toxics.

The air permit program (O.A.C. 3745-31) provides a means to control emission of criteria pollutants such as sulfur dioxide, oxides of nitrogen and particulate matter from stationary sources through the application of best available technology for new sources. Mobile sources of pollution are being addressed in major urban areas such as Cleveland, where an automobile inspection and maintenance program is being implemented to control ozone precursors.