

§ 21.5822 [Amended]

■ 3. Section 21.5822 is amended by:

■ a. In paragraphs (b)(1)(i) and (b)(2)(i), removing “\$919” and adding, in each place, “\$959”, and by removing “2001–02” and adding, in each place, “2002–03”.

■ b. In paragraphs (b)(1)(ii) and (b)(2)(ii), removing “\$459.50” and adding, in each place, “\$479.50”, and by removing “2001–02” and adding, in each place, “2002–03”.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 70

[OH 157–2 FRL–7588–9]

Clean Air Act Approval of Revision to Operating Permits Program in Ohio

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is taking final action to approve, as a revision to Ohio’s title V air operating permits program, revisions to Ohio’s regulations for insignificant emissions units (IEUs), Ohio’s regulations requiring reports of any required monitoring at least every six months and prompt reports of deviations, and other provisions of Ohio’s title V regulations. In a Notice of Deficiency published in the **Federal Register** on April 18, 2002, EPA notified Ohio of EPA’s finding that Ohio’s provisions for insignificant emissions units and Ohio’s regulations requiring reports of any required monitoring at least every six months and prompt reports of deviations did not meet minimum Federal requirements. Final approval of this program revision resolves the deficiency identified in the Notice of Deficiency and removes the potential for any resulting consequences, including sanctions, with respect to the April 18, 2002 NOD.

DATES: Effective December 22, 2003.

ADDRESSES: Copies of Ohio’s submittal and other supporting information used in developing this action are available for inspection during normal business hours at the U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604. Interested persons wanting to examine these documents should make an appointment at least 24 hours before the visiting day. A reasonable fee may be charged for copies.

FOR FURTHER INFORMATION CONTACT:

Genevieve Damico, Environmental Engineer, Air Permits Section, Air Programs Branch, (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–4761, damico.genevieve@epa.gov.

SUPPLEMENTARY INFORMATION: This supplemental information section is organized as follows:

- A. What Is the History of This Action?
- B. Did OEPA Hold a Public Hearing?
- C. What Action Is EPA Taking Today?
- D. Statutory and Executive Order Reviews

A. What Is the History of This Action?

The Clean Air Act (CAA or Act) requires all state and local permitting authorities to develop operating permits programs that meet the requirements of title V of the Act, 42 U.S.C. 7661–7661(f), and its implementing regulations, 40 CFR part 70 (part 70). Ohio submitted its operating permits program in response to this directive. EPA granted full approval to Ohio’s title V operating permits program on August 15, 1995 (60 FR 42045).

Ohio’s title V operating permits program is implemented by the Ohio Environmental Protection Agency (OEPA) and local air pollution control agencies.

Pursuant to section 502(i) of the Act and 40 CFR 70.10(b)(1), EPA notified Ohio of EPA’s finding that Ohio’s regulations for IEUs and Ohio’s regulations requiring reports of any required monitoring at least every six months and prompt reports of deviations did not meet minimum Federal requirements in a Notice of Deficiency (NOD) published in the **Federal Register** on April 18, 2002 (67 FR 19175). This was necessary to make these aspects of the Ohio program consistent with the other permitting programs throughout the country.

On June 18, 2003, OEPA proposed revisions to its regulations for IEUs, Ohio’s regulations requiring reports of any required monitoring at least every six months and prompt reports of deviations, and other provisions of Ohio’s title V regulations. OEPA intended the proposed revisions to its regulations to resolve deficiencies in Ohio’s title V program identified by EPA in the NOD. To expedite the process, Ohio submitted to EPA proposed revisions while it processed them at the State level. On September 30, 2003, EPA proposed to approve OEPA’s proposed revisions to its title V regulations. See 68 FR 56220. The State public comment period on the OEPA regulations ended on July 29, 2003. On September 16,

2003, OEPA submitted the final revisions to its title V regulations and asked EPA to give final approval to the revisions. The revisions submitted by OEPA on September 16, 2003 are identical in substance to the proposed regulations for which EPA proposed approval on September 30, 2003.

EPA received no comments on its proposal to approve OEPA’s proposed revisions to its title V regulations. Accordingly, EPA is taking final action to approve OEPA’s final revisions to its IEU provisions, Ohio’s regulations requiring reports of any required monitoring at least every six months and prompt reports of deviations, and other provisions of Ohio’s title V regulations. OEPA’s final revisions are described in EPA’s proposed approval notice. See 68 FR 56220.

B. Did OEPA Hold a Public Hearing?

On June 18, 2003, OEPA proposed revisions to its regulations for IEUs, Ohio’s regulations requiring reports of any required monitoring at least every six months and prompt reports of deviations, and other provisions of Ohio’s title V regulations. OEPA held a public hearing on these revisions on July 28, 2003, in Columbus, Ohio. The public comment period closed on July 29, 2003.

C. What Action Is EPA Taking Today?

EPA is taking final action to approve, as a revision to OEPA’s title V air operating permits program, revisions to OEPA’s regulations for IEUs and reporting, specifically, revisions to OAC 3745–77–02(E), 3745–77–07(A)(13), 3745–77–07(A)(3)(c)(ii) and (iii), 3745–77–07(I), and 3745–77–08(C). EPA has determined that these changes meet the requirements of title V and part 70 relating to IEUs and reporting, and adequately address the deficiency identified in the Notice of Deficiency published in the **Federal Register** on April 18, 2002 (67 FR 19175). EPA is also approving Ohio’s new provisions at 3745–77–01(U), 3745–77–01(W)(2)(aa), 3745–77–01(MM) and 3745–77–01(NN). Ohio’s program revision satisfactorily addresses the program deficiency identified in EPA’s NOD, published on April 18, 2002 (67 FR 19175). Because Ohio timely corrected those deficiencies, see 40 CFR 70.10(b), there are no potential consequences of the NOD, such as sanctions or promulgation of a federal operating permits program.

Because these rules apply throughout the State of Ohio, this approval applies to all State and local agencies that implement Ohio’s operating permits program.