

Rule Summary and Fiscal Analysis (Part A)**Environmental Protection Agency**

Agency Name

Division of Air Pollution Control (DAPC)

Division

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Rule Number

NEW

TYPE of rule filing

Rule Title/Tag Line

General Permit to Install.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **No**

2. Are you proposing this rule as a result of recent legislation? **No**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **R.C. 3704.03, R.C. 3734.02, R.C. 6111.03**

5. Statute(s) the rule, as filed, amplifies or implements: **R.C. 3704.03, R.C. 3734.02, R.C. 6111.03**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

Ohio EPA's Division of Air Pollution Control (DAPC) is proposing to implement a general air permit program. The concept of general permits for DAPC is being proposed as a result of the work output from the General Permit Workgroup that was developed in March 2002 based on the recommendations of the Permit Processing Efficiency Group (PPEC). The PPEC is a committee comprised of both Ohio EPA representatives and representatives of industry. The committee has been exploring several mechanisms for improving the efficiency of DAPC permitting, with general permits resulting. Implementation of a general permit program

requires the development of rules to specifically address the procedures for general air permits. This new rule provides the procedures by which DAPC will develop and issue general permits to install for various industrial sources.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

This new rule describes the procedures used to develop a "model" general permit and the procedures to issue the "general permit" to an applicant. A general permit will be no different than a current permit to install (PTI) issued by DAPC, except they are written in advance and made available for the regulated community to request for their source(s). First, a draft "model" general permit is developed with a 30-day comment period. Comments are then considered and the final version of the "model" general permit is written. This process is detailed in section (A) of the PTI proposed rule. Second, an owner or operator can review the criteria and terms and conditions to see if their source will qualify for the model general permit. If the owner or operator feels they qualify for the general permit and it will work for their needs, they can apply using a simplified application process. The district or local office will review the application to verify the source is eligible for the general permit and the Permit Management Unit of the Ohio EPA will issue the general permit to the owner or operator as a final action of the director. General PTIs will be issued within 45 days of receipt of a complete application. This process is detailed in sections (B) to (H) of the PTI proposed. As outlined in section (A) of the PTI proposed rule, model general permits will be reviewed at least once every five years to ensure that the most current terms and conditions, including Best Available Technologies (BAT), are part of the model general permit. Also included, is the ability for any interested person to request review of a model general permit prior to the Ohio EPA initiated review.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

This rule contains references to the Ohio Administrative Code (OAC). While copies of these rules and statutes are generally available to the public through libraries and on-line sources, including the Ohio EPA website, ORC 121.76 (A) exempts such references from the provisions of ORC 121.71 through 121.75.

9. If the rule incorporates a text or other material by reference, and it was

infeasible for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

Not applicable

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

Not Applicable.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so:

Not Applicable.

12. 119.032 Rule Review Date:

(If you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: At time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would **increase /decrease** either **revenues /expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will decrease expenditures.

\$60,000.00

It is believed that there will be a savings to the division because of the general permit program because of the reduction in work required to issue a general permit compared to the individual permit that would be issued to the same applicant today. Because the general permit is written in advance only one time, division staff will no longer need to write the terms and conditions over again for each individual applicant and division staff will no longer need to perform a review as extensive as the current system requires for these permits. It is unknown at this time how many individual permits will be eliminated due to the general permit issuance, however,

it is believed that it can take 100s of the individual permits out of the system. The estimated decreases in expenditures is a conservative number based on replacing 100 individual permits per year with general permits.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

No expenditures will result from the proposed general permit program.

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

This rule will not cause any additional cost of compliance. This rule will allow an industrial sector to now apply for a general permit rather than the normal individual permit required by current rule. Because the general permit program allows for a streamlined application and issuance procedure, there will actually be a savings to the current cost of compliance by all stakeholders involved.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **Yes**

You must complete the Environmental rule Adoption/Amendment Form in order to comply with Am. Sub. 106 of the 121st General Assembly.