



# MEMORANDUM OF RESPONSE

To: Michael Bender, Business Advocate

From: Mandi Payton, Rules Coordinator

Date: July 29, 2022

Subject: Memorandum of Response to CSI Review – Permit-to-Install New Sources and Permit-to-Install and Operate Program

## Recommendations

On June 28, 2022, Ohio EPA received the recommendations for the Division of Air Pollution's Permit-to-Install New Sources and Permit-to-Install and Operate Program (OAC 3745-31-01, 3745-31-02, 3745-31-03, 3745-31-04, 3745-31-05, 3745-31-06, 3745-31-07, 3745-31-08, 3745-31-09, 3745-31-10, 3745-31-11, 3745-31-12, 3745-31-13, 3745-31-14, 3745-31-15, 3745-31-16, 3745-31-17, 3745-31-18, 3745-31-19, 3745-31-20, 3745-31-21, 3745-31-22, 3745-31-23, 3745-31-24, 3745-31-25, 3745-31-26, 3745-31-27, 3745-31-28, 3745-31-29, 3745-31-30, 3745-31-32, and 3745-31-33) rules.

The CSI memorandum stated that:

"The business community impacted by the rules includes any facility which would intend to install a source of air pollution. The adverse impacts created by the rules include the costs associated with preparing an application for a PTI or PTIO (which the OEPA estimates can range from \$100 to \$30,000, depending on the size of the facility and the number of sources), the fee required by the ORC to obtain the installation permit portion of the PTI or PTIO (which varies depending on the type of facility and project and can range from \$50 to thousands of dollars according to the OEPA), the operational fees required by the ORC based on tons of annual emissions at the facility (which can range from \$50 to thousands of dollars according to the OEPA), and renewing a permit (which the OEPA states would likely cost substantially less than what it takes to initially obtain the permit). The OEPA states that the adverse impacts to business are justified to provide an efficient permitting program for new and modified sources of air pollution (as the OEPA notes that the issuance of permits takes three to five times longer under the alternative to these rules, which entails the USEPA operating the program), thereby fulfilling the federal requirement in the Clean Air Act to develop a plan for attaining and maintaining national ambient air quality standards.

Based on the information above, the CSI Office has no recommendations on this rule package.

The CSI Office concludes that the Agency should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review."

## Next Steps

At this time, it is Ohio EPA's plan to move forward with the original filing of these rules with the Joint Committee on Agency Rule Review.

If you have any questions, please contact Mandi Payton at [amanda.payton@epa.ohio.gov](mailto:amanda.payton@epa.ohio.gov).