



**Environmental  
Protection Agency**

John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Scott J. Nally, Director

April 7, 2011

Cheryl Newton  
Director, Air and Radiation Division  
U.S. Environmental Protection Agency  
Region V  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3950

**Re: Clarification on Ohio's December 5, 2007 Infrastructure State Implementation Plan (SIP) to address the 1997 ozone and fine particulate matter (PM<sub>2.5</sub>) national ambient air quality standard (NAAQS).**

Dear Ms. Newton:

This letter is in response to a request by your staff for clarification regarding U.S. EPA concerns with Ohio's Infrastructure SIP for the 1997 ozone and PM<sub>2.5</sub> NAAQS. Your staff has requested clarification regarding Ohio's legal and regulatory authority to permit greenhouse gas (GHG)-emitting sources at the tailoring rule thresholds, e.g., 75,000 tons per year expressed as a carbon dioxide equivalent (CO<sub>2</sub>e). The actual need for this letter remains unclear from our perspective. On December 30, 2010, U.S. EPA issued the "Narrowing Rule," which limited U.S. EPA's approval of State PSD programs for GHG-emitting sources. Specifically, EPA's Narrowing Rule eliminated the PSD obligations under Federal law for sources below the Tailoring Rule thresholds. This modification of our PSD program was completed unilaterally by EPA without a specific request from Ohio.

We submitted our infrastructure SIP for the 1997 ozone and PM<sub>2.5</sub> NAAQS on December 5, 2007 - three years before EPA identified GHG as a regulated pollutant and before EPA promulgated the Tailoring Rule and its subsequent Narrowing Rule. At that time, our submittal affirmed that, amongst other air quality management aspects, Ohio has the authority to implement its PSD program to address the 1997 ozone and PM<sub>2.5</sub> NAAQS. To assuage any fears by those within U.S. EPA that our December 5, 2007 submittal may "trump" the Tailoring Rule and subsequent Narrowing Rule, we want to clarify that our December 5, 2007 submittal addressing our PSD program (the submittal currently before your review) includes only the parts of our PSD SIP that remain approved after the Narrowing Rule. In other words, Ohio's requirements for GHG PSD permitting currently before your review consist only of those that apply GHG PSD permitting at, or above, the Federal Tailoring Rule thresholds.

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It should be noted that immediately following EPA's issuance of the Narrowing Rule, then Governor Strickland issued emergency orders that adopted the Federal Tailoring Rule and its associated size thresholds. These orders were followed by State rulemakings that permanently adopted and implemented the Federal Tailoring Rule and its thresholds. These rulemakings are currently in the process of being submitted for incorporation into the SIP. Naturally in 2007, States including Ohio could not have anticipated the inclusion of appropriate GHG permitting thresholds in their PSD programs, and our recent State rulemaking and subsequent submittal are consistent with our authority to revise the SIP as necessary under section 110(a)(2)(H) of the Clean Air Act.

Given the timing of infrastructure SIP actions by EPA for the 1997 ozone and PM<sub>2.5</sub> NAAQS, our submittal that adopts the Tailoring Rule and its thresholds may not be received or reviewed by EPA prior to final action on our December 7, 2007 infrastructure SIP submittal. In the interim, I trust that the PSD program clarification (specifically with respect to GHG permitting) contained in this letter provides sufficient information to address what appears to be a non-issue to us.

Please let me know if you have questions

Sincerely,

A handwritten signature in cursive script, reading "Robert Hodanbosi".

Robert Hodanbosi  
Chief, Division of Air Pollution Control  
Ohio EPA