



State of Ohio Environmental Protection Agency

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DEC 05 2007

Mary A. Gade
Regional Administrator
R-19J
USEPA, Region 5
77 West Jackson Blvd.
Chicago, Illinois 60604

Re: Ohio Infrastructure SIP

Dear Ms. Gade:

I am writing to confirm that the State of Ohio continues to retain the resources necessary to evaluate ambient air quality, develop plans to attain new and existing ambient air quality standards, run a complete new source review program and effectively enforce all applicable requirements. Specifically, the Ohio EPA can implement and satisfactorily complete the Section 110 requirements listed below. We satisfy these requirements for the current and any prospective future air quality standards, including the current and prospective standards for ozone and particulate matter.

The SIP elements listed below are required under section 110(a). Section 110(a) provides the procedural and timing requirements for SIPs. Section 110(a)(2) lists the basic or "infrastructure" elements that all SIPs must contain. Following each element is Ohio EPA's discussion as to the Agency's ability to fulfill the requirement.

Emission limits and other control measures: Section 110(a)(2)(A) requires SIPs to include enforceable emission limits and other control measures, means or techniques, schedules for compliance and other related matters. EPA notes that the specific nonattainment area plan requirements of section 110(a)(2) are subject to the timing requirement of section 172, not the timing requirement of section 110(a), and also that SIPs to meet this section are not covered by the Consent Decree.

Ohio EPA Response:

Ohio EPA continues to staff and implement needed revisions to the State Implementation Plans. Ohio Revised Code 3704.03 provides the Director with the authority develop rules and regulations necessary to meet state and federal ambient air quality standards.

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

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Ambient air quality monitoring data system: Section 110(a)(2)(B) requires SIPs to include provisions to provide for establishment and operation of ambient air quality monitors, collecting and analyzing ambient air quality data, and making these data available to EPA upon request.

Ohio EPA Response:

In accordance with its SIP, Ohio EPA continues to operate one of the largest monitoring networks in the nation. The attached report Ohio Air Monitoring Network 2007-2008 summarizes the current plans for continued ambient monitoring as agreed to during the recent review of the Region 5 monitoring network.

Program for enforcement of control measures: Section 110(a)(2)(C) requires States to include a program providing for enforcement of all SIP measures and the regulation of construction of new or modified stationary sources to meet prevention of significant deterioration (PSD) and nonattainment NSR requirements.

Ohio EPA Response:

Ohio EPA continues to staff and implement a vigorous enforcement program. Attachment 1 Summary of the 2006 Enforcement Activities demonstrates Ohio EPA's continued commitment to assuring compliance from Ohio entities. Ohio Revised Code 3704.03 provides the Director with the authority to continue to implement this program as well as the updated new source review provisions within OAC 3745-31.

Interstate transport: Section 110(a)(2)(D) requires SIPs to include provisions prohibiting any source or other type of emissions activity in one State from contributing significantly to nonattainment, or interfering with maintenance, of the NAAQs in another State, or from interfering with measures required to prevent significant deterioration of air quality or to protect visibility in another State. EPA has already issued CAIR to assist States in developing SIPs to meet this requirement for purposes of the 8-hour Ozone and PM2.5 NAAQS, and has issued separate guidance to all States on how to comply with each prong of this statutory provision.

Ohio EPA Response:

Ohio EPA has adopted and implemented the various major programs related to the interstate transport of pollution. Ohio Administrative Code (OAC) 3745-16 (Stack Height Requirements), 3745-103 (Acid Rain Permits and Compliance), 3745-14 (Nitrogen Oxides – Budget Trading Program), 3745-109 (Clean Air Interstate Rule) and 3745-108 (Clean Air Mercury Rule) all address Congressional and U.S. EPA concerns over the transport of emissions of regulated pollutants beyond our state borders. Ohio has also responded to requests by the States of Indiana and West Virginia to implement revisions to OAC 3745-18 (Hamilton County and Jefferson County) to alleviate modeled violations due, in part, to sources in Ohio.

Adequate resources: Section 110(a)(2)(E) requires States to provide for adequate personnel, funding, and legal authority under State law to carry out its SIP, and related issues.

Ohio EPA Response:

Attachment 3 is the Ohio EPA Division of Air Pollution Control current Biennial Budget which details the funding sources, and program priorities addressing the required SIP programs.

Stationary source monitoring system: Section 110(a)(2)(F) requires States to establish a system to monitor emissions from stationary sources and to submit periodic emissions reports.

Ohio EPA Response:

Ohio EPA District Offices and Local Air Agencies are currently required to witness 50% of all source testing and review 100% of all tests.

Emergency power: Section 110(a)(2)(G) requires States to provide for authority to address activities causing imminent and substantial endangerment to public health, including contingency plans to implement the emergency episode provisions in their SIPs.

Ohio EPA Response:

OAC 3745-25 addresses the requirement to implement emergency action plans in the event of an Air Quality Alert (or higher). Such an event has not occurred since 1978 and these rules are awaiting revision to 1) make them more relevant and 2) to incorporate revised significant harm levels which U.S. EPA will determine are necessary to address the revised ozone and PM 2.5 standards.

Future SIP revisions: Section 110(a)(2)(H) requires States to have the authority to revise their SIPs in response to changes in the NAAQS, availability of improved methods for attaining the NAAQS, or in response to an EPA finding that the SIP is substantially inadequate.

Ohio EPA Response:

Ohio Revised Code 3704.03 provides the Director with the authority develop rules and regulations necessary to meet ambient air quality standards. As was evidenced in our June 15, 2007 submittals addressing the eight-hour ozone standard, Ohio EPA continues to make every possible effort to meet these deadlines.

Consultation with government officials: Section 110(a)(2)(J) requires States to provide a process for consultation with local governments and Federal Land Managers carrying out NAAQS implementation requirements pursuant to section 121 relating to consultation.

Ohio EPA Response:

Ohio EPA actively participates in the regional planning efforts that include both the state rule developers as well as representatives from the Federal Land Managers and other affected stakeholders. The FLMs are also included in Ohio EPA's interested party lists which provides announcements of draft and proposed rule packages.

Public notification: Section 110(a)(2)(J) further requires States to notify the public if NAAQS are exceeded in an area and to enhance public awareness of measures that can be taken to prevent exceedances.

Ohio EPA Response:

Ohio EPA's district offices and local air agencies monitor air quality daily, and where required, report the daily air quality index to the interested media. In addition, Ohio EPA's remotes access of data system (RADS) provides online reports of real time air quality data on the internet and feeds raw information to U.S. EPA's AIRNOW program. In addition, several of the local stakeholder groups actively participate in the AIRNOW forecast program.

Ohio EPA prepares an annual report, detailing data from the complete network (2006 Air Quality Report; attachment 4).

PSD and visibility protection: Section 110(a)(2)(J) also requires States to meet applicable requirements of part C related to prevention of significant deterioration and visibility protection.

Ohio EPA Response:

Ohio EPA is addressing both the long term requirements to meet natural visibility levels by 2064 and the ongoing review of new major sources under Ohio's approved Prevention of Significant Deterioration (PSD) new source review program. Ohio EPA will be submitting the regional haze /BART SIP later this year and are in discussions with interested FLMs regarding proposed major new sources in Ohio.

Air quality modeling data: Section 110(a)(2)(K) requires that SIPs provide for performing air quality modeling for predicting effects on air quality of emissions from any NAAQS pollutant and submission of such data to EPA upon request.

Ohio EPA Response:

Ohio EPA reviews the potential impact of major and some minor new sources, consistent with Appendix W of 40 CFR (51 and 52) and Ohio EPA Engineering Guide 69. Modeling data are available upon request by U.S. EPA or other interested parties.

Permitting fees: Section 110(a)(2)(L) requires SIPs to require each major stationary source to pay permitting fees to cover the cost of reviewing, approving, implementing and enforcing a permit.

Ohio EPA Response:

Ohio EPA obtains fees from minor sources, from both minor and major for construction permits, and from major sources through the Title V permit program.

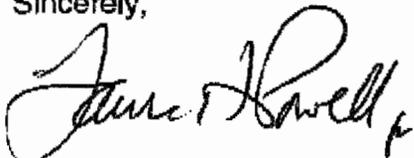
Consultation/participation by affected local entities: Section 110(a)(2)(M) requires States to provide for consultation and participation in SIP development by local political subdivisions affected by the SIP.

Ohio EPA Response:

Ohio EPA follows approved procedures for allowing public participation, consistent with OAC 3745-47, which is an approved portion of our SIP.

I believe that Ohio EPA meets or exceeds all of the necessary infrastructure needs, enabling us to continue to satisfy these requirements of the requirements of the Clean Air Act. If you have any questions, please feel free to contact Bill Spires of the Division of Air Pollution Control (614-644-3618).

Sincerely,



Chris Korleski
Director

cc: Bill Spires, DAPC