

Ohio EPA
Division of Air Pollution Control

inter-office communication

to: District Office Air Unit Supervisors/Local Air Agency Directors

from: Jennifer Nichols, CO DAPC

subject: Clarification on "Documents Requiring Signature by a Responsible Official for a Facility Subject to Air Pollution Regulations"

date: Revised April 29, 2004 (March 9, 2004)

DOCUMENTS REQUIRING SIGNATURE BY A RESPONSIBLE OFFICIAL FOR A FACILITY SUBJECT TO AIR POLLUTION REGULATIONS

This document is intended to respond to questions regarding the applicability of the Responsible Official signature to various documents submitted by personnel from facilities subject to air pollution regulations.

This document is applicable to Title V facilities only. As noted in the guidance entitled "Ensuring the Correct Person is Acting as the Responsible Official for a Facility Subject to Air Pollution Regulations," State required permit to install (PTI) and permit to operate (PTO) regulations only require a signature from the person with signatory authority for two purposes (unless facility specific permit terms and conditions or individual Ohio rules require otherwise):

1. Permit application submission (Ohio Administrative Code (OAC) Rules 3745-31-04(B) and 3745-35-02(B))
2. Fee emission reporting (Ohio Revised Code (ORC) 3745.11.1)

The general terms and conditions of a Title V permit requires "any document (including reports) required to be submitted **and** required by a federally applicable requirement in this Title V permit shall include a certification by a Responsible Official"(under the "Compliance Requirements" heading). Therefore, any documents required by either the general or facility/emission unit specific terms and conditions listed in the "*State and Federally Enforceable*" sections of the Title V permit must be signed by a Responsible Official.

The following specific list of documents was submitted by Ohio EPA field office staff for clarification as to which require a Responsible Official signature and they are individually addressed below:

1. **Quarterly deviation reports** - Responsible Official signature required
2. **Semi-annual deviation reports** - Responsible Official signature required
3. **Annual compliance certification reports** - Responsible Official signature required
4. **Title V fee report** - Responsible Official signature required
5. **Malfunction/excursion reports** - Responsible Official signature MAY be required

Ohio EPA is not requiring a responsible official signature for any of the notifications or reports required for malfunctions per the requirements of OAC Rule 3745-15-06(B). OAC Rule 3745-15-06(B) is a State rule which requires the owner or operator to perform the notification and reporting. However, the general terms and conditions of the Title V permit identify that these malfunctions must also be reported in the quarterly deviation reports, which do require a responsible official signature.

6. **Stack test/Relative Accuracy Test Audit (RATA) test reports** - Responsible Official signature required
7. **Intent to Test notification** - Ohio EPA is NOT requiring a Responsible Official signature for this document
8. **Application(s) (initial and revision/modification)** - Responsible Official signature required
9. **Transfer of ownership** - Responsible Official signature NOT required

A transfer of ownership is addressed in the "***State Only Enforceable Section***" of the Title V permit; therefore, it is not a federally enforceable requirement and does not require signature by the Responsible Official unless there is a non-routine, specific requirement in an individual facilities "***State and Federally Enforceable***" section of the Title V permit.

10. **Relocation notice** - Responsible Official signature NOT required

Relocation Notices are generally not federally enforceable applicable requirements (they are not addressed in the general terms and conditions of the Title V permit); therefore, they do not require signature by the Responsible Official unless there is a non-routine, specific requirement in an individual facilities "***State and Federally Enforceable***"

section of the Title V permit.

11. Emission Unit shutdown - Responsible Official signature MAY be required

Permanent shutdown of an emissions unit is not specifically addressed in 40 CFR Part 70 or OAC Chapter 3745-77. Similar to the transfer of ownership, Ohio EPA has developed two options for a permittee to be relieved of the permit obligations for permanently shut down emissions units; a notification or an application for an administrative permit amendment.

1. If the permittee wants to ensure the update occurs quickly and wants a revised Title V permit reflecting the change, they can submit a revised application and request the administrative permit amendment procedure. This option requires a signature by the Responsible Official because an application is being submitted (see number 9 above), or
2. The permittee submits a notice and Ohio EPA will update files and process the change during the next permitting action. The requirements for a Responsible Official signature under this option depends on the version of general terms and conditions in the permittee's most recent Title V permit. On September 16, 2003, Ohio EPA added additional general terms and conditions to the "***State Only Enforceable Section***" and "***State and Federally Enforceable***" section of the Title V permit regarding this topic. The following differentiates the requirements:
 - A. Permits (issued or modified) with new general terms and conditions applicable to the permanent shutdown of emissions units (on or after September 16, 2003).

In this case, both the "***State Only Enforceable Section***" and "***State and Federally Enforceable***" general terms and conditions require the Responsible Official submit a certified notice. This new language then relieves the facility of all requirements associated with that emissions unit (including reporting) in accordance with the provisions of the permit term(s) for shutdown notification.

- B. Permits without the new general terms and conditions applicable to the permanent shutdown of emissions units (before September 16, 2003).

In this case, there are no specific general terms or conditions that require a Responsible Official submit a certified notice. However, the specific terms and conditions for the emissions unit will remain in the Title V permit and Ohio EPA will not relieve the permittee from continuing to meet all requirements, including, for example, reporting deviations associated with monitoring, reporting and record keeping unless the

notification is signed by the responsible official or until the specific terms and conditions are removed from the Title V permit as a revision. The permittee would be required to address the shutdown emissions in the annual compliance certification until the emissions unit is removed from the permit (detailed listing of each applicable requirement is not necessary, a one-line identification of the permanent shutdown date is sufficient if the emissions unit was noncompliance during the reporting period, otherwise, it is covered in the existing compliance certification form check box).

12. **Continuous monitoring (CEM/COM) report** - Responsible Official signature required
13. **NSPS and MACT notification(s)** - Responsible Official signature required
14. **Air pollution credits** - Responsible Official signature required
15. **Emission Inventory System (EIS) report** - Responsible Official signature NOT required

Note: This list should not be considered all encompassing. OAC 3745-77-07(C)(1) clearly states “any document (including reports) required by a Title V permit shall contain a certification by a responsible official.” More obscure documents may have been omitted from this list or the terms and conditions of individual facility permit(s) may require a specific report not common to all permits.