

The Small Business Resource

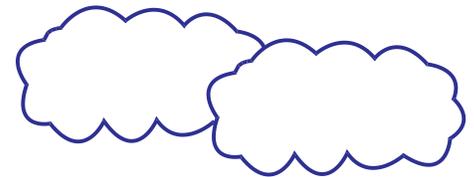
Spotlight on Air Permitting Issues

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Does My Business Need an Air Permit?

Environmental regulations are complex, and determining if your business needs an air permit can be confusing. Under state and federal regulations, it is the business owner's responsibility to obtain all necessary permits.



How do I know if my business needs a permit?

Air pollution permits are required for "air contaminant sources." A business may have any number of sources at its facility. Each source requires its own permit unless it is specifically exempted.

2. Processes using paints, solvents, adhesives or inks. Examples: paint booths, printing presses, solvent cleaning tanks.

3. Processes that burn a fuel (for example oil, natural gas, coal). Examples: boilers, furnaces, process heaters.

4. Processes that produce visible dust, smoke, or odors. Examples: incinerators, unpaved roadways, material handling.

What is an air contaminant source?

An air contaminant source is anything that emits air pollution. While this covers many different types of processes, there are four rules of thumb that can often help in identifying an air contaminant source:

1. Something that has a stack, dust collector or vent. Examples: shotblasters, grinders, storage tanks.

Does every air contaminant source need a permit?

No. There are numerous sources that are exempt from air pollution permits under state law. Examples of these exempt sources include small boilers, detergent-based parts wash-

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Understanding Your Air Permit An Important Compliance Issue for Your Business

You went through all the time, effort and cost of getting an air pollution permit. Now that you've got it, you can just file it away knowing that you are in compliance. Right? Not necessarily!

Just receiving an air permit is not a guarantee of continued compliance. Getting a permit is just the first step to compliance. It is very important that you are aware of and follow ALL the "terms and conditions" of the permit to remain in compliance. To know what terms and conditions apply to your business, you should read and be familiar with your permit.

The terms and conditions include emission limits that your air pollution source must meet. What many people fail to realize is that there may be other terms and conditions beyond emission limits. The most often overlooked item in an air permit is the requirement to keep records.

Most permits have a requirement for some kind of record keeping. For example, a painting company may need to keep paint use records, a printer may need to keep ink use records or a dry cleaner may need to keep records on perchloroethylene usage. Many companies mistakenly believe they can just pull out a purchase record at the end of the year to satisfy the record keeping requirements. While this may be sufficient sometimes; it often is not. Many permits call for daily or monthly record keeping. Sometimes the permit will also require that records or reports be submitted to Ohio EPA. To know whether you need to submit reports, it is important that you know the terms and condi-

tions of the permit. If your business does not keep or send in records as required by the permit, it can result in a violation.

After taking the time and effort to apply for and receive an air pollution permit, don't let it all go to waste and risk possible violations by not following through on your responsibilities. **READ YOUR PERMIT!** It won't take long, but may mean the difference between compliance and penalties. Can you afford to risk it? If you don't understand the conditions of your permit, immediately call the Ohio EPA District Office listed on your permit and ask for an explanation.

Ohio EPA Air Permit Status Available on the Web

Ohio EPA has an online system to make it easier to find information about air pollution permit-to-install applications.

This information is updated daily, and is accessible through Ohio EPA's Web site at www.epa.state.oh.us/dapc/pti/ptimain.html.

The Web site provides detailed information about the status of permit-to-install applications submitted to Ohio EPA, from receipt of application to the issuance of a final permit. Dates of specific actions on each permit also are posted, including the date the permit is issued and public notice date.



Ohio's Clean Air Resource Center

Complying with the air pollution requirements can be costly and confusing, especially for small businesses. As part of Ohio's effort to improve compliance, the Clean Air Resource Center offers free technical and financial assistance. The Center is NOT part of Ohio EPA but works closely with the Ohio EPA's Air Pollution Small Business Assistance Program to ensure businesses get accurate and up-to-date technical information.

To encourage small businesses to seek assistance, state law requires the Center maintain confidentiality of all information received. No information obtained by the Center can be used in an Ohio EPA enforcement action.

The Center can also provide financial assistance for pollution control, energy efficiency and pollution prevention related projects. Center-financed projects are eligible for substantial tax benefits, including exemption from property tax assessment as well as sales and use tax for the life of the loan. The Center also has a small grant program to help small businesses in meeting the costs of financing compliance activities. Grants may be used with Center assisted financing or with independently negotiated loans.

For more information, contact Mark Shanahan, Clean Air Resource Center, at (800) 225-5051, or visit their Web site at www.ohioairquality.org.

Understanding the “De Minimis Exemption” from Air Permitting

Ohio’s air regulations have some exemptions for specific air contaminant sources as well as for sources that discharge low levels of air pollutants. Under the exemptions, these sources do not require an air permit.

The De Minimis Exemption

The “de minimis exemption,” found in Ohio Administrative Code (OAC) rule 3745-15-05 is for an air contaminant source that has the potential to emit less than 10 pounds of air contaminants per day. This includes emissions of particulates, sulfur dioxide, nitrogen oxides, organic compounds, carbon monoxide, lead or any other air contaminant. Potential emissions are defined as the emissions from the source during a 24-hour period, without air pollution control equipment. The maximum rated capacity of the unit must be used when determining the potential emissions. A permit is not needed for the source if it meets all the de minimis criteria.

Some of the sources found at small businesses that commonly fit under the de minimis exemption include small painting operations, printing presses, sanding/grinding units, solvent degreasers and other small scale sources. Not all of these sources are automatically exempt from permitting. The potential to emit must be calculated before determining if a source is exempt.

Exceptions to the Rule

There are some exceptions to the de minimis exemption. These include:

- Sources that are already required to maintain emission levels of less than 10 pounds per day either under the Clean Air Act or Ohio’s air regulations;

- Sources that emit radionuclides;
- Sources (alone or in combination with similar sources at the same facility) that have potential emissions greater than 25 tons per year for any pollutant; and
- Sources that emit more than one ton per year of any hazardous air pollutants or combination of hazardous air pollutants.

Determining Your Status and Keeping Records

As you identify your air contaminant sources, it is important to keep the de minimis exemption in mind. You may not be required to get permits for every source at your business. Calculating the potential emissions from each source is the first step in determining if the source meets the de minimis criteria. Making sure that your source does not fall under the exceptions to the de minimis rule is another step in this process. If you calculate that your source has a potential to emit less than 10 pounds of pollutants per day and the source does not fall under the exceptions to the de minimis rule, no air permit is required.

The air regulations also state, however, that if you calculate a source’s potential to emit at over 10 pounds per day but can prove that the *actual emissions* from the source will be lower than 10 pounds per day, you can still qualify for the de minimis exemption. An air permit would not be needed for the source. In this situation, however, the regulations require that you keep daily operating records that show actual emissions of less than 10 pounds per day. These records need

to be kept at your business for at least two years and must include:

- A description of how emissions from the source were determined and maintained to meet the daily exemption level (or annual exemption level for hazardous air pollutants);
- Operating records that demonstrate the daily and annual emissions from the source are maintained to meet the exemption level;
- If pollution control equipment is used, it must be an integral part of the source and the source cannot operate without it. A statement must be provided describing the control equipment and how it is an integral part of the source;
- A copy of any emission test reports (if air pollution control equipment is used);
- A description of all production constraints required for the source to comply with exemption levels;
- If there are similar exempt sources at the company, information on each regarding annual potential emissions and a summary of the total emissions from each source.

The de minimis exemption is an important exemption to be aware of, especially for small businesses who may not need to spend time and money getting an air permit. However, it can be challenging to identify all the air contaminant sources at your company and to calculate emissions.

Air Pollution Reporting Requirements for Equipment Malfunction

According to Ohio Administrative Code (OAC) rule 3745-15-06, any company that operates an air emission source must report equipment malfunctions to Ohio EPA. A malfunction is a breakdown that results in emissions of air contaminants in violation of air pollution laws. Minor equipment problems that do not result in increased air emissions do not need to be reported.

What if I have a malfunction?

Immediately notify the appropriate Ohio EPA district office, Division of Air Pollution Control, or delegated air pollution control office. Office staff can help you determine if your malfunction is reportable.

If the malfunction continues for more than 72 hours, you are required to submit a written statement within two weeks of the date the malfunction occurred. Both notifications (phone call or written) need to include the following information:

- identification and location of the breakdown;
- the duration of the breakdown;
- the nature and quantity of air contaminants emitted during the breakdown;
- statement demonstrating that shutting down or reducing operations during the breakdown is/was not possible;
- statement that the breakdown period was reasonable in duration based on factors such as equipment installation, repair time, delivery, etc.;

- statement about alternative operating procedures and control measures to reduce adverse effects on public health or welfare during the breakdown; and



- a statement about preventive maintenance.

Ohio EPA must be notified when the condition causing the malfunction has been corrected. This notification can be given by phone if the duration of the malfunction is 72 hours or less. Otherwise, the notification must be submitted in writing.

If you have any questions, feel free to contact your local Ohio EPA district office, Division of Air Pollution Control or delegated air pollution control office. For businesses in Central Ohio, contact the Division of Air Pollution Control at (614) 728-3778.

Does My Business Need an Air Permit?

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ers, small storage tanks, maintenance operations and various other low-emitting sources.

When must I apply for a permit?

There are two types of permits: the permit-to-install, and the permit-to-operate. The permit-to-install is required before you install an air contaminant source. The permit-to-operate is required to operate the source after installation. Both permits are required unless the source is otherwise exempted. Permit applications should be completed and submitted well in advance to allow for processing time.

SBAO

Small Business Assistance Office
Ohio EPA

Are you a small business owner? Do you have questions about environmental regulations?

If you need help understanding the regulations and how to comply with them, give us a call at 1-800-329-7518 or 614-728-8573.

Our services are **FREE** *and* **CONFIDENTIAL**



Free Air Permitting Help for Small Businesses

The Small Business Assistance Program (SBAP) within Ohio EPA's Division of Air Pollution Control established to help small businesses understand and comply with new, complex air pollution regulations. Because many industrial operations are both complex and unique, a physical examination of the facility is often the best way to determine regulatory requirements. The SBAP established an on-site visit program so business owners could get fast, accurate and simplified explanations of air pollution regulations and how to comply with them. This service is available at no cost to the business owner.



Site visits are voluntary and arranged at the convenience of the business owner, usually within 10 business days of the request. After arriving, a SBAP staff member typically proceeds with: 1) a plant walk-through, 2) a thorough discussion of permitting requirements, 3) assistance in completing permit application forms (if necessary), and 4) sending a written follow-up letter outlining recommended actions for the company. A typical visit lasts one to two hours. All results of the visit, including observed Ohio EPA violations, are kept strictly confidential and not shared with enforcement personnel. The company is then free to act or not act on the SBAP's recommendations.

SBAP staff do not certify compliance during site visits; this task is the responsibility of the applicable Ohio EPA district office or local air agency. SBAP staff can, however, explain regulations or observed violations to a company in a friendly, non-threatening manner. This cooperative approach has greatly improved the small business owner's understanding of regulations and has helped the SBAP's site visit program gain popularity.

Although the most common industries receiving visits have been dry cleaners, autobody shops, and metal parts fabricators, virtually any type of manufacturing or service company may need an air permit. SBAP staff have assisted with completing air permit applications and have helped numerous companies remedy violations found by actual Ohio EPA inspectors. All of these activities were accomplished at no cost to the businesses.

Many SBAP clients have expressed sincere thanks and appreciation for the help in guiding them through Ohio EPA's regulations. To request a site visit or to learn more about SBAP services, please call 614-644-4830.

Does Your Business Need an Air Permit for Fugitive Dust?

Your business may be subject to Ohio EPA's air pollution control regulations because of *fugitive dust*, a form of particulate emissions. Common sources of fugitive dust include: roadways, parking areas, rock crushers, storage piles, material handling operations, cutting, sawing, sand blasting and others. However, every activity that creates a dust is not regulated. The regulations depend specifically on how fugitive dust is generated and where the fugitive dust source is located in Ohio.

A business with a fugitive dust source may be required to obtain a permit from Ohio EPA's Division of Air Pollution Control. In addition, a business with a fugitive dust source may be required to take specific steps to reduce dust. For example, operational controls for a dusty parking area may include watering, sweeping or controlling the speed of vehicles in the area. Or, Ohio EPA may require other measures to eliminate fugitive dust, such as paving an area. Businesses must keep records of all measures taken to control fugitive dust and records of inspections done to see if control measures are working.

Common Air Permitting Mistakes Small Businesses Make

- Failing to identify emission sources
- Failing to apply for permits
- Permit application missing information such as emission calculation or process flow diagrams
- Underestimating how long the permitting process can take
- Failing to keep records, even when permits are not required
- Not reading and understanding the permit
- Failing to comply with permit conditions
- Failing to submit reports

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Bob Taft, Governor
Chris Jones, Director

Editors:
Kirk Nofzinger, SBAO

Writers:
Rick Carleski, SBAP
Kirk Nofzinger, SBAO

Graphics & Layout:
Pattie Rhodes-Mehrle

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Please direct your comments to:
Kirk Nofzinger, Ohio EPA, CDO
Small Business Assistance Office
kirk.nofzinger@epa.state.oh.us



Central Ohio Small Business Assistance Office
Ohio EPA, Central District Office
3232 Alum Creek Drive
Columbus, Ohio 43207-3417