



# CLEVELAND LOCAL AIR AGENCY RULE IDENTIFICATION

REVISED: 04/02/2003



To adequately serve the public and the regulated community, it is extremely important for the Cleveland Local Air Agency to identify **ALL** applicable Air Pollution statutes, regulations, and requirements at a facility. The applicable statutes, regulations, and requirements for air pollution come from the following sources:

1. US Congress: Statutes – i.e. Clean Air Act
2. Ohio Legislature: Statutes – i.e. Ohio Revised Code
3. US EPA: Administrative Regulations – i.e. Code of Federal Regulations
4. Ohio EPA: Administrative Regulations – i.e. Ohio Administrative Code
5. An issued permit to install or permit to operate
6. City Ordinances (these aren't cited in Ohio EPA permits or generally used in Enforcement Actions)

## **Statutes Section**

US Congress and the Ohio Legislature pass statutes regarding air quality and what we can do about it. The US Congress passed the Clean Air Act and has also passed additional amendments to it. These statutes state the process or procedures to be followed, and usually do not contain a specific limitation or requirement on a facility. For instance, Title V of the Clean Air Act Amendments of 1990 states which facilities should be issued a federal permit and what the permit should contain (which is why we call them Title V permits – see Permit section). An interesting point of these statutes is that they specify how the executive branch can write their own Administrative Regulations and that these violations also are violations of the Law passed. For instance, ORC Section 3704.05(G) states that you must obey the Ohio Administrative Code (see Administrative Regulation Section). Statutes can be appealed to the courts to determine their scope and legality. Administrative Regulations modify Statutes and the Agency can issue guidance documents that clarify how they will interpret a Statute.

## **Administrative Regulation Section**

These regulations are what we most often use to regulate the air pollution from facilities. Administrative Regulations are authorized by Statutes passed by the legislative branch that allow the executive branch to write its own Regulations (see Statute Section). Generally speaking, Regulations are written by Ohio EPA or US EPA, with public input that includes affected facilities and the general public. Then the Regulations are submitted to a review board that also solicits input and issues the final Regulation. In Ohio, these are known as the Ohio Administrative Code (OAC); in the federal government, it is the Code of Federal Regulations (CFR). These Regulations clarify the general nature of Statutes and can be written for specific facilities or processes. For instance, 40 CFR 60 Subpart Kb applies to volatile organic liquid storage vessels and OAC Rule 3745-18-24(D) regulates the sulfur dioxide emissions from the E.I. duPont deNemours and Company. See Attachment 1 for information on determining applicable emissions Regulations. Please note that there are numerous guidance documents and policies (most notably air toxic policy) that are issued as Administrative interpretations of the existing Statutes and Regulations. Regulations and their interpretations can be appealed to the courts.

## **Permit Section**

Permits are issued by the applicable regulatory authority (namely Ohio EPA) and are documents that detail which information and requirements apply to a process at a facility to assure compliance with the applicable Regulations and Statutes. Generally, the permits are required by Statute (ORC) and Regulation (OAC) and include the applicable Regulations (OAC) for a process at the facility. The permits should specify what information must be maintained and how long to maintain the information to show compliance (or not) at the facility. A good permit is one that is easily understood by the person who enforces the permit and the facility. Permits can also be appealed to the courts. Some Regulations, such as OAC Rule 3745-31-05(A)(3) – Best Available Technology and OAC Rule 3745-1708(B) – Reasonably Available Control Technology, require a Permit to be issued to state what the requirements of the Regulation are. To enforce violations of a permit, a Statute was written that stated facilities must comply with their permit. In Ohio, ORC Section 3704.05(A) and (C) state that a facility must comply with the emissions limitations and terms and conditions of its permit.



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## ATTACHMENT 1: DETERMINING APPLICABLE EMISSIONS REGULATIONS

Generally, air regulations fall into one of two categories: Facility Rules or Process Rules. Facility Rules regulate the emissions from specific processes at one facility. Process Rules regulate the emissions from all processes within that category. If a facility specific regulation exists, than the corresponding process regulation is not required. The following chart will help you identify applicable emissions rules (except PSD/NSR):

