

12/13/00

(AR-18J)

Thomas Rigo, Chief
Field Operations Section
Ohio Environmental Protection Agency
122 South Front Street
P. O. Box 1049
Columbus, Ohio 43266-1049

Dear Mr. Rigo:

In an inter-office communication dated September 27, 2000, you asked if operational restrictions that are not written as part of the rule or permit to install should be established on the State/Federal side of the Title V permit. The United States Environmental Protection Agency agrees that operational restrictions that are added to the Title V permit for the purpose of assuring compliance with the applicable requirement must be considered federally enforceable.

40 CFR Part 70.6(a)(1) (and Ohio Administrative Code 3745-77-07(A)(1)) states that "each permit issued under this part shall include...emission limitations and standards, including those operational restrictions and limitations that assure compliance with all applicable requirements...". The example you provided with the inter-office communication is a good example of an operational restriction that is necessary to assure compliance as a practical matter with the particulate matter limitations. Based on the language in §70.6, we concur with the Ohio Environmental Protection Agency's view that operation restrictions developed to assure compliance with applicable requirements must be on the State/Federal side of the Title V permit. If you have any questions or wish to discuss this issue further, please call Genevieve Damico, of my staff, at (312) 353-4761.

Sincerely yours,

/s/

Pamela Blakley, Chief
Permits and Grants Section