

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 100. AIR POLLUTION CONTROL**

SUBCHAPTER 7. PERMITS FOR MINOR FACILITIES

PART 9. PERMITS BY RULE

252:100-7-60. Permit by rule

(a) **Applicability.** ~~A minor facility may be constructed or operated under this rule and will be exempt from any other permitting requirements in this Chapter if it meets A permit by rule (PBR) may be adopted for a group of minor facilities to streamline the air quality permitting procedures required by OAC 252:100-7-15 and 18, if there are a sufficient number of facilities that meet the requirements of 252:100-7-15(b)(1) and this Part that have the same or substantially similar operations, emissions, and activities that are subject to the same standards, limitations, and operating and monitoring requirements.~~

(b) **General requirements.**

~~(1) To construct or operate a facility under a permit by rule, the owner or operator should submit a letter to the Division requesting registration under the appropriate permit by rule. The letter must contain written certification by the owner or operator that the facility will be constructed or operated in compliance with such permit by rule. A construction or operating permit application fee, as specified in 252:100-7-3, must accompany the letter.~~

(1) Application for registration under a PBR.

(A) Construction. The owner or operator wishing to construct a minor facility under a PBR must submit a request for registration under the PBR using the form(s) provided by the Division for that PBR before commencing construction. The request must contain written certification by the owner or operator that the facility will be constructed in compliance with such PBR. A construction permit application fee, as specified in 252:100-7-3, must accompany the form(s).

(B) Operation. To operate a facility under a PBR, the owner or operator must submit a request for registration under the PBR using the form(s) provided by the Division for the PBR within the time limit contained in 252:100-7-18(a). The request must contain written certification by the owner or operator that the facility will be operated in compliance with such PBR. An operating permit application fee, as specified in 252:100-7-3, must accompany the form(s).

(C) Modification. A physical change or change in the method of operation that would cause the facility to no longer qualify for a PBR is a modification, and will result in a change in permit status as provided by 252:100-7-60(b)(4). Other physical or operational changes are not modifications, and do not require submittal of an amended registration.

(2) **Emission inventory requirements.** In accordance with the requirements of Subchapter 5, an emission inventory shall be submitted to the DEQ every year, except that facilities emitting 5 tons per year or less of each regulated pollutant are required to submit an emission inventory once every 5 years. No other reporting requirements shall apply ~~unless~~ except as required by an applicable NSPS in Subchapter 4 or NESHAP in Subchapter 4.

(3) **Compliance inspections.** Compliance inspections will be conducted by the DEQ in response to complaints and ~~on a random basis~~ as necessary to determine compliance.

(4) **Change in permit status.** Any change that would cause a facility to no longer qualify for

~~a permit by rule will require the~~ The owner or operator to shall apply for an individual permit or, if applicable, coverage under a general permit in the event that a change causes a facility to no longer qualify for a PBR.

(c) **Registration.** Registration under the PBR will be effective upon receipt of the requisite form(s) (including the appropriate application fee) by the DEQ. After receiving the appropriate PBR registration request and application fee and certification, the DEQ will acknowledge in writing that the facility is registered to construct or operate under the specified permit by rule PBR. Obtaining such registration shall constitute compliance with the requirements of 252:100-7-15(a) (for construction permits) or 252:100-7-18(a) (for operating permits). No facility may be constructed or operated under a permit by rule until DEQ issues written acknowledgement of the registration. No construction under a PBR may commence until the request and application fee are received by the DEQ. Operation under the PBR is not authorized beyond the time limit contained in 252:100-7-18(a) unless a request for operation under the PBR and the application fee are received by the DEQ.

252:100-7-60.5. Oil and natural gas sector

(a) **Purpose and applicability.** This PBR is issued for minor facilities in the oil and natural gas (O&NG) production segments and the natural gas processing, transmission, and distribution segments of the O&NG sector. This generally includes facilities subject to federal standards, primarily Subparts III, JJJJ, and OOOO of the federal NSPS at 40 CFR Part 60, and Subparts HH and ZZZZ of the federal NESHAP at 40 CFR Part 63, as cited in this PBR and incorporated by reference in OAC 252:100-2 and Appendix Q to Chapter 100. Specifically, this PBR applies to the following:

(1) **Eligible minor facilities and area sources.** New and existing minor facilities and area sources in the crude oil and natural gas production, transmission, and distribution sector are eligible for this PBR, provided they comply with the conditions in (A) through (C) of this paragraph.

(A) The facilities must meet the criteria in 252:100-7-15(b)(1)(A) through (E).

(B) The facilities must have potential emissions of each regulated air pollutant that are less than the emission levels that require prevention of significant deterioration (PSD), nonattainment new source review (NNSR), and Part 70 permits. For the purposes of determining eligibility under this PBR, emission reductions resulting from any physical or operational limitation (including capacity limitations, use of air pollution control equipment, and/or restrictions on hours of operation or on the type or amount of material combusted, stored, or processed) shall not be considered in determining a facility's potential to emit.

(C) The facilities are not otherwise Part 70 sources.

(2) **Equipment and processes.** This PBR covers equipment and processes located at onshore O&NG production sites, and natural gas processing plants, transmission facilities, and distribution facilities. For the oil production segment, this includes all operations from the well site to the point of custody transfer to an oil pipeline. For the natural gas segments, this includes all operations from the well site to the customer. These facilities must be located at onshore production sites, natural gas processing plants, natural gas transmission facilities, or natural gas distribution facilities that meet the criteria contained in 252:100-7-60.5(a)(1). In addition to equipment and processes referenced in 252:100-7-60.5(c)(1) through (8) covered equipment and processes include, but are not limited to:

(A) The affected facilities listed in 40 CFR Section 60.5365(a) through (h) of NSPS OOOO.

(B) Stationary compression ignition internal combustion engines, as specified in 40 CFR

Section 60.4200 of NSPS III, which are located at minor facilities in the O&NG sector.

(C) Stationary spark ignition internal combustion engines, as specified in 40 CFR Section 60.4230 of NSPS JJJJ, which are located at minor facilities in the O&NG sector.

(D) The affected area sources listed in 40 CFR Section 63.760(a) and (b)(2) of NESHAP HH.

(E) Stationary reciprocating internal combustion engines (RICE), as specified in 40 CFR Section 63.6585 of NESHAP ZZZZ, which are located at minor facilities in the O&NG sector.

(b) NSPS and NESHAP requirements.

(1) Minor crude oil and natural gas production, transmission, and distribution facilities.

The owner or operator of each of the following minor affected facilities shall comply with the standards and requirements of 40 CFR Part 60, Subpart OOOO, as applicable: gas well affected facility; centrifugal compressor affected facility; reciprocating compressor affected facility; pneumatic controller affected facility; storage vessel affected facility; the affected facility that consists of the group of all equipment (as defined in 40 CFR Section 60.5430), except compressors, within a process unit; and each sweetening unit affected facility located at an onshore natural gas processing plant.

(2) Minor stationary compression ignition internal combustion engines. The owner or operator of a stationary compression ignition internal combustion engine shall comply with the applicable emission, equipment, and work practice standards and testing, reporting, monitoring, and recordkeeping requirements of 40 CFR Part 60, Subpart JJJJ.

(3) Minor stationary spark ignition internal combustion engine. The owner or operator of a stationary spark ignition internal combustion engine shall comply with the applicable emission, equipment, and work practice standards and testing, reporting, monitoring, and recordkeeping requirements of 40 CFR 60, Subpart JJJJ.

(4) Minor oil and natural gas production facilities. The owner or operator of an affected area source (minor facility) listed in 40 CFR Section 63.760(a) and (b) shall comply with the applicable emission, equipment, and work practice standards and testing, reporting, monitoring, and recordkeeping requirements of 40 CFR Part 63, Subpart HH.

(5) Minor stationary reciprocating internal combustion engines. The owner or operator of a stationary RICE located at an area source (minor facility) shall comply with the applicable emission, equipment, and work practice standards and testing, reporting, monitoring, and recordkeeping requirements of 40 CFR Part 63, Subpart ZZZZ.

(c) DEQ Air Pollution Control Rules standards and requirements. The owner or operator of an O&NG facility covered by this PBR shall:

(1) assure compliance with the applicable emission inventory requirements and annual fee requirements contained in 252:100-5.

(2) assure compliance with applicable particulate matter emission rates contained in 252:100-19 for fuel-burning equipment.

(3) assure compliance with applicable visible emissions (opacity) limits contained in 252:100-25 for subject emission units.

(4) comply with applicable fugitive dust standards contained in 252:100-29.

(5) assure compliance with applicable standards and requirements for the control of the emission of sulfur compounds contained in 252:100-31 for subject emission units.

(6) assure compliance with applicable standards and requirements for the control of the emission of nitrogen oxides contained in 252:100-33 for subject fuel-burning equipment.

(7) assure compliance with applicable standards and requirements for the control of the emission

of VOCs contained in 252:100-37 and 252:100-39 for subject emission units.

(8) comply with the applicable testing, monitoring, and recordkeeping requirements contained in 252:100-43.

(d) **Process-specific limitations.** An owner or operator shall designate on the PBR registration form(s) that any of the following federally enforceable limits are applicable to a specific emission unit.

(1) The VOC storage vessel shall be limited to 6 TPY of VOC emissions, 12-month rolling total. Demonstration of compliance with the 6 TPY limit shall be based on records of VOC stored and monthly throughputs. Emissions shall be calculated using current EPA AP-42 methodology for working and breathing emissions or other methodology acceptable to the DEQ, and using available AQD guidance for flash emissions.

(A) If a vapor recovery unit (VRU) is used as part of the process to meet the 6 TPY limit, the permittee may claim 100% control efficiency during the time the VRU is in use and properly operated.

(B) The permittee shall maintain records of all periods of VRU downtime.

(2) The VOC storage vessel shall be controlled utilizing a flare or enclosed combustion device with a minimum control of 98%. The VOC storage vessel shall be limited to 6 TPY of VOC emissions, 12-month rolling total. The presence of a flare pilot flame shall be monitored using a thermocouple or any other equivalent device to detect the presence of a flame. Records of pilot flame(s) outages and/or flare downtime shall be maintained. Demonstration of compliance with the 6 TPY VOC limit shall be based on:

(A) emissions calculated from records of VOC stored and monthly throughputs using current EPA AP-42 methodology for working and breathing emissions or other methodology acceptable to the DEQ and using available AQD guidance for flash emissions.

(B) the 98% control efficiency only during periods when records document that the flare was operational.