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Note: The PBR, as promulgated under emergency rulemaking effective September 10, 2013, has been incorporated into the [online version](#) of DEQ rules.

**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 permit by rule (PBR) may be adopted for an industry(s) 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 that have the same or substantially similar operations, emissions, and activities that are subject to the same standards, limitations, and operating and monitoring requirements.

(1) A facility may be constructed or operated under this rule and will be exempt from any other permitting requirements in this Chapter if it meets the requirements of 252:100-7-15(b)(1), 252:100-7-60, and the appropriate PBR.

(2) A facility cannot be registered under more than one PBR at the same time or under a PBR and a general or individual permit at the same time. However, the owner or operator may apply for a change in a facility's registration from one PBR to another PBR if the facility meets the criteria of the "new" PBR. The owner or operator may apply for a change in a facility's air quality permit from a general or an individual permit to registration under a PBR for which the facility qualifies.

(b) **General requirements.** 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.

(1) Application for registration under a PBR.

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

(B) **Modification.** A physical change or change in the method of operation to a facility covered by a PBR that would cause the facility to no longer qualify for the 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) **Reporting requirements.** The owner or operator of a facility covered by a PBR must comply with the reporting requirements in 252:100-7-60(b)(2)(A), (B), and (C). No other reporting requirements shall apply.

(A) The owner or operator must submit emission inventories as required by 252:100-5-2.1;

(B) The owner or operator must comply with the excess emission reporting requirements in 252:100-9; and

(C) The owner or operator must comply with reporting requirements contained in any applicable NSPS or NESHAP.

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

(4) **Change in permit status.** The owner or operator 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 a PBR shall constitute compliance with the requirements of 252:100-7-15(a) (for construction permits) or 252:100-7-18(a) (for operating permits).

(1) Registration under the PBR will be effective upon receipt of the requisite form(s) (including the appropriate application fee) by the DEQ.

(2) Acceptable documentation of receipt of the PBR registration is the earliest of:

(A) a legible, dated U.S. Postal Service postmark (private metered postmarks are not acceptable);

(B) a dated receipt from a commercial carrier or the U.S. Postal Service; or

(C) a DEQ date-stamped registration.

(3) After receiving the appropriate PBR registration request and application fee and confirming that the facility is eligible for coverage under the PBR, the DEQ will acknowledge in writing that the facility is registered to construct or operate under the PBR.

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

(a) **Applicability.** This PBR is issued for minor facilities and area sources in the oil and natural gas (O&NG) sector. This includes but is not limited to facilities subject to federal standards, primarily Subparts III, JJJJ, and OOOO of the federal NSPS, 40 CFR Part 60, and Subparts HH and ZZZZ of the federal NESHAP, 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 O&NG sector are eligible for this PBR, provided they comply with the conditions in (A) through (G) of this paragraph.

(A) The facility has actual emissions of 40 TPY or less of each regulated air pollutant, except HAPs.

(B) The facility has potential emissions of each regulated air pollutant, except HAPs, that are less than the emission levels that require prevention of significant deterioration (PSD), nonattainment new source review (NNSR), and Part 70 permits.

(C) The facility does not emit or have potential emissions of 10 TPY or more of any single HAP or 25 TPY or more of any combination of HAPs.

(D) For the purpose of determining if a facility is eligible for registration under this PBR, the calculation of actual emissions may include emission reductions that will be made enforceable by registration under this PBR.

(E) Only for the purpose of determining if a facility is eligible for registration under this PBR, the calculation of potential emissions shall not include 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).

(F) The facility must meet the criteria in 252:100-7-15(b)(1)(C) through (E).

(G) The facility is not otherwise a Part 70 source.

(2) **Equipment and processes.** This PBR covers equipment and processes located at minor facilities and area sources in the O&NG sector that meet the criteria contained in 252:100-7-60.5(a)(1). Covered equipment and processes under this PBR include, but are not limited to:

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

(B) Stationary compression ignition internal combustion engines, as specified in 40 CFR Section 60.4200 of NSPS Subpart IIII, 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 Subpart JJJJ, which are located at minor facilities in the O&NG sector.

(D) The affected sources listed in 40 CFR Section 63.760(a) and (b)(2) of NESHAP Subpart HH, which are located at area sources.

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

(b) **Standards and requirements.**

(1) **NSPS and NESHAP requirements.** The owner or operator shall meet the applicable requirements of the following NSPS and NESHAP subparts for equipment and processes located at minor facilities or area sources in the O&NG sector.

(A) **General provisions.** The owner or operator of minor affected facilities covered by the O&NG PBR shall comply with applicable requirements of 40 CFR 60, Subpart A.

(B) **Crude oil and natural gas production, transmission, and distribution.** The owner or operator of each minor affected facility shall comply with the applicable standards and requirements of 40 CFR Part 60, Subpart OOOO.

(C) **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 IIII.

(D) **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 Part 60, Subpart JJJJ.

(E) **General provisions.** The owner or operator of an area source covered by the O&NG PBR shall comply with applicable requirements of 40 CFR Part 63, Subpart A.

(F) **Oil and natural gas production facilities.** The owner or operator of an affected source listed in 40 CFR Section 63.760(a) and (b) and located at an area source 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.

(G) **Stationary reciprocating internal combustion engines.** The owner or operator of a stationary RICE located at an area source 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.

(H) **Equipment subject to any other NSPS or NESHAP.** The owner or operator of the facility shall comply with the applicable emission, equipment, and work practice standards and testing, reporting, monitoring, and recordkeeping requirements of any other applicable

NSPS or NESHAP, including any modification to requirements of an existing applicable NSPS or NESHAP.

(2) **DEQ Air Pollution Control Rules, standards, and requirements.** The owner or operator of an O&NG facility covered by this PBR shall comply with applicable portions of the:

- (A) emission inventory requirements and annual fee requirements contained in 252:100-5;
- (B) excess emission reporting requirements contained in 252:100-9;
- (C) particulate matter emission rates contained in 252:100-19 for fuel-burning equipment;
- (D) visible emissions (opacity) limits contained in 252:100-25 for subject emission units;
- (E) fugitive dust standards contained in 252:100-29;
- (F) standards and requirements for the control of the emission of sulfur compounds contained in 252:100-31 for subject emission units;
- (G) standards and requirements for the control of the emission of nitrogen oxides contained in 252:100-33 for subject fuel-burning equipment;
- (H) standards and requirements for the control of the emission of VOCs contained in 252:100-37 and 252:100-39 for subject emission units; and
- (I) testing, monitoring, and recordkeeping requirements contained in 252:100-43.

(c) **Requested process-specific limitations - storage vessel affected facilities.** An owner or operator shall designate on the PBR registration form(s) that either of the following federally enforceable limits are applicable to a specified storage vessel affected facility. The permittee shall submit a notice of enforceability on forms provided by the DEQ to add or remove the applicability of federally enforceable limits to or from any specific emission unit.

(1) The storage vessel affected facility shall be limited to less than 6 TPY of VOC emissions, 12-month rolling total, unless another time measurement is specified under 40 CFR Part 60, Subpart OOOO. Demonstration of compliance with the VOC emission 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) In the demonstration of compliance with the VOC emission limit, a properly installed and operated vapor recovery unit (VRU) is considered to recover 100% of the VOC during the time the VRU is in use.

(B) The permittee shall maintain, for a period of five (5) years, records of VOC stored, monthly throughputs, and emissions calculations used to demonstrate compliance, including records of all periods of uncontrolled venting.

(2) The VOC storage vessel shall be limited to less than 6 TPY of VOC emissions, 12-month rolling total, unless another time measurement is specified under 40 CFR Part 60, Subpart OOOO. For any VOCs not routed through a VRU, the storage vessel affected facility shall be controlled utilizing a flare or enclosed combustion device.

(A) For each flare or enclosed combustion device, the presence of a pilot flame shall be monitored using a thermocouple or any other equivalent device, and records of pilot flame(s) outages and/or flare downtime shall be maintained.

(B) The flare or enclosed combustion device shall be operated according to the manufacturer's specifications.

(C) Demonstration of compliance with the VOC emission limit shall be based on 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, AQD guidance for flash emissions, and a VOC control efficiency as specified.

- (i) During periods when records document that the flare or enclosed combustion device was operational, the VOC emissions estimates may be calculated using a VOC destruction efficiency of 95%.
- (ii) If the manufacturer of the flare or enclosed combustion device guarantees a VOC destruction efficiency greater than 95%, the VOC emissions estimates may be calculated using the VOC destruction efficiency guaranteed by the manufacturer, up to but not to exceed 99.5% during periods when records document that the control device was operational.
- (iii) A properly installed and operated VRU is considered to recover 100% of the VOC during the time the VRU is in use.
- (iv) The permittee shall maintain, for a period of five (5) years, records of VOC stored, monthly throughputs, and emissions calculations used to demonstrate compliance, including records of all periods of uncontrolled venting.