

**3085**

**G-000-104.30**

**AIR ISSUES**

**04/10/92**

**DOE-1331-92  
DOE-FN/OEPA  
2  
LETTER**



**Department of Energy**  
Fernald Environmental Management Project  
P.O. Box 398705  
Cincinnati, Ohio 45239-8705  
(513) 738-6357

**APR 10 1992**

DOE-1331-92

3085

Mr. Robert Hodanbosi  
Air Quality Modeling & Planning  
Division of Air Pollution Control  
Ohio Environmental Protection Agency  
P.O. Box 1049  
1800 WaterMark Drive  
Columbus, Ohio 43266-0149

Dear Mr. Hodanbosi:

**AIR ISSUES**

Reference: Ohio EPA Letter, R. Hodanbosi to R. E. Tiller, "Permit To Install," dated January 30, 1992

On February 6, 1992, a meeting was held between yourself, representatives of my staff and Westinghouse Environmental Management Company of Ohio (WEMCO), to discuss air issues pertaining to the Fernald Environmental Management Project (FEMP). The subject of exemptions for laboratory Permits to Install was discussed, and we expressed our disagreement with the Ohio Environmental Protection Agency's (Ohio EPA) viewpoint. We also think it is appropriate to express our position in writing.

Our position is that the Permit to Install (PTI) exemptions as stated in Ohio Administrative Code (OAC) 3745-31-03(A)(1), are intended to apply to sources subject to the National Emission Standards for Hazardous Air Pollutants (NESHAP) provisions. Briefly, our reasons in support of the exemption for our laboratory hoods are as follows:

1. The exhausts meet the definition of "Laboratory equipment used exclusively for chemical or physical analyses and bench scale laboratory equipment," per OAC 3745-31-03(A)(1)(f). We know of no regulatory or statutory basis for excluding a source from the PTI exemption because it is subject to NESHAP as stated in 40 CFR 61.
2. OAC 3745-31-02(C) gives the Director the discretion to require a Permit to Install for sources exempted by OAC 3745-31-03 under certain very specific conditions. These conditions are as follows:

A. The source is being planned or is in the process of being installed/modified.

3085

B. If there is reason to believe the source, when installed or modified, will violate the criteria established in OAC 3745-31-05(A). The list of criteria includes, but is not limited to, Best Available Technology, New Source Performance Standards, the Clean Air Act, the Clean Water Act, and NESHAP.

We have no reason to believe that the lab hoods violate any of the above criteria, and therefore the exemption should apply.

In conclusion, our position is that the laboratory hoods are exempt from Permits to Install, and request that Ohio EPA continue processing the Permit to Operate applications previously submitted.

If you or your staff have any questions, please contact Behram Shroff at (513) 738-6003.

Sincerely,

  
for R. E. Tiller  
Manager

FN:Shroff

cc:

T. Tucker, OEPA-Columbus  
H. Schwietering, SWOAPCA  
S. M. Beckman, WEMCO  
AR Coordinator, WEMCO