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Client Alert: Ohio EPA to Begin Discussions on USEPA's Notice of Deficiency for Ohio's SSM Rules

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On Dec. 3, 2015, the Ohio EPA issued an invitation to certain interested parties to begin discussions on how to address USEPA's Notice of Deficiency for Ohio's Startup, Shutdown and Malfunction (SSM) rules. In response to a petition for rulemaking filed by the Sierra Club, USEPA issued the Notice of Deficiency (SIP Call) on June 12, 2015 which requires Ohio EPA to modify its SSM rules. The SIP Call involves the treatment of excess emissions during SSM events and requires that Ohio EPA eliminate affirmative defenses to civil penalties that are currently provided in the SSM rules. The SIP Call includes provisions of OAC Rules 3745-15-06, 3745-17-07 and 3745-14-11 that provide exemptions from emission limitations during periods of SSN if the source complies with Ohio EPA's Malfunction Rule 3745-15-06. Ohio EPA is required to revise its SIP rules for SSM events before November 22, 2016.

The first meeting with Ohio EPA is scheduled for December 18, 2015 at Ohio EPA. If you would like more information or would like to participate, please contact [Anthony J. Giuliani](#) (614.464.6279).