

NEWS RELEASE

FOR IMMEDIATE RELEASE

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Date: February 14, 2006

RAPCA Press Release on Ohio Legislation

We appreciate the efforts of Senator Spada and Representative Widener to try to deflect industry pressure to weaken Ohio environmental laws by introducing a compromise bill, but we do not feel legislation is necessary or appropriate at this time for the following reasons.

The Clean Air Act specifies that control of air pollution at its source is the primary responsibility of state and local agencies (Section 101(a)(3) of the Act). We need to retain state and local authorities. We have always felt that state and local officials are in a better position than federal bureaucrats to know what controls are necessary to protect the health and welfare of our citizens.

Federal rules for New Source Review have already been relaxed under the current administration. This federal relaxation was undertaken with the understanding that state and local rules would remain in place as a backstop. The preamble to the relaxed federal rules states clearly, “Under section 110(a)(2)(C), all States must implement a preconstruction permitting program “as necessary to assure that the [NAAQS] are achieved,” regardless of changes to today’s regulations. Thus, small businesses continue to be subject to regulations for construction and modification of stationary sources, whether under State and local agency minor NSR programs, SIPs to implement § 51.165, or appendix S, to ensure that the 8-hour standard is achieved.” (71693 Federal Register / Vol. 70, No. 228 / Tuesday, November 29, 2005 / Rules and Regulations)

The Ohio industry push to limit state requirements for controls on new major source of air pollution to federal New Source Performance Standards (NSPS) is extremely disturbing. Under the guise of “modernizing” Ohio’s laws, industry is

proposing we limit our requirements to 20 year old federal rules. That means 20 year old control technology, 20 year old compliance monitoring techniques, 20 year old emissions standards, etc. This is hardly a “modernization” of Ohio requirements.

It is especially disheartening to experience this industry push for the dismantling of Ohio rules so immediately on the heels of major efforts just put in place by Ohio EPA to improve the permit process in Ohio. Ohio EPA really deserves commendation for their adoption of permits-by-rule, general permits, and electronic permit applications. These new rules are in addition to agency restructuring to emphasize permit timeliness. At the very least the reforms should be allowed to prove their worth before legislation is passed.

Finally, we are concerned with the requirement in the legislation for the establishment of a rule to limit best available technology requirements for new minor sources to be no more stringent than rules for existing sources. Given an established recognition that the best time to control a new source is at the time of its installation, why is Ohio industry proposing to invite competing industry into Ohio without best controls? This does not make good sense either environmentally or economically.

For all these reasons, we oppose the passage of state legislation to limit current Ohio laws regarding air pollution controls.

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