



John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Scott J. Nally, Director

Date: May 1, 2013

To: Interested Parties

Re: Proposed Changes to Ohio's Best Available Technology Program

### **Purpose**

The purpose of this letter is to solicit comments from any interested party concerning the Ohio EPA Division of Air Pollution Control's (DAPC's) proposed changes to Ohio's Best Available Technology (BAT) program. DAPC is proposing these changes to better align Ohio's BAT program with changes placed in law via Senate Bill (S.B.) 265 in 2006.

### **What is Ohio's BAT Program and What Does it Do?**

Under Ohio's laws and rules, when an owner or operator wants to install a new, or modify an existing source of air pollution, they are obligated to employ state-of-the-art techniques or controls in order to minimize air emissions from that source. As a result, this program has the impact of reducing the air pollution from new or newly modified sources thereby helping Ohio achieve and maintain clean air. Requiring the use of state-of-the-art controls to be employed when the source is first built or modified is more cost-effective than requiring controls to be retrofitted at a later date so the program also helps minimize the cost of air pollution reductions.

When owners or operators apply for air pollution permits for new or modified sources, they must provide their recommendation for BAT. Ohio EPA then does a detailed analysis that includes reviewing other similar sources and sometimes evaluating the cost-effectiveness of various control options. Once this analysis is complete, Ohio EPA determines BAT. The result is then described as one portion of the installation/modification permit.

### **Why is Ohio EPA Proposing to Change BAT?**

In 2006, the Ohio Legislature made several revisions to Ohio's underlying air pollution laws. One portion revised involved the law language concerning BAT. Ohio EPA has made several changes to Ohio's BAT program since the law changes but has received comments from interested parties indicating that additional changes are needed. Ohio EPA is proposing additional changes now to address interested party comments.

### **What is changing concerning the BAT Program?**

These changes do not affect BAT determinations based on Maximum Achievable Control Technology (MACT), Best Available Control Technology (BACT), Lowest Achievable Emission Rate (LAER) or Reasonable Available Control Technology (RACT) standards. Instead, they relate to case-by-case BAT determinations. More

specifically, we are proposing changes to two of the four case-by-case options available in S.B. 265: the *Work Practices* option and the *Source Design Characteristics or Design Efficiency of Applicable Air Contaminant Control Devices* option.

First, Ohio EPA is revising the guidance concerning the *Work Practices* option. In the past, a *Work Practice* BAT has almost universally been based on the establishment of an opacity limit and then a requirement that the permittee utilize various control measures at varying frequencies such that the opacity limit is met.

The revised guidance will rely on a set periodic frequency for the control measures without the opacity limit for many sources. The opacity option will remain, but only when preferred by the permittee.

Second, Ohio EPA is revising the guidance concerning the *Source Design Characteristics or Design Efficiency of Applicable Air Contaminant Control Devices* option. Under the existing program Ohio EPA has consistently established short-term type emission limits (lb/hr, lb/ton, ppm, gr/dscf, etc.) for most source types and for most criteria pollutants as part of defining BAT. (The typical exceptions include fugitive sources like roadways and material storage piles, material storage tanks, etc.) Instead, this guidance limits the use of short term emission limits to only those cases where the air pollution source or control device was specifically designed to meet a certain emission rate for a specific pollutant. When the equipment has not been designed to meet a certain limit, then a short-term BAT limit would not be established and, instead, an annual type limit would be established instead.

This will have the impact of fewer short-term limits as BAT.

### **What Mechanisms is Ohio EPA Using to Implement These Changes?**

We are proposing to do this through the following two mechanisms:

1. We are proposing to incorporate much of the revised law language concerning BAT into revisions of the Ohio Administrative Code (OAC) concerning BAT. The purpose of these changes is to better align the OAC rule language with the underlying law language. Essentially the language found in Revised Code (R.C.) 3704.03(T) concerning BAT is being incorporated into the rule that describes BAT and its requirements (OAC rule 3745-31-05). You can see the proposed changes to the rule by reviewing the attached *Proposed Changes to the Best Available Technology (BAT) Rule Language* document.
2. We are proposing to modify the *BAT Requirements for Permit Applications Filed On or After August 3, 2009* guidance document. This guidance document describes some of the procedures Ohio EPA staff should use when they are evaluating and determining BAT. This document is being modified in order to incorporate the approach used by the new law language.

**Will These Proposed Changes Impact Previous BAT Determinations?**

No, if these changes are approved and issued, they will only affect new BAT determinations that occur when a new source is installed or when an existing source is modified. Previously issued BAT determinations will remain in effect.

**When are the comments Due Concerning the Proposed Changes?**

Comments will be accepted through Friday, May 31, 2013 and should be sent to the attention of:

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Assistant Chief, Permitting  
Ohio EPA Division of Air Pollution Control  
50 West Town Street, Suite 700  
Columbus, OH 43215

Or, via e-mail at: [Mike.hopkins@epa.state.oh.us](mailto:Mike.hopkins@epa.state.oh.us).

Sincerely,



Michael E. Hopkins, P.E.  
Assistant Chief, Permitting  
Division of Air Pollution Control

Cc: Scott Nally, Director  
Brian Cook, Dir. Off.  
Andrew Hall, DAPC  
All CO permit reviewers

Bob Hodanbosi, Chief, DAPC  
Drew Bergman, Legal  
Laurie Stevenson, Dir. Office  
All DO/Laa Air Unit Supervisors