

## **RULE SYNOPSIS**

### **Draft rule language for Ohio Administrative Code (OAC) Chapter 3745-17 Particulate Matter Standards – 5 Year Review**

The Ohio EPA Division of Air Pollution Control (DAPC) has completed draft rule language for OAC Chapter 3745-17. The draft amendments are being made as a result of the 5-year review of the rules as required in Ohio Revised Code (ORC) 119.032.

#### Changes Made in Response to Comments on Draft Rule Language

Ohio EPA made these rules available to the public for a 31-day draft rule comment period ending July 8, 2016. Several comments were received by DAPC from interested parties. The Response to Comments document includes details of these comments and Ohio EPA's responses. Changes made included the following:

#### 1. OAC rule 3745-17-01 (Definitions)

Ohio EPA is revising the definition of particulate emissions to add particulate matter measured by a continuous emission monitoring system that complies with OAC rule 3745-17-03(D). This is added to accommodate the additional compliance options added to OAC rule 3745-17-03. Ohio EPA removed the original proposed revision to add "any alternative monitoring plan that complies with OAC rule 3745-17-03(E)." In addition, Ohio EPA is including the term "particulate matter emissions" as a term defined in this definition.

Ohio EPA is revising the definition of salvageable material to more clearly indicate that the salvageable material is the material that is intended for re-use or restoration.

Ohio EPA is adding the following definitions: central heater, chip wood, fireplace, pellet fuel, pellet stove, residential forced-air furnace, residential hydronic heater, residential masonry heater, residential wood burning appliances, and wood heater. Ohio EPA is also adding referenced materials associated with these definitions. The definitions were added to account for the new exemptions for residential wood burning appliances and pellet stoves.

Note, several cross references to definitions from this rule that were contained in other rules of this Chapter have been updated.

#### 2. OAC rule 3745-17-03 (Measurement methods and procedures)

Ohio EPA has removed the proposed phrase "or a USEPA approved alternate opacity determination method" from paragraphs (B)(2)(d), (B)(3), (B)(3)(d) and (B)(5). The phrase was revised to "or continuous opacity monitoring as specified in paragraph (C)

of this rule” in paragraph (B)(1)(a). This revision more accurately reflects Ohio EPA’s intent.

Ohio EPA has removed paragraph (D)(4), which included the requirement to perform routine U.S. EPA Method 9 visible emission readings as part of the alternative compliance option in paragraph (D). However, it is important to note that OAC rule 3745-17-03(D) cannot exempt facilities from complying with the visible emissions standards included in OAC rule 3745-17-07. U.S. EPA has stated that any alternative that exempts a source from the opacity limits in OAC rule 3745-17-07(A) would not be approvable as a part of Ohio’s State Implementation Plan (SIP). Per OAC rule 3745-17-03(B)(1), U.S. EPA Method 9 or COMs are the compliance methods for the visible emissions limitations in OAC rule 3745-17-07. Although Ohio EPA is not requiring routine Method 9 readings because the facility will be complying with the proposed CEMS and PM emissions limitations established in this paragraph, if a Method 9 reading were to occur in the future it would continue to be a method of compliance determination.

Ohio EPA revised OAC rule 3745-17-03(D)(1)(b) to state “...particulate emissions and oxygen or carbon dioxide data shall be collected...” In addition, Ohio EPA revised paragraph (D)(1)(b)(ii) to state “For oxygen or carbon dioxide, USEPA method 3A or 3B of 40 CFR part 60, appendix A, shall be used.” Both revisions corrected typographical errors.

Ohio EPA revised paragraph (D)(2) to add the italicized language as follows: “...source that is equipped with a CEMS for particulate emissions *in lieu of using COMS* shall comply with a particulate emissions limit of 0.030 pounds...” This revised language is more clear.

Ohio EPA has revised paragraph (D)(3) to add the italicized language as follows: “... shall be determined by calculating the arithmetic average of all *valid* CEMS hourly emission rates...” This revision clarifies which rates should be included to determine compliance.

3. OAC rule 3745-17-07 (Control of Visible Particulate Emissions from Stationary Sources)

Ohio EPA added paragraph (A)(3)(k) to exempt residential wood burning appliances and pellet stoves. OAC Chapter 3745-17 rules were not considered to apply to residential wood burning appliances and pellet stoves. Many were already considered de minimis per OAC rule 3745-15-05. This revision codifies this interpretation.

4. OAC rule 3745-17-08 (Restriction of Emission of Fugitive Dust)

In paragraph (C), Ohio EPA has revised the reference to paragraph (B)(17) of 3745-17-01 to paragraph (B).

Ohio EPA has removed the obsolete reference to OAC rule 3745-17-02 in paragraph (A)(2). OAC rule 3745-17-02 was rescinded in the past.

Ohio EPA added paragraph (A)(3)(f) to exempt fugitive dust generated from residential wood burning appliances and pellet stoves. As noted above, OAC Chapter 3745-17 rules were not considered to apply to residential wood burning appliances and pellet stoves. Many were already considered de minimis per OAC rule 3745-15-05. This revision codifies this interpretation.

Ohio EPA has corrected the reference to OAC rule 3745-17-01(B) in paragraph (C)(3).

Ohio EPA has added Figures A-1 to A-36 that graphically show the boundaries of areas that are not full counties listed in Appendix A. The boundaries match those that existed during the development of this Appendix many years ago. This addition allows the regulated community to determine the boundaries of Appendix A areas.

In Appendix A, Ohio EPA is updating the name of an area listed in Stark County from “City of Meyers Lake” to “Village of Meyers Lake”. This area has changed names since the last rule review but the boundaries remain the same as originally intended by this section.

Ohio EPA has rescinded Appendix B because the applicable facility has shutdown.

5. OAC rule 3745-17-09 (Restrictions on particulate emissions and odors from incinerators)

Ohio EPA has removed the term “salvageable material” from the emission limits in paragraph (B). This revision is based on the revision made to the definition of “salvageable material” in OAC rule 3745-17-01, which more clearly indicates that the salvageable material is the material that is intended for re-use or restoration. The emission limits in this paragraph are based on the mass of material being incinerated.

6. OAC rule 3745-17-11 (Restrictions on particulate emissions from industrial processes)

Ohio EPA added paragraph (A)(1)(n) to exempt residential wood burning appliances and pellet stoves. As noted above, OAC Chapter 3745-17 rules were not considered to apply to residential wood burning appliances and pellet stoves. Many were already considered de minimis per OAC rule 3745-15-05. This revision codifies this interpretation.

Ohio EPA has added the sentence “Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels when they are used solely as fuels and combustion air will not” to paragraph (A)(2). This revision is consistent with paragraph

(A)(4) and the definition of process weight in OAC rule 3745-17-01. Ohio EPA has also added the phrase “when they are used solely as fuels” to paragraph (A)(4).

7. OAC rule 3745-17-13 (Additional restrictions on particulate emissions from specific air contaminant sources in Jefferson county)

Ohio EPA has removed paragraph (C) and sections of Appendix A that referred to the Steubenville North facility. In this rule, facility ID 0641090010 refers to two facilities. The first facility, referenced in OAC rule 3745-17-13(C), is the former Mingo Junction Steel Works site and is the one referenced by a comment for the current River Rail Development site. This facility was known as the Steubenville or North facility. The second facility, referenced in OAC rule 3745-17-13(D), is the currently operating Mingo Junction Steel Works and was known as the Mingo Junction or South facility. Both paragraphs (C) and (D) reference the work practice plan in Appendix A. Since the facility referenced in paragraph (D) is still in operation, Appendix A cannot be simply deleted.

The North facility referenced in paragraph (C) has been demolished, remediated and redeveloped. The current operations are very different than the past steel making operations. The road use, traffic and vehicles are different than the past. While the rule applies to subsequent owner or operators of the facility, the requirements of the existing rule cannot be transferred to the new operations because they are totally different. The Appendix A work plan is very specific to the steel operations in the past, which no longer exist.

Original Draft Rule Changes:

The original draft changes are discussed below. The draft changes are still valid unless superseded by a change in the above section:

1. Minor Style and Typo Changes: Ohio EPA is making various minor changes to correct typos and update the rule language in this chapter to meet legislative service commission (LSC) style and formatting guidelines. These changes are being made throughout the chapter, are minor in nature, and do not affect the scope or intent of the rules.
2. Test Method, Publications, Referenced Materials: Ohio EPA is making various minor changes to update test method, publication and referenced material titles, effective dates, addresses and web sites. These changes are being made throughout the chapter, are minor in nature, and do not affect the scope or intent of the rules.
3. Removal of Permanently Shutdown Facilities and Updating Existing Facility Data in Rules (OAC rules 3745-17-01 to 3745-17-14)

Over the years since this chapter was established, sources and/or facilities have closed or certain operations at these facilities have ceased. During this 5-year review, Ohio EPA will be removing facilities and emissions units from the rules that are permanently shut down. In addition, Ohio EPA is also updating any name or address changes along with adding or updating facility identification numbers, emission unit identification numbers or descriptions.

The updating and removal of these sources is being performed to ease confusion over operations that no longer exist and to make these rules more reader friendly. A table listing facilities and emission units that are being removed from this chapter is attached at the end of this synopsis. A separate table lists facilities with name, identification number, descriptions and/or address changes.

#### 4. OAC rule 3745-17-01 (Definitions)

Ohio EPA is revising the definition of particulate emissions to add particulate matter measured by a continuous emission monitoring system that complies with OAC rule 3745-17-03(D) and any alternative monitoring plan that complies with OAC rule 3745-17-03(E). These were added to accommodate the additional compliance options added to OAC rule 3745-17-03.

#### 5. OAC rule 3745-17-03 (Measurement methods and procedures)

Ohio EPA is correcting the paragraph reference in paragraph (B)(10)(a).

Ohio EPA is adding a visible emissions compliance option that allows for a USEPA-approved alternate opacity determination method. The phrase “or USEPA approved alternate opacity determination method” has been added after each entry of USEPA Method 9.

Ohio EPA is adding paragraphs (D) and (E) to provide an additional compliance option for certain facilities that are required to use a continuous opacity monitor (COM) to determine compliance with visible emissions requirements per paragraph (C). In situations where a COM would not provide accurate visible emissions determinations, such as air contaminant sources that are controlled by wet scrubbers, the owner or operator may install a particulate matter continuous emission monitor (CEM) per paragraph (D) that meets U.S. EPA performance specification 11. In addition, paragraph (D) requires the air contaminant source to comply with a particulate emissions limit of 0.030 pounds of particulate emissions per million British thermal units of heat input. New paragraph (E) provides an option of using an alternate monitoring plan.

6. OAC rule 3745-17-08 (Restriction of emission of fugitive dust)

Ohio EPA is revising the compliance date in paragraph (A)(1) from “upon the effective date of this rule” to “by August 7, 1972 or the date of initial startup of the source, whichever is later.” August 7, 1972 is the original effective date of this paragraph.

Ohio EPA is removing the reference to permit-to-operate from paragraph (A)(2). Permits-to-operate and rule 3745-35-02 of the Administrative Code have been replaced with permits-to-install and operate and rule 3745-31-02 of the Administrative Code.

In Appendix A, Ohio EPA is updating the name of an area listed in Summit County from Franklin Township to the city of New Franklin. This area has changed names since the last rule review but the boundaries remain the same as originally intended by this section.

7. OAC rule 3745-17-10 (Restrictions on particulate emissions from fuel burning equipment)

Ohio EPA is removing paragraph (C)(5). This paragraph references emissions units in paragraphs (C)(3) and (C)(4) which have been shut down. Thus, paragraph (C)(5) is not necessary.

8. OAC rule 3745-17-11 (Restrictions on particulate emissions from industrial processes)

As a result of comments received during the early stakeholder period, Ohio EPA is adding qualifying criteria to paragraph (A)(1)(i) that the five gallon per day exemption applies only to coatings that are not exempt per paragraphs (A)(1)(h), and (A)(1)(j) to (A)(1)(l).

As a results of comments received during the early stakeholder period, Ohio EPA is correcting the paragraph references in paragraph (C)(2).

Ohio EPA is adding “permit-to-install and operate” to paragraph (C)(3).

9. OAC rule 3745-17-12 (Additional restrictions on particulate emissions from specific air contaminant sources in Cuyahoga county)

Ohio EPA is removing the facility references from paragraphs (K) and (L). The listed facility was shut down; however, the paragraph also applies to any future operator of the listed emission units at that address.

Ohio EPA is removing paragraph (O)(1) because it is a duplicate of paragraph (P)(2). Note, paragraphs (O) and (P) apply to the same facility. In the past, these paragraphs applied to two different facilities. Paragraph (P)(2) is being revised to include “east and

west side” with the description of the roads to cover requirements under both paragraphs (O) and (P).

Ohio EPA is removing paragraph (O)(2) because emissions unit F013 has been shut down. While emissions unit F009 (now F209) is still in operation, paragraph (O)(2) restricted both emissions units from operating at the same time. Since one of the emissions units is shut down, the term is unnecessary.

Ohio EPA is renaming the emission units in paragraph (O)(10) to note that they are in number 2 shop, instead of number 1 shop. When the east facility (paragraph (P)) combined with the west facility (this paragraph (O)), two basic oxygen furnace (BOF) shops were named number 1 shop. The west side BOF shop was renamed to number 2 shop.

Ohio EPA is removing paragraph (O)(11) because emissions unit F004 (raw material processing at blast furnace C-3) has been shut down. For the 1/31/1998 version of this rule, former paragraph (O)(4) [note numbering was changed so this is not related to existing paragraph (O)(4)] was deleted and eliminated a blast furnace raw material handling (F004) visible emissions limit. Since the blast furnace (C-3) associated with this furnace has been permanently shut down and no further handling of raw materials occurs, this paragraph has been deleted. New paragraph (O)(11) was added in on 1/31/1998 to assure that there are no raw materials processed at blast furnace C-3. Note, the emissions unit ID “F004” has been reused as “Blast furnace coal, ore, limestone and coke storage piles.” Also, paragraph (O) applied to the west facility, as noted above. Emission unit ID’s of the former west facility were revised by changing the first “0” to “2”. Thus F004 became F204, which is also still in use as “C1 Blast Furnace - material handling; ore, limestone, slag, coke and coke fines transfer”.