



**Environmental
Protection Agency**

**APPROVAL REQUEST
OF THE
INFRASTRUCTURE
STATE IMPLEMENTATION PLAN FOR
THE
STATE OF OHIO**

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Ohio Environmental Protection Agency
Division of Air Pollution Control

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APPROVAL REQUEST FOR THE INFRASTRUCTURE STATE IMPLEMENTATION PLAN FOR THE STATE OF OHIO

This document confirms that the State of Ohio continues to retain the resources necessary to evaluate ambient air quality, develop plans to attain new and existing ambient air quality standards, run a complete new source review program, and effectively enforce all applicable requirements. The Ohio Environmental Protection Agency (Ohio EPA) confirms it can implement and satisfactorily complete the Section 110 requirements listed below. Ohio EPA satisfies these requirements for the current and any prospective future air quality standards, including current and any future National Ambient Air Quality Standards (NAAQS). Specifically, the State of Ohio is submitting this documentation in order to comply with the "State Implementation Plan (SIP) elements required under Section 110(a)(1) and (2) for the 2008 Lead (Pb)" guidance emitted by EPA on 6/14/2011.

The SIP elements listed below are required under Section 110(a)(1) and (2). Section 110(a)(1) provides the procedural and timing requirements for SIPs. Section 110(a)(2) lists the elements and sub-elements required in a complete and approvable SIPs. Following each element is Ohio EPA's discussion as to the Agency's ability to fulfill the requirement.

Section 110(a)(2)(A): Emission limits and other control measures - Section 110(a)(2)(A) requires SIPs to include enforceable emission limits and other control measures, means or techniques, schedules for compliance, and other related matters. EPA notes it would not expect infrastructure SIP submission to identify nonattainment emission controls; however the infrastructure SIP should include a list or table referencing all Pb emission reduction measures adopted and relied on by the state to meet other CAA requirements. Also, because excess emission might aggravate air quality so as to prevent attainment and maintenance of the NAAQS, EPA views all periods of excess emissions as violations of the applicable emission limitation. Therefore, an approvable SIP submittal cannot exempt from enforcement excess emissions that may occur at a facility during a period of startup or shutdown; further, approvable SIP submittal cannot automatically exempt from enforcement excess emissions claimed to result from an equipment malfunction.

Comment: Ohio EPA continues to devote staff to implement needed revisions to the State Implementation Plans. Ohio Revised Code 3704.03 provides the Director with the authority to develop rules and regulations necessary to meet ambient air quality standards.

Ohio EPA continues to follow and develop federal and state emission reductions measures to meet CAA requirements, such as the maintenance of the 2008 Pb NAAQS. Pb emissions are incorporated in OAC Chapter 3745-17 which establishes rules related to the control of particulate emissions.

Section 110(a)(2)(B): Ambient air quality monitoring data system - Section 110(a)(2)(B) requires SIPs to include provisions to provide for establishment and operation of (i) ambient air quality monitors, collecting and analyzing ambient air quality data, and (ii) making these data available to EPA upon request.

Comment: In accordance with our SIP, Ohio EPA continues to operate one of the largest monitoring networks in the nation. Appendix 1, contains two documents, the first one entitled "Ohio Air Monitoring Network 2011-2012," and the second one entitled "Ohio Lead Air Monitoring Network 2011-2012", both documents summarize the current plans for continued ambient monitoring as agreed to during the most recent review of the Region 5 monitoring network.

EPA issued a new NAAQS for airborne lead in 2008. The new lead standard is set at 0.15 ug/m³ as a rolling 3-month average. As a result of that action Ohio EPA, district offices, and contractual agencies implemented a new lead monitoring network of seven required samplers on January 1, 2010. Those seven sites were at locations near facilities that were modeled by the Ohio EPA Division of Air Pollution Control State Implementation Plan (SIP) Section as discussed in the Revised Lead Monitoring Network 2011-2012 (Appendix 1). Site information about the initial seven samplers that began sampling in early 2011 is included in this notice.

EPA determined an additional need for facilities with emissions over 0.5 ton per year (tpy) to be modeled for possible impacts of airborne the lead. The SIP Section has modeled facilities with emissions exceeding 0.5 tpy of lead. The results of the modeling at three facilities in Ohio are specifically discussed in the Revised Lead Monitoring Network 2011-2012.

Section 110(a)(2)(C): Program for enforcement of control measures, PSD, and NSR - Section 110(a)(2)(C) requires states to include a program providing for enforcement of all SIP measures and the regulation of construction of new or modified stationary sources to meet Prevention of Significant Deterioration (PSD) and nonattainment NSR requirements.

Comment: Ohio EPA continues to devote staff to implement a vigorous enforcement program. Appendix 2, entitled "Summary of the 2009 Enforcement Activities," demonstrates Ohio EPA's continued commitment to ensuring compliance of Ohio entities. Ohio Revised Code 3704.03 provides the Director with the authority to continue to implement this program as well as the updated new source review provisions within Ohio Administrative Code (OAC) Chapter 3745-31. OAC Chapter 3745-31 meets the requirements defined in 40 CFR 51.165, 51.166, 51.160-164, 52.21, 52.24, and part 51, Appendix S.

OAC Chapter 3745-31 defines the PSD permit program requirements to ensure that the construction and modification of major stationary sources do not cause or contribute to a violation of the Pb NAAQS. Moreover, it ensures that new or modified sources will apply the Best Available Control Technology to reduce Pb emissions. Lastly, Ohio EPA will continue to revise its PSD program regulation to address any applicable EPA amendments to Pb PSD rules within 3 years from the date of such amendments.

Ohio's PSD program also addresses requirements established in accordance with EPA's GHG Tailoring Rule provisions within OAC Chapter 3745-31-34. OAC Chapter 3745-31-34 has been approved and has been effective since March 21, 2011 at the State level. Ohio EPA submitted OAC Chapter 3745-31-34 for EPA's approval and is waiting for a Federal action, while waiting for the federal approval Ohio is also subject to the GHG PSD SIP Narrowing Rule.

Section 110(a)(2)(D): Interstate transport provisions - Section 110(a)(2)(D) requires SIPs to include provisions prohibiting any source or other type of emissions activity in one state from contributing significantly to nonattainment, or interfering with maintenance, of the National Ambient Air Quality Standards (NAAQS) in another State, or from interfering with measures required to prevent significant deterioration of air quality, or to protect visibility in another state. EPA has already developed programs (such as CAIR and Regional Haze) and is developing programs to assist states in developing SIPs to meet this requirement for purposes of the visibility, 8-hour ozone and PM_{2.5} NAAQS, and has issued separate guidance to all states on how to comply with each prong of this statutory provision.

Comment: Ohio EPA has adopted and implemented the various major programs related to the interstate transport of pollution. OAC Chapters 3745-16 (Stack Height Requirements), 3745-103 (Acid Rain Permits and Compliance), 3745-14 (Nitrogen Oxides – Budget Trading Program), 3745-109 (Clean Air Interstate Rule) and 3745-108 (Clean Air Mercury Rule) all address Congressional and EPA concerns over the transport of emissions of regulated pollutants beyond our State borders. Ohio has also responded to requests by the States of Indiana and West Virginia to implement revisions to OAC Chapter 3745-18 (Hamilton County and Jefferson County) to alleviate modeled violations due, in part, to sources in Ohio. Additionally, all new major sources and major modifications in the state are subject to PSD and NNSR program to help achieve 2008 Pb NAAQS.

Within rules OAC Chapter 3745-14, Ohio EPA adopted changes to rules 3745-14-01 and 3745-14-06 in October 2010, determining that if a facility is subject to CAIR, it will no longer be part of the NO_x SIP call.

OAC Chapter 3745-109 is still effective until the end of year 2011, after that date, Ohio EPA will implement the new Cross-State Air Pollution Rule (CSAPR) as part of a Federal Implementation Plan.

As of April 2010, OAC Chapter 3745-108 was rescinded from Ohio's regulations. Ohio EPA is working towards the replacement of OAC Chapter 3745-108 with a MACT regulation.

The State of Ohio does not have Pb NAAQS nonattainment areas under Subsection (2)(D)(i)(I). The State of Ohio recommended 3 partial Pb NAAQS nonattainment areas (see pages 19 through 48 of the "Ohio's 2008 Revised Lead Standard Recommended Designations and Nonattainment Boundaries" document at www.epa.ohio.gov/portals/27/SIP/document/Lead_Doc_Final_Nonatt.pdf) that are not in close proximity to the State's border. In addition, there are no significant Pb

sources located in close proximity to the State's border (See Map in Appendix 3). As shown in the Table in Appendix 3, Pb sources in Ohio do not contribute significantly to nonattainment, or interfere with maintenance, of the NAAQS in another State, or interfere with measures required to prevent significant deterioration of air quality, or to protect visibility in another state.

Finally, based on the Infrastructure SIP Guidance, since all the areas are currently subject to the regional haze program which addresses visibility-impairing pollutants, at this time EPA would not expect Ohio EPA to submit in this package references to visibility under Subsection (2)(D)(i)(II).

Section 110(a)(2)(D)(ii): Interstate and international transport provisions - Section 110(a)(2)(D)(ii) requires SIPs to include provisions insuring compliance with the applicable requirements that involve Pb emissions.

Comment: OAC Chapter 3745-31 is consistent with 40 CFR 51.166(q)(2)(iv), regarding all the requirements of public participation when a new source or modifications to major source occur.

Section 110(a)(2)(E): Adequate resources - Section 110(a)(2)(E) requires states to provide adequate personnel, funding, and legal authority under state law to carry out its SIP and related issues.

Comment: Appendix 4 is the Ohio EPA Division of Air Pollution Control's current funding sources that are used to implement the required SIP programs. These funding sources are provided through Ohio EPA's Biennial Budget approved by Ohio's legislature. Ohio EPA does not anticipate future lack or decrease in its resources (funding, personnel and/or legal authority) for future implementations.

Under Chapter ORC 3704.03 (<http://codes.ohio.gov/orc/3704>) Ohio EPA has the legal authority to carry out the SIP and any other programs and requirements as established by the CAA. Specifically, Chapter 3704.03(E) (<http://codes.ohio.gov/orc/3704.03>) gives Ohio EPA the authority to establish environmental programs, procedures, requirements and regulations to enforce the CAA

Also, Ohio EPA has adopted rules and regulations to show the State has adopted the emission limitations and other measures necessary for attainment and maintenance of the 2008 Pb NAAQS.

Section 110(a)(2)(F): Stationary source monitoring and reporting systems- Section 110(a)(2)(F) requires SIPs to include stationary sources monitoring emissions reports, reports on the nature and amount of emissions and emissions-related data from such source. It requires including regulations for source monitoring, recordkeeping, and reporting requirements applicable to Pb.

Comment: Ohio EPA has proposed amended, new and rescinded rules in OAC Chapter 3745-71 (www.epa.ohio.gov/dapc/regs/3745_71.aspx) and amended OAC rules 3745-18-03 (www.epa.ohio.gov/portals/27/regs/3745-18/3745-18-03_Final.pdf)

and 3745-21-04 (www.epa.ohio.gov/portals/27/regs/3745-21/3745-21-04_Final.pdf). These modifications include changes made necessary by the revisions to the NAAQS for lead, sulfur dioxide, nitrogen dioxide, and particulate matter.

OAC Chapter 3745-77 (www.epa.ohio.gov/dapc/regs/3745_77.aspx) and OAC Chapter 3745-31 (www.epa.ohio.gov/dapc/regs/3745_31.aspx) provide requirements and regulations for source emissions recordkeeping.

The 1990 federal CAA established new permitting and reporting requirements for air polluting facilities. Under Title V of the CAA amendments, facilities that have the potential to emit certain amounts of air pollution are required to apply for and obtain a state-federal operating permit and pay emission fees. In Ohio, facilities are required to file on April 15th of each year. The Fee Emissions Report (FER) requirements are outlined in ORC 3745.11 (<http://codes.ohio.gov/orc/3745.11>) and OAC 3745-78-02 (www.epa.ohio.gov/portals/27/regs/3745-78/3745-78-02.pdf).

Facilities are required to apply for and obtain an air pollution control operating permit, and submit an annual emissions report for estimated actual facility wide emissions of particulate matter (PM), sulfur dioxide (SO₂), nitrogen dioxides (NO_x), organic compounds (OC), and lead (Pb) no later than April 15th for the previous year. Also, Ohio EPA has the authority to under OAC rule 3745-15-03 (www.epa.ohio.gov/portals/27/regs/3745-15/3745-15-03.pdf) to request and receive the information from regulated entities. An Emission Inventory Summary is provided to EPA to develop an annual criteria and toxic pollutant inventory pursuant to 40CFR 51.321. Beginning with calendar year 2006 inventory, all Title V facilities are required to file a complete an inventory. Pollutants required to be reported in the EIS are: NO_x, VOC, SO₂, Lead, OC, CO, NH₃, PM-CON, PM-FIL, PM₁₀-FIL and PM_{2.5}-FIL.

Ohio EPA District Offices and local air agencies are currently required to witness 50% of all source emissions testing and review 100% of all emissions tests. Hundreds of emission tests are performed throughout the State each year. In addition, at the present time, 286 sources in the State employ 583 continuous monitoring systems for various air pollutants. Ohio EPA oversees the operation and certification of these systems and routinely provides quarterly summary reports to EPA. A quarterly excess emission report summary report for the Ohio facilities is included in Appendix 5.

Section 110(a)(2)(G): Emergency episodes - Section 110(a)(2)(G) requires states to provide for authority to address activities causing imminent and substantial endangerment to public health, including contingency plans to implement the emergency episode provisions in their SIPs.

Comment: OAC Chapter 3745-25 addresses the requirement to implement emergency action plans in the event of an Air Quality Alert (or higher). Such an event has not occurred since 1978 and these rules have undergone revision to: 1) make them more relevant and 2) to incorporate revised significant harm levels which EPA will determine are necessary to address the revised ozone and PM 2.5 standards. These rules became effective as of August 21, 2009.

Specifically, OAC Chapter 3745-25-03(A) determines: "Conditions justifying the proclamation of an air pollution "Alert", air pollution "Warning", or air pollution "Emergency" shall be deemed to exist whenever the director determines that the accumulation of air contaminants in any place is attaining or has attained levels which could, if such levels are sustained or exceeded, lead to a substantial threat to the health of persons." Additionally, OAC Chapter 3745-25-05(1)(a) determines: "Any one or combination of air contaminants: Any person responsible for the operation of a source of air contamination as set forth in paragraph (A) of rule 3745-25-04 of the Administrative Code shall take all air pollution "Alert" actions as required for such source of air contamination; and shall particularly put into effect, the emission control action programs for an air pollution "Alert"."

Section 110(a)(2)(H): Future SIP revisions - Section 110(a)(2)(H) requires states to have the authority to revise their SIPs in response to changes in the NAAQS, availability of improved methods for attaining the NAAQS, or in response to an EPA finding that a SIP is substantially inadequate.

Comment: Ohio Revised Code 3704.03 provides the Director with the authority to develop rules and regulations necessary to meet ambient air quality standards. Ohio EPA continues to make every possible effort to meet all SIP deadlines.

Section 110(a)(2)(I): Nonattainment area plan or plan revision under Part D - Section 110(a)(2)(I) requires states in the case of a plan or plan revision for an area designated as a nonattainment area, meet the applicable requirements of part D of this subchapter.

Comment: As noted in the introduction text of the infrastructure SIP guidance document, EPA would not expect infrastructure SIP submissions to address subsection 110(a)(2)(I).

Section 110(a)(2)(J): Consultation with government officials, public notification, PSD and visibility protection - Section 110(a)(2)(J) requires states to provide a process for consultation with local governments and Federal Land Managers (FLMs) carrying out NAAQS implementation requirements pursuant to Section 121. It also requires states to notify the public if NAAQS are exceeded in an area and to enhance public awareness of measures that can be taken to prevent exceedances. Lastly, requires states to meet the applicable requirements of part C related to PSD and visibility protection.

Comment: Ohio EPA actively participates in the regional planning efforts that include both the State rule developers as well as representatives from the FLMs and other affected stakeholders. The FLMs are also included in Ohio EPA's interested party lists for announcements of draft and proposed rule packages.

Ohio EPA's District Offices and local air agencies monitor air quality daily, and where required, report the daily air quality index to the interested media. In addition, Ohio EPA's remotes access data system (RADS) provides online reports of real time air quality data on the internet and feeds raw information to EPA's AIRNOW program.

In addition, several of the local stakeholder groups actively participate in the AIRNOW forecast program.

Ohio EPA prepares an annual report detailing data from the complete network (2009 Air Quality Report; Appendix 6).

Ohio EPA is addressing both the long term requirements to meet natural visibility levels by 2064 as part of the Regional Haze program and the ongoing review of new major sources under Ohio's approved PSD new source review program. Ohio EPA submitted its Regional Haze SIP on March 11, 2011, and expects to revise this SIP submittal in the near future. Ohio EPA also works with interested FLMs regarding proposed major new sources in Ohio.

Section 110(a)(2)(K): Air quality modeling/data - Section 110(a)(2)(K) requires that SIPs provide for performing air quality modeling to predict the effects on air quality of emissions from any NAAQS pollutant and for submission of such data to EPA upon request.

Comment: Ohio EPA reviews the potential impact of major and some minor new sources, consistent with Appendix W of 40 CFR Parts 51 and 52 and Ohio EPA Engineering Guide 69. Modeling data are available upon request by EPA or other interested parties.

Section 110(a)(2)(L): Permitting fees - Section 110(a)(2)(L) requires SIPs to require each major stationary source to pay permitting fees to cover the cost of reviewing, approving, implementing and enforcing a permit.

Comment: Ohio EPA continues to implement the approved Title V permit program, including requiring major sources to pay emissions fees to cover reviewing, processing, and enforcing the permits.

Section 110(a)(2)(M): Consultation/participation by affected local entities - Section 110(a)(2)(M) requires states to provide for consultation and participation in SIP development by local political subdivisions affected by the SIP.

Comment: Ohio EPA follows approved procedures for allowing public participation, consistent with OAC Chapter 3745-47, which is an approved portion of our SIP.

Ohio EPA asks that EPA complete the review of this package and take final action on the Infrastructure SIP approval request for the State of Ohio.