

Ohio EPA

Division of Air Pollution Control

Engineering Guide #21

**Question:**

If a new or modified fugitive dust source is to be installed outside of the Appendix A areas identified in OAC Rule 3745-17-08, is the "best available technology" requirement in OAC Rule 3745-31-05(A)(3) the same as the "reasonably available control measure" (RACM) requirement that would apply to the source if it were installed in an Appendix A area?

**Answer:**

It should first be pointed out that the construction of any new or modified fugitive dust source is subject to the Permit to Install/Operate regulations (Chapter 3745-31), regardless of the proposed location of the source. Also note that any RACM determinations should be made in accordance with Engineering Guide #24.

OAC Rule 3745-31-05(A)(3) requires that new (i.e., any emissions unit installed after January 1, 1974) or modified emissions units "employ the best available technology" (BAT) for controlling air contaminant emissions. Ohio Senate Bill No. 265 (effective August 3, 2006) limits this BAT requirement to emissions units with a controlled potential to emit greater than 10 tons/year. Also, S.B. 265 requires BAT to be established by rule beginning August 3, 2009. Ohio EPA, DAPC will be developing BAT rules to address the requirements of S.B. 265, and this will be an ongoing effort. In addition, until a BAT rule is established for a specific emissions unit, DAPC policy will define how BAT should be determined, if necessary, by the field offices in processing permit applications.

A new or modified emissions unit in a non-Appendix A area is not subject to OAC Rule 3745-17-08(B) (except possibly as provided in paragraph (A)(2)); however, if the controlled potential to emit for the emissions unit is greater than 10 tons/year, then BAT must be established in accordance with DAPC policy and any OAC rule that defines BAT for the emissions unit.

A new or modified emissions unit in an Appendix A area is subject to the RACM requirements of OAC Rule 3745-17-08(B). In addition, if the controlled potential to emit for the emissions unit is greater than 10 tons/year, then BAT must be established in accordance with DAPC policy and any OAC rule that defines BAT for the emissions unit.

Any BAT requirements established by OAC rule in accordance with S.B. 265, cannot be less stringent than limitations that have already been established by State and federal regulations; this includes the RACM requirements of OAC Rule 3745-17-08. For the air contaminants emitted by sources subject to standards adopted under section 112, Part C of Title I, and Part D of Title I of the federal Clean Air Act, BAT must be equivalent to and no more stringent than those standards.

If BAT has not been established by OAC rule for the source category of concern, then BAT should be determined for a fugitive dust source in accordance with DAPC policy.

JO/JB

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