



Early Stakeholder Outreach for Nitrogen Oxides - Reasonably Available Control Technology Rules March 7, 2012

Nitrogen Oxides - Reasonably Available Control Technology rules in Ohio Administrative Code (OAC) Chapter 3745-110

OAC Chapter 3745-110 establishes requirements for emissions of nitrogen oxides (NO_x) from very large, large, mid-size, and small boilers, stationary combustion turbines, or stationary internal combustion engines as defined in OAC rule 3745-110-01, and boilers located at facilities that emit or have the potential to emit a total of more than one hundred tons per year of NO_x emissions from all sources at that facility. NO_x is a precursor compound which, along with volatile organic compounds (VOCs) can form ozone. Ozone is one of the six criteria pollutants for which a National Ambient Air Quality Standard (NAAQS) has been established under the Clean Air Act.

Why are these rules being sent out for Early Stakeholder Outreach?

The first step in the rule-making process is for Ohio EPA to identify that a rule needs to be amended, rescinded, or created. Ohio EPA may also review a rule pursuant to the five year rule review requirements (ORC 119.032) and determine that the rule should be filed with the Joint Committee on Agency Rule Review (JCARR) as 'no change'.

In response to Executive Order 2011-01K, Ohio EPA has added an additional step to ensure stakeholders are brought into the rule process as early as possible. This additional interested party notification and request for information will allow for early feedback before the rule language has been developed by the Agency.

The rules in this chapter are currently under review pursuant to ORC 119.032 (5-yr review) and early stakeholder outreach is being requested to assist Ohio EPA in the review.

What changes are being considered?

Ohio EPA has just begun the review process. Based on comments from the regulated community, Ohio EPA is already aware of several typos and dates that must be corrected for clarification. Ohio EPA is not aware of major modifications to the rules that are necessary at this time.

Who will be regulated by these rules?

The rules in this chapter are applicable to very large, large, mid-size, and small boilers, stationary combustion turbines, or stationary internal combustion engines as defined in OAC rule 3745-110-01, and boilers located at facilities that emit or have the potential to emit a total of more than one hundred tons per year of NO_x emissions from all sources at that facility; and the facility is located in Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Medina, Portage, or Summit County.

What is the rulemaking schedule?

Ohio EPA plans to propose these rules to the Joint Committee on Agency Rule review no later than November 30, 2012.

What additional information is the Agency seeking?

Ohio EPA wants to hear from interested stakeholders who may be impacted by these rules. General comments and specific factual information are welcome. Ohio EPA is specifically asking for stakeholders to identify the following:

- Do these rules impact your business?
- Do these rules have an adverse impact on your business? If so, please identify the nature of the adverse impact (e.g., license fees, fines, employer time for compliance).
- Are there any alternative rules (or specific provisions within the rule) that the Agency should consider?

What should you consider when preparing comments?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at your estimate.
5. Provide specific examples to illustrate your concerns.
6. Offer alternatives.
7. Make sure to submit your comments by the comment period deadline.

How can I provide input on the rules?

Questions and comments on these rules should be sent no later than **Friday, April 6, 2012** to the following email address: alan.harness@epa.state.oh.us or to the address listed below. Persons submitting comments electronically are encouraged to follow-up with a hard copy via regular mail:

Mailing address: Alan Harness
 Ohio Environmental Protection Agency, DAPC
 Lazarus Government Center
 P.O. Box 1049
 Columbus, Ohio 43216-1049

Phone: (614) 644-4838

How can I get more information?

For more information on Division of Air Pollution Control (DAPC) rules, please visit our website at: <http://www.epa.ohio.gov/dapc/regs/regs.aspx>.