

RULE SYNOPSIS

Proposed rule language for Ohio Administrative Code (OAC) Chapter 3745-110,
“Nitrogen Oxides - Reasonably Available Control Technology”
Five- year review

The Ohio EPA Division of Air Pollution Control (DAPC) has completed draft rule language for the incorporation of minor revisions in Ohio Administrative Code (OAC) Chapter 3745-110, “Nitrogen Oxides - Reasonably Available Control Technology”, as required by Ohio Revised Code (ORC) Section 119.032 (Five-year review). DAPC has determined that the rules in this chapter are still necessary and some require amendments.

Proposed Amendments

DAPC is recommending a new site-specific rule and an alternative compliance option be added to OAC rule 3745-110-03. DAPC does not anticipate these proposed revisions to be controversial.

This proposed site-specific rule and compliance option along with the other rule changes for OAC Chapter 3745-110 specified in the interested party rule synopsis document will therefore be proposed to the Joint Committee on Agency Rule Review (JCARR).

Summary of proposed additional rule and compliance option for OAC rule 3745-110-03 (RACT limitations for emissions of NOx from stationary sources)

1. Per the completion of a NOx RACT study by Emerald Performance Materials a new site-specific rule will be added to paragraph (T) of this rule. The specific rule language will read as follows:

On and after the effective date of this rule, "Emerald Performance Materials, LLC" or any subsequent owner or operator of the "Emerald Performance Materials, LLC" facility located at 240 West Emerling Avenue, Akron, Ohio shall comply with the following NOx emission limitation:

Coal-fired boiler B008, rated at 115.0 MMBtu/hr, shall not exceed a NOx emission rate of 0.67 lb/MMBtu.

[Comment: Boiler B008 is used both for steam production and as a control device for a process waste stream (containing nitrogen compounds) to achieve continuous compliance with the Polymers and Resins Maximum Achievable Control Technology (MACT) standard. The established NOx emission limitation of 0.67 lb/mmBtu, in lieu of the compliant NOx emission limitation of 0.30 lb/mmBtu for coal-fired boilers, will remain in effect as long as the boiler continues to serve as a control device for nitrogen containing compounds.]

2. The DAPC is proposing a “variance” from the requirements of OAC rule 3745-110-03. The conditions of this variance are specified under paragraph (L) of OAC rule 3745-110-03 and reads as follows:

“Any affected facility that cannot comply with the applicable requirements set forth in this rule because of extraordinary reasons beyond the affected facility’s reasonable control may apply in writing to the director for a variance. The variance application shall be prepared in accordance with the provisions specified in rule 3745-31-09 of the Administrative Code and shall only be granted provided the requirements of paragraph (C)(1)(b) are met. No variance may be granted under this paragraph that does not provide for eventual compliance with this rule.”