

Public Notice – Request for Comment
Draft Amended Rules in OAC Chapter 3745-31

Notice is hereby given that the Ohio Environmental Protection Agency, Division of Air Pollution Control (DAPC) has drafted changes to the Ohio Administrative Code (OAC) related to federal changes affecting the implementation of the New Source Review (NSR) program and requirements for establishing increments, significant impact levels, and a significant monitoring concentration for fine particulate matter (that is, particles with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers, generally referred to as “PM 2.5”). The United States Environmental Protection Agency (U.S. EPA) published final revisions to 40 CFR Parts 51, 52 and Part 51 Appendix S pertaining to NSR implementation and requirements for establishing increments, significant impact levels, and a significant monitoring concentration for PM 2.5 as a regulated NSR pollutant [73 FR 96, page 28321 and 75 FR 75, page 64863]. DAPC is also adding or clarifying requirements to address Infrastructure State Implementation Plan (SIP) deficiencies identified by U.S. EPA (77 FR 65478),

Additional changes have been made to these rules beyond the changes that were made and submitted for comment in 2009. Therefore DAPC is requesting additional comments on these rule changes. DAPC will consider comments from both comment periods before the division formally proposes the rules.

DAPC is suggesting to amend the following OAC rules as a part of U.S. EPA’s promulgation of the PM 2.5 NSR implementation final rule and U.S. EPA’s final rule outlining requirements for establishing increments, significant impact levels, and a significant monitoring concentration for PM 2.5: OAC rule 3745-31-01, OAC rule 3745-31-11, OAC rule 3745-31-13, OAC rule 3745-31-16, OAC rule 3745-31-19, OAC rule 3745-31-21, OAC rule 3745-31-22, OAC rule 3745-31-23, OAC rule 3745-31-24, OAC rule 3745-31-25, OAC rule 3745-31-26, and OAC rule 3745-31-27.

DAPC is correcting typographical errors in OAC rule 3745-31-02, 3745-31-04, OAC rule 3745-31-07, OAC rule 3745-31-09, OAC rule 3745-31-14, OAC rule 3745-31-21, and OAC rule 3745-31-27.

DAPC is changing the term “Incorporation by Reference” in all rules in OAC chapter 3745-31 to “Referenced Materials.”

DAPC is removing two “[Reserved]” rules from this chapter: 3745-31-30, and 3745-31-31.

DAPC is also amending other language in this chapter:

OAC rule 3745-31-01 Definitions

1. Revising definitions to improve clarity and be consistent with rules within this Chapter and other applicable OAC Chapters.
2. Adding definitions for “publically owned treatment works”, “semi-public disposal system”, “emergency”, “emergency generators”, “permanent”, “PM2.5”, PM2.5

direct emissions”, “PM2.5 emissions”, “PM2.5 precursor”, “quantifiable” and “surplus.”

3. Adding definitions consistent with OAC rule 3745-111-01 pertaining to the federal minimum criteria for creditable emission offsets.
4. Revising definitions to identify NO_x as a precursor to ozone.

OAC rule 3745-31-06 Completeness determinations, processing requirements, public participation, public notice, and issuance

1. Adding federal land manager (FLM) notification requirements specifying how Ohio EPA will notify FLMs and respond to their visibility analysis for Class I areas during the permitting process.

As part of the rule-making process, DAPC is required by Section 121.39 of the Ohio Revised Code to consult with organizations that represent political subdivisions, environmental interests, business interests, and others affected by the rules. The DAPC is offering your organization the opportunity to comment on these rules before the division formally proposes them.

Attached, please find the draft OAC rules 3745-31-01, 3745-31-02, 3745-31-04, and 3745-31-06 to 3745-31-32, along with a synopsis of the suggested amendments. These rules are also available at <http://epa.ohio.gov/dapc/DAPCrules.aspx>. **We request that you provide us with any comments you may have to the changes that have been recommended by Friday, May 10, 2013**

Please e-mail or mail your comments or suggestions to the following addresses. Persons submitting comments electronically are encouraged to follow-up with a hard copy via regular mail:

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Thank you,

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