

## **Rule Synopsis**

**Draft Rule Language for OAC Rules  
3745-31-01, 3745-31-05, 3745-31-10, 3745-31-15,  
3745-77-01, 3745-77-03, 3745-77-04, 3745-77-05, 3745-77-06,  
3745-77-07, 3745-77-08, 3745-77-09, and 3745-77-10**

The Ohio EPA, Division of Air Pollution Control (DAPC) has drafted amendments for OAC Chapters 3745-31, "Permits to Install New Sources and Permit-to-Install and Operate Program" and 3745-77, "Title V Permits" to address the federal "Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule" published in the federal register on June 3, 2010 (75 FR 31514).

**Draft Rule Language for OAC Rules  
3745-31-01, 3745-31-05, 3745-31-10, 3745-31-15**

The Ohio EPA, Division of Air Pollution Control (DAPC) has drafted the amendments package for OAC Chapter 3745-31, Permits to Install New Sources and Permit-to-Install and Operate Program, to address the Prevention of Significant Deterioration (PSD) portion of the federal "Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule" published in the federal register on June 3, 2010.

The following identifies amendments being considered for OAC Chapter 3745-31:

Changes to OAC Chapter 3745-31 will require a step-wise process for addressing Greenhouse Gas (GHG) emissions in New Source Review (NSR) permits under the Prevention of Significant Deterioration (PSD) program. For step 1, occurring January 2, 2011 to June 30, 2011, the rule amendments require a facility that is undertaking NSR permitting actions (new major stationary source installations or major modifications at existing stationary sources) for other pollutants to address PSD requirements for GHGs if they increase GHG emissions by seventy-five thousand tons per year CO<sub>2</sub> equivalent emissions (CO<sub>2</sub>e) or more. For step 2, beginning on July 1, 2011, the rule amendments will require a newly constructed source (even if not major for another pollutant) to be subject to PSD requirements if it emits one hundred thousand tons per year or more of GHGs on a CO<sub>2</sub>e basis. An existing stationary source that emits one hundred thousand tons per year or more of GHGs on a CO<sub>2</sub>e basis will be subject to PSD requirements for a modification resulting in a net GHG emissions increase of seventy-five thousand tons per year or more on a CO<sub>2</sub>e basis.

### **OAC rule 3745-31-01**

- The definition for “CO<sub>2</sub> equivalent emission” or “CO<sub>2</sub>e” was added to OAC rule 3745-31-01(Y). This term represents an amount of greenhouse gases emitted, and shows how CO<sub>2</sub>e is calculated.
- The definition for “emissions increase” was inserted as OAC rule 3745-31-01(MM). This term is referenced in OAC rule 3745-31-01(TTTTT).
- The definition for “greenhouse gases” or “GHGs” was inserted as OAC rule 3745-31-01(XX). This definition includes the pollutants that constitute the pollutant GHGs.
- The definition for “subject to regulation” was inserted as OAC rule 3745-31-01(TTTTT). The definition “subject to regulation” was incorporated into 40 CFR Part 51.166 on June 3 as part of the final Greenhouse Gas Tailoring rule. This term is referenced in the definition for “regulated NSR pollutant” in OAC rule 3745-31-01(GGGGG). The definition for regulated NSR pollutant includes “Any pollutant that otherwise is subject to regulation under the Clean Air Act.” By defining “subject to regulation”, a stepwise process is described for assessing PSD applicability at the major source and major modification thresholds for GHGs.
- All subsequent definitions and references to each paragraph within OAC rule 3745-31-01 have been re-lettered to accommodate the insertion of the above definitions in OAC rule 3745-31-01.
- OAC rule 3745-31-01(CCCCC)(2)(nn) has been amended to reference the applicable federal light duty vehicle standards and Table A-1 to Subpart A of 40 CFR Part 98 - Global Warming Potentials referenced in OAC rule 3745-31-01(Y).
- OAC rule 3745-31-01(CCCCC)(2)(oo) was amended to reference 40 CFR Subchapter C as referenced in OAC rule 3745-31-01(TTTTT).

### **OAC rules 3745-31-05 and 3745-31-10**

- OAC rules 3745-31-05 and 3745-31-10 have been revised to re-letter the cross references to defined terms in OAC rule 3745-31-01 that have changed as a result of inserting the new definitions as stated above.

### **OAC rule 3745-31-15**

- OAC rule 3745-31-15(A) was amended to include major stationary sources or major modifications that are considered major for emissions of GHGs in the applicability paragraph for applying BACT to the source.

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3745-77-01, 3745-77-03,3745-77-04, 3745-77-05, 3745-77-06,  
3745-77-07, 3745-77-08, 3745-77-09, and 3745-77-10**

Changes to OAC Chapter 3745-77 will require a step-wise process for addressing Greenhouse Gas (GHG) emissions in Title V permits. For step 1, occurring January 2, 2011 to June 30, 2011, only those sources currently with title V permits will address GHGs, and only when applying for, renewing or revising their permits. No changes to OAC Chapter 3745-77 were needed to address Step 1, since this step will not trigger any new control requirements. For step 2, beginning on July 1, 2011, the rule amendments in OAC Chapter 3745-77 will require a GHG emission source (which is not already subject to Title V) to be subject to Title V permitting requirements if it emits one hundred thousand tons per year or more of GHGs on a CO<sub>2</sub> equivalent emissions basis. Consequently, the amendments to OAC Chapter 3745-77 establish a major source threshold for Title V applicability of one hundred thousand tons per year of GHGs on a CO<sub>2</sub> equivalent emissions basis.

**OAC rule 3745-77-01**

- The term “subject to regulation” was added to OAC rule 3745-77-01(X)(2). Adding this term to the definition of a “major stationary source” is what allows the Title V applicability to be tailored to pollutants at “major stationary source(s)” as USEPA promulgates specific GHG-related thresholds and emission limits.
- The definition for “subject to regulation” is inserted as OAC rule 3745-77-01(MM) and all subsequent definitions have been re-lettered to accommodate the insertion. The definition “subject to regulation” was incorporated into 40 CFR Part 70.1 on June 3 as part of the final Greenhouse Gas Tailoring rule. The definition defines the regulated greenhouse gas pollutants and associated trigger levels for purposes of Title V applicability by also establishing the term “ton per year CO<sub>2</sub> equivalent.”
- OAC rule 3745-77-01(TT) has been amended to reference the applicable federal light duty vehicle standards and Table A-1 to Subpart A of 98 - Global Warming Potentials referenced in OAC rule 3745-77-01(MM) .
- OAC rule 3745-77-01(TT)(o) was amended to identify prior final changes to 40 CFR Part 70.

**OAC rules 3745-77-02, 03, 04, 05, 07, 08, 09, and 10**

- Update the cross references to defined terms in OAC rule 3745-77-01 that have changed as a result of inserting the new definition of “subject to regulation” as OAC rule 3745-77-01(MM).