

Ohio EPA

Division of Air Pollution Control

Engineering Guide #30

Question:

If control measures are currently employed by a facility for a fugitive dust source that is located within a non-Appendix A area, can the facility legally discontinue the use of those control measures without prior approval by the Ohio EPA? (This question assumes there are no other requirements prescribing the use of those control measures.)

(This question was raised by Fred Klingelhafer of the Southeast District Office (SEDO) during a June 4, 1981 meeting between representatives of the SEDO and the Division of Engineering.)

Answer:

In general, the geographical areas specified in Appendix A of OAC rule 3745-17-08 represent those areas of the State that would have continued to violate the National Ambient Air Quality Standards (NAAQS) for TSP after 1982 ***if*** all point (stack) sources were in compliance with the requirements of rules 3745-17-09, -10, and -11 ***and if*** no fugitive dust control program were implemented. Therefore, the non-Appendix A areas are those geographical areas where attainment and maintenance of the NAAQS for TSP were demonstrated without the need for any ***additional*** particulate control requirements. Those geographical areas remain as they existed as of the rule's effective date (June 18, 1980), and are not changed by subsequent annexations by municipalities.

A facility that is located in a non-Appendix A area is not allowed to discontinue the use of control measures for a fugitive dust source if those control measures were initially employed to abate a dust nuisance in violation of OAC rule 3745-15-07 or to abate an exceedance of an ambient air quality standard in violation of OAC rule 3745-17-02. In other cases where the control measures were not initially employed to abate a dust nuisance or a violation of an ambient air quality standard, a facility should not be permitted to discontinue the use of such measures unless the following demonstrations can be made:

1. the discontinuation of the control measures will not cause or contribute to a violation of OAC rule 3745-15-07 or OAC rule 3745-17-02; **and**

2. the discontinuation of the control measures will not trigger the need for a Chapter 3745-31 permit modification (see definition for "modification" in OAC rule 3745-31-01).

The requirements of OAC rule 3745-17-08 do not apply to a fugitive dust source that is located in a non-Appendix A area unless the source is causing or contributing to a violation of OAC rule 3745-15-07 or OAC rule 3745-17-02. The potential for such a fugitive dust source to cause or contribute to a nuisance or to a violation of an ambient air quality standard must be thoroughly evaluated before any facility would be permitted to discontinue the use of existing control measures.

If the discontinuation of the control measures were to result in an increase in emissions above the allowable emission rate, then the permittee would be required to apply for and obtain a Chapter 3745-31 permit modification prior to making the proposed change. If the current permit for the fugitive dust source does not contain an allowable emission limit for the fugitive dust emissions, then the allowable limit is the potential to emit for the emissions unit, factoring in the control measures. If the proposed change triggers a Chapter 3745-31 modification, then BAT potentially applies to any emissions unit with a controlled potential to emit greater than 10 TPY. For an emissions unit with a controlled PTE greater than 10 TPY, until BAT is established by rule for that emissions unit in accordance with the statutory requirements of Ohio S.B. 265 (effective August 3, 2006), DAPC policy will define how BAT should be determined, if necessary, by the field offices in processing permit applications.

If a permit modification is needed for an increase in emissions, then, for minor sources, dispersion modeling would be needed if the amount of the emissions increase exceeds the "Ohio Modeling Significant Emission Rate" threshold identified in Table 3 of Engineering Guide #69, which is 10 TPY PM₁₀. The purpose of this modeling is to ensure compliance with the NAAQS for PM₁₀ and PM_{2.5}.

If the facility is a major facility under the Prevention of Significant Deterioration (PSD) regulations (for attainment areas) and is one of the listed source categories that must address fugitive emissions, then the removal of the control measures could result in an increase of actual emissions that is subject to review under the PSD rules. Therefore, an evaluation of the "net emissions increase" would be needed to determine if the proposed change would cause an increase above the major modification thresholds of 25 TPY for PM, 15 TPY for PM₁₀, and/or 10 TPY PM_{2.5}.

If the proposed change triggers the PSD requirements, the determination of "significant deterioration" would be based upon dispersion modeling as outlined in Engineering Guide #69. In determining whether or not there is "significant deterioration" based upon the results of the modeling work, the field office personnel should weigh the accuracy of any emission factor used to estimate the emission rate for the fugitive dust source. If the PSD rules apply to the proposed change, the fugitive dust source would also have to employ Best Available Control Technology (BACT) for controlling the fugitive dust emissions.

Likewise, if the facility is a major facility under the Nonattainment New Source Review (NNSR) regulations (for the nonattainment pollutant of concern) and is one of the source categories that must address fugitive emissions, and the proposed modification exceeds the major modification threshold for the nonattainment pollutant of concern, then the facility would be required to comply with the Lowest Achievable Emission Rate (LAER) for the source.

JO/JB

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