Division of Air Pollution Control
Response to Comments

Rules: OAC Chapter 3745-14 “Nitrogen Budget Program” (Phase 2)

Agency Contact for this Package

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Ohio EPA held an interested party comment period on January 5, 2018 regarding draft amended rules in Ohio Administrative Code (OAC) Chapter 3745-14, "NOx Budget Program" (Phase 2). This document summarizes the comments and questions received during the comment period, which ended on February 7, 2018.

Ohio EPA reviewed and considered all comments received during the public comment period. By law, Ohio EPA has authority to consider specific issues related to protection of the environment and public health.

In an effort to help you review this document, the questions are grouped by topic and organized in a consistent format. The name of the commenter follows the comment in parentheses.

General/Overall Concerns

Comment 1: Comments were received from U.S. EPA indicating the draft rule revisions would not be consistent with the state’s obligations under 40 CFR 51.121(i)(4). The full comment can be found at the end of this response to comments document. (U.S. EPA)

Response 1: On March 8, 2019, U.S. EPA finalized amendments to 40 CFR 51.121(i)(4) which allow states to include alternate forms of monitoring requirements in their SIPs. Ohio now believes our approach in this proposed rulemaking may be approvable with minor revisions (described in the Rule Synopsis).

Comment 2: The commenter reiterated previous comments that continuous monitoring and reporting of emissions under 40 CFR Part 75 (commonly referred to as Part 75 monitoring and reporting, or CEMS) is no longer needed and not legally required. Specific comments were received regarding the draft case-by-case alternative to the requirement for Part 75 monitoring. Comments were also received requesting a specific exemption for blast furnace gas-fired non-EGU boilers. The full comment letter can be found at the end of this response to comments document. (Joseph P. Koncelik, Tucker Ellis LLP on behalf of ArcelorMittal)
Response 2: Ohio EPA has had several discussions with the commenter regarding the need for an alternative to Part 75 monitoring and reporting requirements. Ohio EPA does not disagree with many of the issues raised by the commenter, and therefore has agreed to pursue an alternative to the Part 75 monitoring and reporting requirements. Responses 3 to 8 below address specific issues raised by the commenter.

OAC Rule 3745-14-08 - Proposed case-by-case alternative

Comment 3: "Ohio EPA's proposed strategy to allow for alternative monitoring on a case-by-case basis will result in significant delays in finalizing the removal of CEMS for these units. First, a permit modification request must be submitted. Second, both Ohio EPA and U.S. EPA must review and approve the alternative monitoring as a federally enforceable permit condition in the operating permit. This case-by-case process could take months and there is no certainty that the proposed permit modification will be accepted."

"Operating Permit- Please explain the process for incorporating alternative monitoring in OAC 3745-14-08(H)(2). How long would this process take? What approvals would be needed before the owner and/or operator could remove CEMS. ArcelorMittal is concerned the permit would need approval by both Ohio EPA and U.S. EPA before alternative monitoring could be implemented. Would it be possible to have the alternative monitoring approved as part of a plan approval submitted to Ohio EPA?" (Joseph P. Koncelik, Tucker Ellis LLP on behalf of ArcelorMittal)

Response 3: While the rule revisions and accompanying state implementation plan (SIP) submittal would need to be approved by U.S. EPA, the draft rules currently only require Ohio EPA approval as a part of the permit process of any case-by-case approval of alternative monitoring. The typical permit modification process would be followed, with the addition of the submittal of an emissions factor analysis and a description of proposed alternative monitoring procedures. The amount of time this process would take would be variable depending on the complexity of the submittal. Once the alternative monitoring requirements are issued in the permit the source could remove the CEMS.

Comment 4: “Deletion of "Designated Representative"- The references to Designated Representative should be replaced with "Owner and Operator" since the non-EGU units subject to alternative monitoring are opting out of the trading program. There is no need for formal certification of monitoring data by a designated representative now that these units are no longer participating in the trading program." (Joseph P. Koncelik, Tucker Ellis LLP on behalf of ArcelorMittal)
Response 4: Use of a “designated representative” was included in the Phase 1 rules to certify monitoring data for the purposes of ensuring the statewide budget is met, not as part of the trading program. Monitoring data must be certified by a designated representative, regardless of whether it is collected through Part 75 or an alternative.

Comment 5: “Fuel Blend- Proposed adding "or representative fuel blend" to OAC 3745-14-08(H)(3)(a) because the fuel blend used by the Cleveland Works is primarily blast furnace gas with natural gas pilots-supplemental fuel for which the Company has years of Part 75 certified NOx CEMS data.” (Joseph P. Koncelik, Tucker Ellis LLP on behalf of ArcelorMittal)

Response 5: An emissions factor for each fuel type, rather than for a representative blend of fuels, is necessary due to variability in the heat content of the fuels as well as variability in the amount of each type of fuel in a blend. The heat content of blast furnace gas is highly variable. Use of an emissions factor based on a representative blend of fuels is not expected to provide an accurate accounting of NOx emissions.

Comment 6: “Frequency of Stack Test Requirement for Certain Alternative Monitoring- There is no need for frequent stack tests if emission data is based upon years of CEMS data. ArcelorMittal submits that a once every five years should be sufficient stack testing for units still in operation. A stack test can be performed for units shutdown once the unit resumes operations. Also, a stack test should be allowed to be used for sources with similar operations (i.e. "representative sources")."

Suggested modifications to the draft rule included:

3745-14-08(H)(3)(ii): A valid stack test using USEPA Method 3, USEPA Method 7 and USEPA Method 19 conducted within the previous two years from the date of the application submittal, if available.

3745-14-08(H)(7)(d): Conduct stack tests to demonstrate the approved emission factor continues to be representative of current operating conditions. If the emissions factor analysis submitted in accordance with (H)(3)(a) of this rule did not include a stack test or was not based on continuous emission monitoring data, an initial stack test shall be conducted within ninety days of permit issuance. Ongoing stack tests shall be conducted at least once every five years from the date of the previous stack test for units still in operation or within 90 days for a unit resuming operation during the control period. Stack tests shall be conducted in accordance with a test method specified in the operating permit and reported to the director within thirty days of the test. If a stack test indicates an emission factor may require adjustment, the director may require submission of an application in accordance with paragraph (H)(2) of this rule. The designated representative owner and operator shall submit
an application in accordance with paragraph (H) of this rule within sixty days of notification by the director.

(Joseph P. Koncelik, Tucker Ellis LLP on behalf of ArcelorMittal)

Response 6: An initial stack test is necessary to ensure the approved emissions factor is representative of operating conditions when the emissions factor analysis did not include a recent stack test, even if the approved emissions factor was based on continuous emission monitoring data. Ongoing stack testing (every five years) is necessary to demonstrate the approved emission factor continues to be representative of current operating conditions. Language was added to clarify that units not in operation at the time of a required stack test shall conduct the stack test within ninety days of resuming operation.

Comment 7: The commenter suggested changes to OAC 3745-14-08(H)(6) and (7)(C) “designed to provide flexibility to monitor fuel use and measure heat content instead of monitoring heat input.” (Joseph P. Koncelik, Tucker Ellis LLP on behalf of ArcelorMittal)

Response 7: Monitoring heat input is necessary to provide an accurate accounting of NOx emissions due to variability in the heat content of the fuels as well as variability in the amount of each type of fuel in a blend. The heat content of blast furnace gas is highly variable.

New OAC Rule - Site-Specific Provision for Blast Furnace Gas Fired Non-EGU Boilers

Comment 8: The commenter proposed a specific exemption for blast furnace gas fired non-EGU Boilers, similar to that implemented by IDEM. The commenter proposed revisions to OAC 3745-14-11 which “establish a NOx emission limit of 0.17 pound of NOx per million BTUs (lb/MMBtu) averaged over the ozone season. The rule language also requires greater than 50% of the heat input be derived from blast furnace gas averaged over the ozone season. By establishing a NOx emission limit for these units by rule, coupled with a SIP revision eliminating reductions from these units to meet the NOx SIP Call Non-EGU budget… CEMS can be eliminated for these units.” (Joseph P. Koncelik, Tucker Ellis LLP on behalf of ArcelorMittal)

Response 8: In additional discussions following U.S. EPA’s proposed modification to 40 CFR 51.121(i)(4), the commenter indicated that the case-by-case alternative included in the draft rule was sufficient and the site-specific provision was no longer requested. Therefore, the entire new rule that was being contemplated to add a site-specific provision for blast furnace gas fired non-EGUs is no longer being proposed for adoption.

End of Response to Comments
Under 40 CFR 51.121(i)(4), where the SIP adopted by a state to meet the requirements of the NOx SIP Call imposes control measures on certain types of sources as a means of meeting the state’s NOx budget — including the types of sources that are “NOx budget units” subject to monitoring and reporting requirements under OAC Rule 3745-14-08 — then the SIP must require these sources to monitor and report ozone season NOx emissions in accordance with 40 CFR part 75, subpart H. The requirement for part 75 monitoring is independent of the state’s choice of the specific control measures applicable to these sources, and the requirement does not lapse simply because of a change in the required control measures. EPA expects to propose a rulemaking in the near future that, if finalized, would amend the NOx SIP Call regulations to provide states with flexibility to amend their SIPs to include other forms of monitoring requirements as alternatives to the existing part 75 monitoring requirements. However, unless and until EPA finalizes amendments to the NOx SIP Call regulations providing this flexibility, Ohio’s draft revisions to OAC Rule 3745-14-08 and the associated revisions to Rules 3745-14-01 and 3745-14-04 would not be consistent with the state’s obligations under § 51.121(i)(4) of the existing NOx SIP Call regulations.
Dear Mr. Braun:

Thank you for the opportunity to submit interested party comments on Ohio EPA’s proposed Phase 2 rule revisions to the NOx Budget Trading Program (Chapter 14). ArcelorMittal Cleveland LLC operates an integrated iron and steel-making plant in Cleveland, and its subsidiary ArcelorMittal Warren operates a coke plant in Warren ("ArcelorMittal"), both of which include large industrial boilers affected by this rulemaking.

The Phase 1 rules for the NOx Budget Trading Program retired the trading program for non-EGUs. In its comments on the Phase 1 rules, ArcelorMittal objected to Ohio EPA’s proposed use of continuous emission monitors ("CEMS") for NOx to meet the monitoring requirements set forth in 40 CFR Part 75 ("Part 75") in the proposed rules. As set forth in our prior comments, Part 75 monitoring is unnecessary without a trading program. Also, Part 75 monitoring is more expensive to operate and less accurate than alternative methods.

CEMS- No Longer Practically Needed and Are Not Legally Required

ArcelorMittal reiterates its comments in the Phase 1 rules that CEMS are not legally required and not needed to monitor non-EGUs. Part 75 CEMS was integral for trading allowances and will continue to be integral for EGUs. With implementation of the Phase 1 rules, there is no allowance trading program for NOx emissions for non-EGUs, therefore, the need to require stringent data obligations associated Part 75 CEMS monitoring does not exist. With the Phase 1 rules, Ohio EPA properly concluded that the NOx budget for non-EGUs is significantly higher than the maximum ozone-season NOx rate from all non-EGUs boilers. Therefore, there is no need to require minute-by-minute NOx emissions information when the relevant compliance measure is the entire ozone season.

CEMS are no longer legally required for non-EGUs because these units can meet the budget in Chapter 14 even if operated every hour of the ozone season. The maximum mass emission rate for all affected non-EGUs is 1,817 tons per ozone season, which is 45% of the 4,028 ton NOx ozone season budget for non-EGUs. Federal Rule 40 CFR §51.121(f)(4) only requires Part 75 monitoring if the SIP revision contains "measures to control fossil fuel-fired NOx" as a means to staying below budget. Because no controls are needed to stay below budget, federal rules do not legally require CEMS monitoring under Part 75.
Removal of CEMS for non-EGUs will not trigger anti-backsliding under CAA §110(I) because a change in monitoring requirements does not result in additional emissions. See, *Kentucky Resources Council v. EPA*, 467 F.3d 986, 995 (6th Circuit 2006).

Pursuant to R.C. §3704.03(I), Ohio EPA is required to consider economic reasonableness when deciding what monitoring to include in the rules. ArcelorMittal will be required to spend over $1.4 million dollars to replace these units, which are nearing the end of their useful life. In addition, ArcelorMittal will spend $220,000 per year to operate Part 75 CEMS to generate NOx data for units that are incapable of exceeding their non-EGU NOx budget. Due to the fact there are more cost-effective options that are as reliable as CEMS, the Agency has a legal obligation under Ohio law to drop CEMS for non-EGUs from the proposed rules.

### Phase 2 Rule- Case-By-Case Alternative Monitoring

Ohio EPA’s Phase 2 rules would address concerns expressed by ArcelorMittal and other owners/operators of non-EGUs regarding removal of the CEMS requirement and allowance for alternative monitoring to be approved on a case-by-case basis. The Phase 2 rules would allow elimination of CEMS on non-EGU boilers on a case-by-case basis. Under the draft Phase 2 rules, any entity seeking alternative monitoring must submit a modification to its operating permit. The operating permit modification request would require approval from both Ohio EPA and U.S. EPA.

Ohio EPA’s proposed strategy to allow for alternative monitoring on a case-by-case basis will result in significant delays in finalizing the removal of CEMS for these units. First, a permit modification request must be submitted. Second, both Ohio EPA and U.S. EPA must review and approve the alternative monitoring as a federally enforceable permit condition in the operating permit. This case-by-case process could take months and there is no certainty that the proposed permit modification will be accepted.

ArcelorMittal has attached specific proposed revisions to Ohio EPA draft rule that would allow for alternative monitoring- OAC 3745-14-08. Below is an explanation for the specific proposed revisions:

1. **Deletion of “Designated Representative”-** The references to Designated Representative should be replaced with “Owner and Operator” since the non-EGU units subject to alternative monitoring are opting out of the trading program. There is no need for formal certification of monitoring data by a designated representative now that these units are no longer participating in the trading program.

2. **Operating Permit-** Please explain the process for incorporating alternative monitoring in OAC 3745-14-08(H)(2). How long would this process take? What approvals would be needed before the owner and/or operator could remove CEMS. ArcelorMittal is concerned the permit would need approval by both Ohio EPA and U.S. EPA before alternative monitoring could be implemented. Would it be possible to have the alternative monitoring approved as part of a plan approval submitted to Ohio EPA?

3. **Fuel Blend-** Proposed adding “or representative fuel blend” to OAC 3745-14-08(H)(3)(a) because the fuel blend used by the Cleveland Works is primarily blast furnace gas with natural gas pilots SUPPLEMENTAL fuel for which the Company has years of Part 75 certified NOx CEMS data.
4. **Frequency of Stack Test Requirement for Certain Alternative Monitoring** - There is no need for frequent stack tests if emission data is based upon years of CEMS data. ArcelorMittal submits that a once every five years should be sufficient stack testing for units still in operation. A stack test can be performed for units shutdown once the unit resumes operations. Also, a stack test should be allowed to be used for sources with similar operations (i.e. "representative sources").

5. **Heat Input** - Changes to OAC 3745-14-08(H)(6) and (7)(C) are designed to provide flexibility to monitor fuel use and measure heat content instead of monitoring heat input.

**Proposed Inclusion of Specific Exemption for Blast Furnace Gas Fired Non-EGU Boilers**

Blast furnace gas is a low-NOx fuel that allows ArcelorMittal's boilers in Indiana and the Cleveland Works to maintain consistently low NOx emissions generating less NOx per MMBtu of heat input than natural gas or other fossil fuels. These boilers are not large NOx sources that could justify the expensive Part 75 monitoring systems.

To expedite much needed relief from continued operation of the CEMS after implementation of the Phase 1 rule package, ArcelorMittal supports specifically allowing removal of CEMS in the Phase 2 rule package for certain non-EGU boilers. ArcelorMittal seeks inclusion of language in the Phase 2 rule package that exempts blast furnace gas fired non-EGUs from continuing to utilize CEMS. As discussed below, this alternative has already been implemented by the Indiana Department of Environmental Management (IDEM).

Please find attached proposed rule language that would incorporate this specific exemption in the Phase 2 rule package. The proposed revisions to OAC 3745-14-11 establish a NOx emission limit of 0.17 pound of NOx per million BTUs (lb/MMBtu) averaged over the ozone season. The rule language also requires greater than 50% of the heat input be derived from blast furnace gas averaged over the ozone season. By establishing a NOx emission limit for these units by rule, coupled with a SIP revision eliminating reductions from these units to meet the NOx SIP Call Non-EGU budget (as discussed below), CEMS can be an eliminated for these units.

**Elimination of Emission Reductions from Blast Furnace Gas Fired Boilers from the Non-EGU NOx SIP Call Budget**

Ohio EPA adopted the EGU and non-EGU budgets for Ohio in Appendix A and Appendix B of the NOx Budget Trading Rule at OAC Rule 3745-14-05 and adopted a NOx budget trading program as the control measure to demonstrate that Ohio met these budgets and, therefore, was no longer significantly contributing to nonattainment in downwind states. The trading program allocated NOx allowances from the EGU budget to EGU sources and from the non-EGU budget to non-EGU sources.

U.S. EPA has provided comments that any sources that are included within a state's NOx budget must continue to monitor emissions under the PART 75 CEMS requirements. U.S. EPA states CEMS is required for any controlled source under the NOx SIP Call budget for that state.

While ArcelorMittal disagrees with U.S. EPA that Part 75 CEMS are legally required for units that remain in the NOx SIP Call budget, the Company believes U.S. EPA's concerns can be addressed with
regard to blast furnace gas fired non-EGU units without negatively impacting remaining non-EGU units. Similar to the approach utilized by IDEM with regard to these units, Ohio EPA should revise the overall NOx SIP Call budget for non-EGUs, by projecting uncontrolled emissions from blast furnace gas fired non-EGU boilers. If uncontrolled emissions are utilized for blast furnace gas units in the non-EGU budget, Ohio EPA would no longer be relying on emission reductions from these specific sources to meet the NOx SIP Call budget. Consistent with U.S. EPA guidance, since emission reductions are no longer being relied upon to meet the budget, CEMS would no longer be required for these units. This is the same approach IDEM used with regard to blast furnace gas fired non-EGUs. U.S. EPA has not raised any legal objections to discontinuation of CEMS for these specific units in IDEM's recent rulemaking revisions to Indiana Administrative Code (IAC) 10-3-3, including blast furnace gas units that had CEMS but were requesting elimination of CEMS.

Currently, the maximum mass NOx emission rate for all affected non-EGUs is 1,817 tons per ozone season, which is 45% of the 4,028 ton NOx ozone season budget for non-EGUs. If the NOx emission rate was revised for blast furnace gas fired non-EGU units to reflect uncontrolled emissions in the non-EGU NOx SIP Call budget there would minimal impact to the remaining non-EGU units in NOx SIP Call budget. Therefore, eliminating reliance on emission reductions from blast furnace gas fired non-EGU units to meet the NOx SIP Call budget will not negatively impact other non-EGU units. If this modification is made to the budget, U.S. EPA has indicated in its public comments on IDEM's recent rulemaking it would allow discontinuation of CEMS for blast furnace gas fired Non-EGU boilers.

Consistency with U.S. EPA's Approval of SIP Revisions in Other States

Elimination of CEMS for blast furnace gas fired Non-EGUs in the Phase 2 rule package is consistent with IDEM's recent rulemaking which received positive comments from U.S. EPA. The timing of the Phase 2 rule package should not be a reason for U.S. EPA to differentiate the Phase 2 rules from the recent IDEM rulemaking.

IDEM originally did not include blast furnace gas-fired units in the state's NOx budget trading program. Rather, emissions from these units were explicitly represented at projected uncontrolled emission levels in the state's overall NOx SIP Call budget. IDEM did not require Part 75 monitoring for these units. U.S. EPA approved Indiana's SIP with this unique treatment of blast furnace gas-fired units.

While IDEM originally excluded all blast furnace gas-fired units from the NOx budget trading program, IDEM later allowed non-EGU blast furnace gas-fired units to opt-in to the State's NOx budget trading program. Those units included in the state's NOx budget were required to maintain Part 75 monitoring while units not included in the budget continued to use alternative monitoring. U.S. EPA, again, approved the State's SIP.

Recently, IDEM has proposed rules to remove the blast furnace gas fired units included in the NOx budget back out of the program and to remove the requirement to maintain Part 75 CEMS for these same units. U.S. EPA commented on IDEM's proposal that removal of CEMS would be permissible so long as the state adjusted the NOx budget to reflect removal of all blast furnace gas-fired units. Thus, U.S. EPA's actions in Indiana demonstrate U.S. EPA has the flexibility to approve state regulations and SIP revisions that move units in and out of the NOx SIP Call budget and to remove CEMS from units no longer in the NOx SIP Call budget.
ArcelorMittal requests Ohio EPA to adopt the IDEM approach to non-EGU blast furnace gas-fired units. Removal of blast furnace gas-fired units from the NOx Budget Trading Program and elimination of CEMS for such units should not raise concerns regarding approval of Ohio’s SIP based upon the prior precedent established in Indiana. In addition, there will be no increase in NOx emissions as a result of this SIP revision. Therefore, there is no reason to delay adoption of this unique treatment of blast furnace gas-fired units by only allowing case-by-case demonstrations in the Phase 2 rule package.

Conclusion

While ArcelorMittal supports Ohio EPA’s proposed rules Phase 2 rule package, it requests Ohio EPA include a specific exemption for blast furnace gas fired non-EGU boilers in order to provide certainty that CEMS can be discontinued for these low NOx emitting units. If you have any questions or if you need additional support for ArcelorMittal’s proposed approach, please contact me at (216) 696-2373.

Sincerely,

TUCKER ELLIS LLP

Joseph P. Koncelik

cc: Craig Butler
    Robert Hodanbosi
    Jennifer Van Vlerah
    Keith Nagel
    Julianne Kurdila
    Rich Zavoda
3745-14-11 Portland cement kilns and Blast Furnace Gas Fired Non-EGU Boilers.

[For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see the "Incorporation by Reference" section at the end of rule 3745-14-01 of the Administrative Code.]

(A) The requirements of this rule shall apply only to the following types of Portland cement kilns with process rates of at least that indicated below:

(1) For long dry kilns, twelve tons per hour;
(2) For long wet kilns, ten tons per hour;
(3) For preheater kilns, sixteen tons per hour; and
(4) For precalciner and preheater/precalciner kilns, twenty-two tons per hour.

(B) After April 30, 2004, an owner or operator of any Portland cement kiln subject to this rule shall not operate the kiln during May first through September thirtieth unless the kiln has installed and operates during May first through September thirtieth with low-NOx burners, mid-kiln system firing, or alternative control techniques, subject to approval by the administrator, that achieve at least the same emissions decreases as low-NOx burners or mid-kiln system firing.

(C) This following affected blast furnace gas fired non-EGU boilers subject to this rule during May first through September thirtieth shall limit NOx emissions to seventeen-hundredths (0.17) pound of NOx per million Btus (lb/MMBtu) of heat input averaged over the period of May first through September thirtieth and ensure that greater than fifty percent (50%) of the heat input is derived from blast furnace gas averaged over May first through September thirtieth.

(1) ArcelorMittal Cleveland Works Units are B001, B002, B003, B004 and B007

(D) Reporting, monitoring and record keeping requirements.

(1) Any owner or operator subject to the requirements of paragraph (B) of this rule shall comply with the following requirements:

(a) By May 1, 2004, submit to the director and administrator the identification number and type of each unit subject to the rule, the name and address of the plant where the unit is located, and the name and telephone number of the person responsible for demonstrating the compliance of the unit with this rule; and

(b) Submit a report documenting for each unit the total NOx emissions from May first through September thirtieth of each year to the director and administrator by October thirty-first of each year, beginning in 2004.
(2) Any owner or operator of a unit subject to paragraph (B) of this rule shall complete an initial performance test and subsequent annual testing consistent with the requirements of Methods 1, 2, 3 and 4 of 40 CFR Part 60, Appendix A and Method 7, 7A, 7C, 7D, or 7E of 40 CFR Part 60.

(3) Any owner or operator of a unit subject to paragraph (B) of this rule shall produce and maintain records which shall include, but are not limited to:

(a) The emissions, in pounds of NOx per ton of clinker produced from each affected cement kiln;

(b) The date, time and duration of any startup, shutdown or malfunction in the operation of any of the cement kilns or the emissions monitoring equipment;

(c) The results of any performance testing; and

(d) Daily cement kiln production records.

(4) All records required to be produced or maintained shall be retained on site for a minimum of two years and be made available to the director or administrator upon request.

(5) Any owner or operator subject to the requirements of paragraph (C) of this rule shall comply with the following requirements:

(a) By May 1, 2019, submit to the director and administrator a compliance plan for approval by the director and administrator which includes the following:

(i) Baseline stack test data, or proposed testing, for establishment of fuel specific emission factors, or emission factors for the type of boiler from U.S. EPA’s “AP-42Compilation of Emission Factors” for each fuel or fuel blend to be combusted. The specific emission factor must be developed from representative emission testing, pursuant to 40 CFR 60, Appendix A, Method 7*, 7A*, 7D*, or 7E*, or 40 CFR 75*, based on a range of typical operating conditions. The owner or operator must establish these operating conditions are representative, subject to approval by the department and certify that the emissions testing is being conducted under representative conditions.

(ii) Anticipated fuel usage and combination of fuels.

(iii) If desired by the source, a proposal for averaging the emission limit and fuel allocation among commonly owned units, including the proposed methodology for determining compliance.

(iv) Baseline ozone control period emissions determined by using the site-specific emission factor developed from representative emission testing, pursuant to 40 CFR 60, Appendix A, Method 7*, 7A*, 7D*, or 7E*, or 40 CFR 75*, based on a range of typical operating conditions. The owner or operator must establish that these operating conditions are representative, subject to the approval by the director, and certify that the emission testing is being conducted under representative conditions. The owner or operator may request approval
of an alternate method for establishing emission factors using supporting data to substantiate the emission factor and approved by the director and administrator.

(ED) The requirements of this rule shall not apply to the following periods of operation:

(1) Start-up and shutdown periods and periods of malfunction, not to exceed thirty-six consecutive hours; and

(2) Regularly scheduled maintenance activities.

(3) For units subject to the requirements of paragraph (C) of this rule, during periods of blast furnace reline, startup, and periods of malfunction, the affected boilers are not required to meet the requirement of greater than fifty percent (50%) of the heat input from blast furnace gas
(H) Alternative monitoring and reporting.

(1) Upon request, the director may approve alternative monitoring and reporting requirements in lieu of the requirements of paragraphs (A) to (G) of this rule.

(2) The designated representative owner and operator of a NOx budget unit requesting alternative monitoring and reporting shall submit an application for an operating permit or an application for a modification to an operating permit in accordance with the following:

(a) For sources subject to the Title V program, Chapter 3745-77 of the Administrative Code.

(b) For sources not subject to the Title V program, Chapter 3745-31 of the Administrative Code.

(3) The application for an operating permit requesting alternative monitoring and reporting shall include all of the following:

(a) An emission factor analysis evaluating potential emission factors in pounds of NOx emitted per unit of fuel and heat input, for each fuel type or representative fuel blend, based on each of the following:

(i) U.S. EPA's "AP-42 Compilation of Emission Factors".

(ii) A valid stack test using USEPA Method 3, USEPA Method 7, and USEPA Method 19 conducted within the previous two years from the date of the application submittal, if available.

(iii) An analysis of continuous emission monitoring data representative of current operating conditions.

(iv) An analysis of other relevant data or emission factors, if available (for example, an emission factor used for compliance with an existing NOx emission limitation for the NOx budget unit, or an emission factor developed for similar sources).

(b) A description of the proposed monitoring procedures for fuel use and heat input, proposed measurement or recording of fuel heat content input, including how monitoring data will be obtained, recorded and quality assured, and how NOx emissions will be accounted for during periods of missing or inaccurate data, such as periods of maintenance or disruption.

(4) Prior to the use of alternative monitoring and reporting, an approved emission...
factor, monitoring procedures for fuel use and heat input, and associated
terms and conditions shall be specified in an operating permit issued in accordance
with the following:

(a) For sources subject to the Title V program, Chapter 3745-77 of the
Administrative Code.

(b) For sources not subject to the Title V program, Chapter 3745-31 of the
Administrative Code.

(5) When approved by the director, the owners and operators, and to the extent
applicable, the designated representative owner and operator of a NOx budget
unit, shall comply with the monitoring and reporting requirements as provided
during the control period.

(6) Alternative monitoring must include monitoring of heat input and fuel use for each
control period and, an approved emission factor for current operating
conditions.

(7) The owners and operators, and to the extent applicable, the designated
representative of a NOx budget unit approved for alternative monitoring and
reporting under paragraph (H) of this rule shall meet all of the following:

(a) Comply with all terms and conditions specified in the operating permit.

(b) Install all monitoring systems required to monitor heat input and fuel use for
alternative monitoring. Maintain records of fuel heat content to determine
heat input based on fuel use.

(c) Record and report the data from the monitoring systems required under
paragraph (H) of this rule in accordance with the terms and conditions in
the operating permit. By April fifteenth of each year, report actual NOx
emissions, as determined using monitored heat input records, fuel use and
the approved emission factor, for the previous control period in the fee
emissions report required in accordance with rule 3745-78-02 of the
Administrative Code.

(d) Conduct stack tests to demonstrate the approved emission factor continues to
be representative of current operating conditions. If the emissions factor
analysis submitted in accordance with (H)(3)(a) of this rule did not include a
stack test or was not based on continuous emissions monitoring data, an initial
stack test shall be conducted within ten days of permit issuance or within 90
days of resuming operation during the control period. Ongoing stack tests shall be
conducted at least once every five years from the date of the previous stack test
for units still in operation or within 90 days of resuming operation during the
control period. Stack tests shall be conducted in accordance with a test method
specified in the operating permit and reported to the director within thirty
days of the test. Stack test results can be used for similar representative sources.
3745-14-08 If a stack test indicates an emission factor may require adjustment, the director may require submission of an application in accordance with paragraph (H)(2) of this rule. The owner and operator designated representative shall submit an application in accordance with paragraph (H) of this rule within sixty days of notification by the director.

(e) Maintain records for each fuel type of daily heat input and fuel use, and actual daily NOx emissions, as determined using the approved emission factor, during the control period for a period of five years from the date the records are created. These records shall be made available to the director or his representative upon request.

(8) Prohibitions.

(a) No owner or operator of a NOx budget unit shall operate the unit so as to discharge, or allow to be discharged, NOx emissions to the atmosphere without accounting for all such emissions in accordance with the applicable provisions of paragraphs (H) of this rule.

(b) No owner or operator of a NOx budget unit shall retire or permanently discontinue use of the monitoring system, or any component thereof, except under any one of the following circumstances:

(i) During the period that the unit is covered by an exemption under paragraph (C)(2) of rule 3745-14-01 of the Administrative Code that is in effect.

(ii) When discontinuing use of alternative monitoring and reporting in accordance with paragraph (H) of this rule and resuming compliance with monitoring and reporting requirements in accordance with paragraphs (A) to (G) of this rule.