

3745-31-11

**Attainment provisions - ambient air increments, ceilings and classifications.**

[Comment: For dates and availability of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see paragraph ~~(LLLLL)~~(AA) of rule 3745-31-01 of the Administrative Code titled, "referenced materials."]

**(A) Applicability.**

This rule applies to any major stationary source or major modification that is to be constructed in an area designated in 40 CFR 81.336 as attainment for an air pollutant for which the major stationary source or major modification is major.

**(B) Allowable increments.**

The director shall require, through the issuance of a permit-to-install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code, the emission limitations and such other measures as may be necessary to assure that, in areas designated attainment below as Class I, Class II or Class III, increases in ambient air pollutant concentration over the baseline concentration shall be limited to the following:

Maximum Allowable Increase ( $\mu\text{g}/\text{m}^3$ )				
Air Pollutant	Averaging Period	Class I	Class II	Class III
Particulate matter				
PM2.5	annual arithmetic mean	1	4	8
	twenty-four-hour maximum	2	9	18
PM10	annual arithmetic mean	4	17	34
	twenty-four-hour maximum	8	30	60
Sulfur dioxide	annual arithmetic mean	2	20	40
	twenty-four-hour maximum	5	91	182
	three-hour maximum	25	512	700
Nitrogen dioxide	annual arithmetic mean	2.5	25	50

For any period other than an annual period, the applicable maximum allowable increase may be exceeded during one such period per year at any one location.

(C) Ambient air ceilings.

The director, through the issuance of a permit-to-install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code, shall provide that no ambient concentration of an air pollutant shall exceed either of the following:

- (1) The concentration permitted under the national secondary ambient air quality standard.
- (2) The concentration permitted under the national primary ambient air quality standard, whichever concentration is lowest for the air pollutant for a period of exposure.

(D) Restrictions on area classifications.

- (1) All of the following areas, if in existence of August 7, 1977, shall remain Class I areas:
  - (a) International parks.
  - (b) National wilderness areas that exceed five thousand acres in size.
  - (c) National memorial parks that exceed five thousand acres in size.
  - (d) National parks that exceed six thousand acres in size.
- (2) Areas that were assigned as Class I under regulations promulgated before August 7, 1977 shall remain Class I but may be reassigned as provided in this rule.
- (3) All areas of the state are designated Class II but may be redesignated as provided in this rule.
- (4) The following areas may be redesignated only as Class I or II:
  - (a) An area that, as of August 7, 1977, exceeded ten thousand acres in size and was a national monument, a national primitive area, a national

preserve, a national recreational area, a national wild and scenic river, a national wildlife refuge, a national lakeshore or seashore.

(b) A national park or national wilderness area established after August 7, 1977 that exceeds ten thousand acres in size.

(5) The extent of areas designated as Class I under paragraph (D)(1) of this rule or Class I or II under paragraph (D)(4) of this rule shall conform to any changes in the boundaries of an area that have occurred since August 7, 1977 or that may occur.

(E) Exclusions from increment consumption.

(1) The following ambient concentrations shall be excluded in determining increment compliance with a maximum allowable increase:

(a) Concentrations attributable to the increase in emissions from emissions units that have converted from the use of petroleum products, natural gas, or both by reason of an order in effect under Section 2(A) and (B) of the Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation) over the emissions from such emissions units before the effective date of such an order.

(b) Concentrations attributable to the increase in emissions from emissions units that have converted from using natural gas by reason of natural gas curtailment plan in effect pursuant to the Federal Power Act over the emissions from such emissions units before the effective date of such plan.

(c) Concentrations of particulate matter attributable to the increase in emissions from construction or other temporary emission-related activities of new or modified emissions units.

(d) The increase in concentrations attributable to new emissions units outside the United States over the concentrations attributable to existing emissions units that are included in the baseline concentration.

(e) Concentrations attributable to the temporary increase in emissions of sulfur dioxide, particulate matter or nitrogen oxides from emissions units that are affected by Ohio state implementation plan revisions approved by the administrator of the United States environmental

protection agency as meeting the criteria specified as follows:

- (i) Such time is not to exceed two years in duration unless a longer time is approved by the administrator of the United States environmental protection agency.
- (ii) The time period for excluding certain contributions, in accordance with paragraph (E)(1)(e)(i) of this rule, is not renewable.
- (iii) No emissions increase from an emissions unit can do any of the following:
  - (a) Impact a Class I area or an area when an applicable increment is known to be violated.
  - (b) Cause or contribute to the violation of a national ambient air quality standard.
  - (c) Limitations under paragraphs (E)(1)(e)(iii)(a) and (E)(1)(e)(iii)(b) of this rule ~~must~~ shall be in effect at the end of the time period specified in accordance with paragraph (E)(1)(e)(i) of this rule that would ensure that the emission levels from emissions units affected by the Ohio state implementation plan revision would not exceed those levels occurring from such emissions units before the plan revision was approved.
- (2) No exclusion of such concentrations shall apply more than five years after the effective date of the order to which paragraph (D)(1)(a) of this rule refers, or the plan to which paragraph (E)(1)(b) of this rule refers, whichever is applicable. If both such order and plan are applicable, no such exclusions shall apply more than five years after the later of such effective dates.
- (3) No exclusion under paragraph (E) of this rule shall occur later than nine months after August 7, 1980 unless an Ohio state implementation plan revision meeting the requirements of 40 CFR 51.166 has been submitted to the administrator of the United States environmental protection agency.

(F) Class redesignation.

- (1) All attainment areas of the state, except as otherwise provided under paragraph

- (D) of this rule, shall be designated Class II.
- (2) Upon due consideration, the director may submit to the administrator of the United States environmental protection agency a proposal to redesignate to attainment any area of the state to Class I or Class II provided that:
- (a) At least one public hearing has been held in accordance with procedures established in Chapter 3745-49 of the Administrative Code.
  - (b) Other states, tribal governing bodies and federal land managers whose lands may be affected by the proposed redesignation were notified at least thirty days prior to the public hearing.
  - (c) A discussion of the reasons for the proposed redesignation, including a satisfactory description and analysis of the health, environmental, economic, social and energy effects of the proposed redesignation, were prepared and made available for public inspection at least thirty days prior to the hearing, and the notice announcing the hearing contained appropriate notification of the availability of such discussion.
  - (d) Prior to the issuance of notice respecting the redesignation of an attainment area that includes any federal lands, the state has provided written notice to the appropriate federal land manager and afforded adequate opportunity, not in excess of sixty days, to confer with the state respecting the redesignation and to submit written comments and recommendations. In redesignating any attainment area with respect to which any federal land manager had submitted written comments and recommendations, the state shall have published a list of any inconsistency between such redesignation and such comments and recommendations (together with the reasons for making such redesignation against the recommendation of the federal land manager).
  - (e) The state has proposed the redesignation after consultation with the elected leadership of local and other substate general purpose governments in the attainment area covered by the proposed redesignation.
- (3) Any area other than an area for which paragraph (D) of this rule restricts redesignation may be redesignated as Class III if the following applies:
- (a) The redesignation would meet the requirements of paragraph (F)(2) of this rule.

- (b) The redesignation has been specifically approved by the governor, after consultation with the appropriate committees of the general assembly, if it is in session, or with the leadership of the general assembly, if it is not in session, and if general purpose units of the local government representing a majority of the residents of the area to be redesignated enact legislation or pass resolutions concurring in the redesignation.
- (c) The redesignation would not cause, or contribute to, a concentration of any air pollutant that would exceed any maximum allowable increase permitted under the classification of any other area or any national ambient air quality standard.
- (d) Any permit application for any major stationary source or major modification, subject to review under paragraph (F)(1) of this rule, which could receive a permit under this section only if the area in question were redesignated as Class III, and any material submitted as part of that application, were available insofar as was practicable for public inspection prior to any public hearing on redesignation of the area as Class III.