

RULE SYNOPSIS

Ohio Administrative Code (OAC) Chapters 3745-24 and 3745-78

The primary purpose of this review is to satisfy the requirements of Ohio Revised Code (ORC) Sections 106.03 and 106.031 (five-year review). Ohio EPA, Division of Air Pollution Control (DAPC) has completed a review of OAC rules 3745-24-01, 3745-24-02, 3745-24-03, 3745-24-04, “NO_x and VOC Emission Statements,” and 3745-78-01, 3745-78-02, “Air Pollution Control Fees.” As a result of this review, DAPC has determined that the rules continue to be necessary and are in need of change.

Changes made as a result of interested parties comment

The rules in this rulemaking were released for a 30-day comment period ending May 20, 2016. DAPC received several comments on the draft rules and is making the following change as a result:

OAC Rule 3745-24-03: Originally, Ohio EPA was reorganizing the rule to provide the compliance dates in a list form instead of a paragraph form for clarification. Based on a comment, it was determined that it was not necessary to preserve previous compliance dates, so the rule is being rewritten to say, “The emission statements for each calendar year on or after the effective date of this rule shall be submitted by April fifteenth of the calendar year following the year covered by the emission statements” and remove previous compliance dates.

Changes made to the rules for the draft comment period

The following changes will be made to the rules in this rulemaking. These changes remain current unless superseded by a change mentioned in the previous paragraph:

OAC 3745-24-01(B)(5): Paragraph (B)(5) contains a reference to the definition of “Volatile Organic Compounds” (VOC) in OAC rule 3745-21-01. Since the previous review of OAC rule 3745-24-01, the definition in OAC rule 3745-21-01 has been moved from paragraph (B)(6), as noted in this rule, to paragraph (B)(17). This rule is being amended to eliminate the potential for inconsistency by eliminating the paragraph and just referencing the rule.

OAC 3745-24-03: The rule contains deadline dates for submission of emissions reports. DAPC is

converting the rule from 2 paragraphs with their information in run-on format to a rule in list form where each deadline is listed in its own line. DAPC feels this will provide better clarity for the rule.

OAC 3745-78-02(C): The paragraph contains a reference to the permit-to-operate program in OAC Chapter 3745-35. In 2008, the referenced chapter was replaced with the permit-to-install and operate program in OAC Chapter 3745-31. DAPC will be amending the citation in paragraph (C) to read, "...for which the owner or operator is required to apply for ~~a permit or variance under Chapter 3745-35~~ [a permit-to-install or a permit-to-install and operate under Chapter 3745-31](#) of the Administrative Code..."

Minor changes to fix typos and conform with agency and LSC formatting conventions are being made throughout all the rules of this rulemaking.

Summarized below is a description of the rules included in this rulemaking.

Air Pollution Control Emission Statement Rules – OAC Chapter 3745-24

OAC rule 3745-24-01 Definitions.

Definitions specific to the emission statement requirements in OAC Chapter 3745-24 are provided; otherwise, the definitions as they appear in OAC rule 3745-15-01 apply to this chapter.

OAC rule 3745-24-02 Applicability.

If a facility is located in a county which has been designated nonattainment for the National Ambient Air Quality Standards (NAAQS) for ozone and emits 25 tons or more of volatile organic compounds (VOC) or nitrogen oxides (NO_x), an annual emission statement must be submitted beginning with calendar year 1992. In determining whether or not a facility emits twenty-five tons or more of NO_x or twenty-five tons or more of VOC, sources which are exempt pursuant to ORC Section 3704.011(A) do not need to be included in the emission estimate. If a county is redesignated to attainment for the NAAQS for ozone, facilities within that county would be exempted from the emission statement requirements beginning with the next full calendar year after the redesignation by USEPA.

OAC rule 3745-24-03 Deadlines for submission of the emission statements.

The emission statements must be submitted by April fifteenth of the calendar year following the year covered by the emission statements.

OAC rule 3745-24-04 Emission statement requirements.

General facility and specific source information must be included in the emission statements. Estimates of the amounts of emissions actually released to the atmosphere from all sources which are not exempt within the facility must be submitted by an individual who certifies that the information contained in the statement is accurate to the best of the individual's knowledge. Sources which are exempt pursuant to ORC Section 3704.011(A) are also exempt from the emission statements. Furthermore, an exemption is provided for research and development sources with a combined potential to emit of less than five tons/year for VOC and less than five tons/year for NO_x or are laboratory or bench-scale research and development sources. This exemption also applies to actual emissions if the owner or operator maintains appropriate records. Once an area has been redesignated to attainment for ozone or nitrogen oxides emission statement filings are no longer required.

Air Pollution Control Fee Rules – OAC Chapter 3745-78

OAC rule 3745-78-01 Definitions.

Definitions specific to the fee emission report requirements in OAC Chapter 3745-78 are provided.

OAC rule 3745-78-02 Fee Emission Reports.

Owners or operators of facilities required to apply for and obtain air pollution control operating permits are required to submit an annual emissions report for estimated actual facility wide emissions of particulate matter (PM), sulfur dioxide (SO₂), NO_x, organic compounds (OC), and lead (Pb) no later than April 15th for the previous year. An invoice is generated based on the appropriate fee schedule designated in Ohio law.

Fees are assessed to cover a portion or all of the costs associated with air permitting activities, air pollution monitoring, inspections, and providing technical assistance.