

# SENATE BILL 265 OF THE 126th GENERAL ASSEMBLY (SB265)

## Best Available Technology (BAT)

- Ohio EPA will begin work on rule language for BAT requirements over the next year to implement the requirements of division (T) of ORC 3704.03. Activities related to the development of these rules can be found on the “BAT rule making activity” webpage.

**ORC 3704.03(T)** ~~Adopt procedures under which the director shall consider best available technology for the pollutants regulated by the new source performance standards established pursuant to the federal Clean Air Act in order to establish emission limits in installation permits issued pursuant to division (F) of this section. The emission limits shall be equivalent to those new source performance standards unless the standards are more than five years old or have not been reviewed by the United States environmental protection agency for more than five years. In determining what technology is best for a specific source application, the director may consider the extent to which a technology generates pollution or waste other than air emissions and shall approve the most cost effective among essentially similar efficient control technologies as demonstrated by the permit applicant to the satisfaction of the director. Any facility that is subject to the federal prevention of significant deterioration regulations and major new source review shall comply with those regulations. Require new or modified air contaminant sources to install best available technology, but only in accordance with this division. With respect to permits issued pursuant to division (F) of this section beginning three years after the effective date of this amendment, best available technology for air contaminant sources and air contaminants emitted by those sources that are subject to standards adopted under section 112, Part C of Title I, and Part D of Title I of the federal Clean Air Act shall be equivalent to and no more stringent than those standards. For an air contaminant or precursor of an air contaminant for which a national ambient air quality standard has been adopted under the federal Clean Air Act, best available technology only shall be required to the extent required by rules adopted under Chapter 119. of the Revised Code for permit to install applications filed three or more years after the effective date of this amendment.~~

Best available technology requirements established in rules adopted under this division shall be expressed only in one of the following ways that is most appropriate for the applicable source or source categories:

- (1) Work practices;
- (2) Source design characteristics or design efficiency of applicable air contaminant control devices;
- (3) Raw material specifications or throughput limitations averaged over a twelve-month rolling period;
- (4) Monthly allowable emissions averaged over a twelve-month rolling period

- Effective December 1, 2006, Ohio EPA amended [OAC 3745-31-05](#) to implement the first sentence of the third paragraph of division (T) of ORC 3704.03. At this time, Ohio EPA does not intend to incorporate the requirements of the last two sentences of the third paragraph (regarding plant-wide applicability limits and general permits) or the fourth paragraph into OAC rules. Rather, the requirements of the ORC shall be implemented directly as follows:

### **ORC 3704.03(T).....**

Best available technology requirements shall not apply to an air contaminant source that has the potential to emit, taking into account air pollution controls installed on the source, less than ten tons per year of emissions of an air contaminant or precursor of an air contaminant for which a national ambient air quality standard has been adopted under the federal Clean Air Act. In addition, best available technology requirements established in rules adopted under this division shall not apply to any existing, new, or modified air contaminant source that is subject to a plant-wide applicability limit that has been approved

by the director. Further, best available technology requirements established in rules adopted under this division shall not apply to general permits issued prior to January 1, 2006, under rules adopted under this chapter.

For permits to install issued three or more years after the effective date of this amendment, any new or modified air contaminant source that has the potential to emit, taking into account air pollution controls installed on the source, ten or more tons per year of volatile organic compounds or nitrogen oxides shall meet, at a minimum, the requirements of any applicable reasonably available control technology rule in effect as of January 1, 2006, regardless of the location of the source.