

Major NSR Reform Discussion Group Wrap-Up

Ohio EPA – DAPC
May 24, 2004

Items to Cover

- ⌚ PAL comments
- ⌚ NSR Reform remaining issues and questions
- ⌚ Interested Party rule package
- ⌚ Next Steps

PAL Comments

Jenny Nichols
DAPC

PAL Comments

- ⌚ Against adoption – a true actuals PAL would be based on last 2 years of emissions not 2 in 10.
- ⌚ PALs could be established that would cause an exceedance of the ozone maintenance inventory

PAL Comments

Ohio EPA Response:

- ⌚ *USEPA provides the State's with discretion to take into consideration air quality planning needs before approving a PAL:*
 - ⌚ *"PAL baseline must be consistent with the current assumptions regarding the source's emissions that are used under the applicable SIP for planning or permitting purposes"*
 - ⌚ *"it is up to the States to use appropriate measures to ensure consistency between PALs and the emissions levels used by them in their attainment demonstrations"*
 - ⌚ *"reviewing authorities retain the discretion not to provide a PAL for a particular source"*

PAL Comments

- ⌚ *After a PAL is established, the State has the ability to make adjustments for various reasons, such as incorporating "newly applicable requirements" or if the "reviewing authority determines that a reduction is necessary to avoid causing or contributing to a NAAQS or PSD increment violation."*

PAL Comments

- ∞ Partial PALs would be easier to manage and should be allowed for groups of sources which all employ BACT
- ∞ Ohio EPA should expressly recognize and encourage partial PALs

PAL Comments

Ohio EPA Response:

- ∞ USEPA's TSD document states that they have not made a "final decision about whether partial PALs are permissible under the current regulations, " nor are they "adopting any partial PAL provisions."
- ∞ USEPA will consider exploring partial PALs on a case-by-case basis and that may later issue guidance or rule making regarding their use.
- ∞ If an Ohio source wished to pursue a partial PAL, we envision a process occurring similar to the pilot PAL programs that have occurred in other States prior to the NSR Reform rules.
- ∞ Adopting a "partial PAL" rule would likely delay final approval of Ohio's NSR package.

PAL Comments

- ∞ New significant units installed under a PAL should employ BAT.
- ∞ Harmonizing the Ohio minor NSR program rules with the PAL provisions should be a priority, and Ohio EPA should establish a working group to begin working on that goal.

PAL Comments

Ohio EPA Response:

- ∞ USEPA acknowledged they did not believe that the major NSR regulations "should provide PALs for both minor and major sources, since PALs are an alternative applicability scenario to major NSR"
- ∞ Ohio EPA did not intend to make changes to the minor NSR program as part of this rulemaking
- ∞ Ohio EPA does agree it would be beneficial to initiate a stakeholder process to discuss minor NSR interaction with the PAL program

PAL Comments

PALs should not be allowed in nonattainment areas, unless an allowables-based PAL approach

Ohio EPA response: we intends to be consistent with USEPA's rule as to the applicability of PALs to both attainment and non-attainment areas. USEPA has expressed that it intends to further investigate the possibility of an allowables-based PAL by providing future rulemaking. If this occurs, Ohio EPA will take the appropriate action to incorporate an allowables-based PAL into Ohio's program.

PAL Comments

Absent a PAL, a facility would be entitled to increase emissions up to the significance level for multiple, independent projects undertaken. The facility in effect gives up the ability to make these emission increases for the duration of the PAL, a significant environmental benefit. Finally, the PAL provisions explicitly require protection of air quality. With all of these provisions, any facility that accepts a PAL will clearly be providing an environmental benefit in Ohio.

PAL Comments

Ohio EPA response:

USEPA's states that "serial, small unrelated emissions increase above the PAL, which otherwise can occur under major NSR and that could adversely impact air quality," will not occur under the PAL. In addition, under major NSR, "production increases at existing emissions units that can be accomplished without modifying the unit are not subject to review, thus, without a PAL, you can increase production at such units up to full utilization, with emission rising from historic levels up to the full PTE, without review. Such emissions increases are capped under a PAL."

NSR Reform Remaining Issues and Questions

Ohio EPA – DAPC

March 24, 2004

Baseline Actual Emissions

Adequate Data

Question: In reference to Baseline Actual Emissions (BAE); the federal rule requires adequate date of sufficient quality" be available for the 24-month period. What is "adequate data"?

Response: Once the rules are finalized, Ohio EPA plans to issue guidance on what would constitute "adequate data." This may be based on our experience from previous permits or other sources.

Baseline Actual Emissions

Adequate Data-Example

Baseline actual emissions shall be determined by measurement, calculations, estimations, and record keeping in the order of the following preferences:

- (a) Monitoring Systems
 - (1) Continuous Emissions Monitoring System (CEM) data integrated to annual emissions using flow meters and conversion factors.
 - (2) Predictive Emission Monitoring Systems (PEMS)
- (b) Other Measurements and Calculations
 - (1) Stack Emissions.....
 - (2) Mass Balance.....
 - (3) Emission Factors
- (c) Recordkeeping: Instances where measurements of operating hours or fuel combusted...are not available, annual emissions can be calculated using available records
 - (1).....(6)

Actual-to-Projected-Actual Applicability Test Reasonable Possibility

Question: How do you determine if there is a "reasonable possibility" that a project that is not a part of a major modification may result in a significant emissions increase (when using the actual-to-projected-actual applicability test)?

Response: Ohio EPA plans to issue guidance regarding this question. U.S. EPA is unable, at this time, to provide guidance due to this topic being part of their current litigation. It will be up to each State to develop their position on determining a "reasonable possibility."

Actual-to-Projected-Actual Applicability Test Reasonable Possibility

Possible options:

1. Whenever there is a significant emissions increase but not a net significant emissions increase
2. When there is an increase in design capacity or PTE, AND full utilization would result in a significant emissions increase or net significant emissions increase (i.e., when you most project for 10 years rather than 5 years)
3. Any significant net emissions increase that is 25%, 50%, 75% or more of the significance level for the pollutant
4. Others?

Actual-to-Projected-Actual Applicability Test Startup, Shutdown and Malfunction Emissions

Question: Could projected emissions from startup, shutdown and malfunctions (SSM) be more than those in the baseline period and, like those in the baseline, should they be adjusted below any enforceable restrictions?

Response:

1. Ohio EPA does not believe SSM emissions that are part of the projected emissions should be adjusted for current enforceable restrictions when projecting the future actual emissions.
2. There may be circumstances where it is appropriate for projected SSM emissions to be below the baseline value and circumstances where it should be above that value. Each projection will be unique and what is appropriate for one change may not be appropriate for another.

PAL Unit Specific Emission Limits

Question: Will the PAL relieve you of other unit-specific limitations, such as BACT.

Response: USEPA states "we do not agree with commenters who suggest other types (other than (r)(4) (synthetic minor) or unit-specific limits should be superseded by a PAL. The PAL does not substitute for them...the final rules do not provide for previously applicable unit specific limits (other than (r)(4) limits) such as BACT, NSPS limits to be superseded or eliminated when your PAL becomes effective."

Incorporating a PAL into a Title V permit

PAL

- ✧ Incorporating a PAL into a Title V permit
- ✧ Initial discussions with USEPA show:
 - ✧ If relaxing or removing any emissions limits or monitoring, reporting or recordkeeping (MRR) = significant permit modification (SPM). Ohio EPA would concurrently process the SPM with the PAL PTI.
 - ✧ If only incorporating the PAL limit without relaxing or removing any other requirements = minor permit modification
- ✧ Region V will explore this topic further with headquarters.

Interested Party Rule Package

Bob Hodanbosi
DAPC

Interested Party Rule Package

- ✧ Interested Party (IP) rule package sent out on April 29, 2004
- ✧ Comments due by June 1, 2004
 - ✧ Jennifer.nichols@epa.state.oh.us
- ✧ Covered December 31, 2002 NSR Reform rules and November 7, 2003 Reconsideration rules

Interested Party Rule Package

Package contents include:

- ✧ 5 major NSR Reforms
 1. Clean Units
 2. Pollution Control Projects (PCP)
 3. Plantwide Applicability Limits (PAL)
 4. Baseline Actual Emissions (BAE)
 5. Actual-to-Projected-Actual Applicability Test
- ✧ "Miscellaneous" changes (definitions, clean-up, etc.)
- ✧ Definitions for future rule making

Interested Party Rule Package

Incorporating NSR Reform into Ohio's rules required we amend 9 existing rules and create 3 new rules.

AMENDED
OAC 3745-31-01 Definitions
OAC 3745-31-09 Air permit to install completeness determinations, public participation and public notices
OAC 3745-31-10 Air Stationary Source Obligations
OAC 3745-31-13 Attainment provisions – review of major stationary sources and major modifications, stationary source applicability and exemptions
OAC 3745-31-15 Attainment provisions – control technology review
OAC 3745-31-21 Nonattainment provisions – review of major stationary sources and major modifications – stationary source applicability and exemptions
OAC 3745-31-22 Nonattainment provisions – conditions for approval
OAC 3745-31-24 Nonattainment provisions – baseline for determining credit for emissions and air quality offsets
OAC 3745-31-26 Nonattainment provisions – baseline for determining credit for emissions and air quality offsets
NEW
OAC 3745-31-30 Clean Units
OAC 3745-31-31 Pollution Control Project
OAC 3745-31-32 Plantwide Applicability Limit (PAL)

Clean Units

- ∞ Designation occurs in one of two ways:
 - ∞ Automatic: emissions units go through major NSR and employs and complies with BACT/LAER
 - ∞ Case-by-case: emissions units go through NSR (with a public comment period) and proves their technology is either comparable (using RBLC) to or “substantially as effective” as BACT/LAER , AND that they will not “cause or contribute” to air quality degradation

Clean Units

- ∞ An emissions unit designated as a “clean unit” uses the clean unit applicability test whenever the clean unit is part of any project in the future:
 - ∞ The clean unit contributes “0” emissions to the project IF the project does not result in the clean unit losing its designation
 - ∞ Clean unit designation is lost if the project causes a need for a change in the emissions limitation or work practice requirements or if any physical or operational characteristics that formed the basis for the BACT/LAER are altered.

Clean Units

- ∞ Emission changes that occur as part of the clean unit designation cannot be used in the future for netting or offset credits
- ∞ If there are future reductions at the source, unrelated to the clean unit designation, they may be using for netting or offset purposes.

Clean Units

- ∞ Designation is good for 10 years.
- ∞ Clean unit effective and expiration dates are incorporated into a PTI and/or Title V permit
- ∞ There is a mechanism for retroactive designation but the appropriate dates/requirements must be incorporated as described above
- ∞ Rules contain mechanism for re-qualification

Clean Units

- ∞ Ohio EPA will need to develop guidance on determining:
 - ∞ If BACT/LAER is substantially as effective, although this is determined on a case-by-case basis and USEPA has not suggested any specific requirements or criteria
 - ∞ If a clean unit will “cause or contribute” to air quality degradation

Clean Units

Ohio EPA's draft language is consistent with federal rules.

- ✦ Clean unit provisions incorporated into new rule OAC 3745-31-30
- ✦ Clean unit applicability test is contained in OAC 3745-31-01(III)(4)(c)
- ✦ Definition of a clean unit is contained in OAC 3745-31-01(Y)
- ✦ Emission offset and netting restrictions included in OAC 3745-31-22(A)(3) and OAC 38745-31-01(SSS)(3) and

Pollution Control Project (PCP)

PCP exclusion excludes a source from major NSR for certain work practices, installation of certain controls, or for certain pollution prevention activities that provide a net overall environmental benefit.

- ✦ These types of changes would typically require major NSR due to triggering the major modification definition. For example, installing a control that decreases emissions of one pollutant but increases emissions of a "collateral pollutant" above the significance level.

Pollution Control Project (PCP)

Exclusion occurs in two ways:

1. Automatic: a set of "listed" PCPs is included in the rules and notice (or a minor NSR permit application) is sent to Ohio EPA that includes:
 - ✦ Project description
 - ✦ Environmentally beneficial analysis which includes projection of emissions increases and decreases (using an appropriate applicability test) and MRR to be employed to ensure environmental benefit continues
 - ✦ Demonstration of no adverse air quality impact

Pollution Control Project (PCP)

Exclusion occurs in two ways cont....

2. Case-by-case: for non-listed PCPs. If use of the applicability test shows a major modification is triggered, the source can apply for a PCP exclusion through a permitting process that allows for public participation. Ohio EPA would grant the exclusion if:
 - ✦ The same information is submitted as required for the listed PCPs.
 - ✦ A net environmental benefit is determined to occur

Pollution Control Project (PCP)

Implementation of the listed PCP can begin for:

- ✦ Listed PCPs: immediately after submitting notice/application; however, after review, Ohio EPA may be able to delay or stop the project in order to ensure requirements are met
- ✦ Non-listed PCPs: after approval is granted in the form of an issued permit

Pollution Control Project (PCP)

After implementation/installation of PCP, permittee must:

- ✦ Operate PCP consistent with proper industry and engineering practices and consistent with the environmentally beneficial analysis and air quality analysis
- ✦ Keep records of notice/application information and any MRR required

Pollution Control Project (PCP)

- ⌘ Ohio EPA will need to develop guidance on determining environmental benefit and the requirements for the air quality impact/modeling analysis

Pollution Control Project (PCP)

- ⌘ The reduction in emissions that formed the basis for the PCP exclusion cannot be used in the future for netting or offset credits
- ⌘ If there are future reductions at the source, unrelated to the initial PCP exclusion, they may be using for netting or offset purposes.

Pollution Control Project (PCP)

- Ohio EPA's draft language is consistent with federal rules.
- ⌘ PCP provisions incorporated into new rule OAC 3745-31-31
 - ⌘ PCP exclusion from major modification definition is contained in OAC 3745-31-01(III)(5)(h)
 - ⌘ Definition of a PCP (and listed PCPs) and pollution prevention are contained in OAC 3745-31-01(MMMM) and (NNNN)
 - ⌘ Old definition of "pollution control project" being removed since it was only applicable to EUSGUs
 - ⌘ Emission offset and netting restrictions included in OAC 3745-31-22(A)(3) and OAC 38745-31-01(SSS)(3)

Plantwide Applicability Limit (PAL)

- ⌘ The PAL program is a voluntary program where a permittee can obtain a PAL emission limit for a given pollutant for the facility.
- ⌘ As long as the facility complies with their PAL limit and other terms and conditions of their permits, there is no need to go through major NSR when there is a physical change or change in the method of operation of an existing emissions unit covered by the PAL for the given pollutant or when installing a new emission unit that could affect the PAL pollutant.

Plantwide Applicability Limit (PAL)

- ⌘ PAL limit is based on actual emissions plus the significant amount for the given pollutant.
- ⌘ The actual emissions are based on the baseline actual emissions approach of selecting a 24-month period in the last 10 years.
- ⌘ The same period must be used for all emissions units under the PAL for a given pollutant; however, different periods can be selected for each pollutant.

Plantwide Applicability Limit (PAL)

- ⌘ A PAL limit is issued in a permit to install that is subject to public review.
- ⌘ A PAL is valid for 10 years.
- ⌘ Rule contains mechanisms for increasing, decreasing, expiring or renewing PALs.
- ⌘ PAL must be incorporated into a Title V permit
- ⌘ PAL will require extensive MRR

Plantwide Applicability Limit (PAL)

- Ohio EPA's draft language is consistent with federal rules.
- ✍ PAL provisions incorporated into new rule OAC 3745-31-32
- ✍ PAL definition included in OAC 3745-31-01(LLLL)
- ✍ PAL exclusion from major modification definition is contained in OAC 3745-31-01(III)(6) and definition of a "PAL major modification" is included in OAC 3745-31-01(FFFF)

Plantwide Applicability Limit (PAL)

- ✍ Other PAL specific definitions contained in OAC 3745-31-01 include
 - ✍ "PAL Allowable emissions" – (BBBB)
 - ✍ "PAL Effective date" – (CCCC)
 - ✍ "PAL Effective period" – (DDDD)
 - ✍ "PAL Major emissions unit" – (EEEE)
 - ✍ "PAL Permit" – (GGGG)
 - ✍ "PAL Pollutant" – (HHHH)
 - ✍ "PAL Significant emission unit" - (IIII)
 - ✍ "PAL Small emissions unit" – (JJJJ)
 - ✍ "PEMS" – (QQQQ)
 - ✍ "CEMS" – (EE)
 - ✍ "CERMS" – (FF)
 - ✍ "CPMS" – (GG)
 - ✍ "Actuals PAL" - (D)

Plantwide Applicability Limit (PAL)

- ✍ Ohio EPA's draft rules provide clarity where USEPA's rules were confusing:
 - ✍ 40CFR51.165(f)(2)(ix) states "the PAL permit means the major NSR permit, the minor NSR permit or the State operating permit under a program that is approved into the plan, or the Title V permit issued by the reviewing authority that establishes a PAL for a major stationary source."
 - ✍ The preamble states the PAL must be established in a "federally enforceable permit" and "the reviewing authority establishes a PAL in a federally enforceable permit using its minor NSR ... or the major NSR...and eventually rolling these requirements into its Title V operating permit"
- ✍ OAC 3745-31-01(GGGG) clearly identifies the PAL permit is a permit to install

Baseline Actual Emissions (BAE)

- ✍ Baseline Actual Emissions (BAE) are used when calculating pre-change emissions for determining applicability of major NSR or for netting purposes
- ✍ Permittee can select any 24-month period in the previous 5 years (EUSGUs) or 10 years (non-EUSGUs)
- ✍ Projects involving multiple emissions units must use the same 24-month period
- ✍ Adequate data must be available for 24-month period
- ✍ Emissions from "new" emissions units are '0' if operation hasn't commenced and the PTE if it has

Baseline Actual Emissions (BAE)

- ✍ Must include quantifiable fugitive emissions and emissions from startups, shutdowns and malfunctions (SSM).
- ✍ Must exclude non-compliant emissions
- ✍ Non-EUSGUs must also include a downward adjustment for emission limits/restrictions currently in effect but not necessarily in effect during the 24-month period selected

Baseline Actual Emissions (BAE)

- ✍ Ohio EPA will need to develop guidance on what "adequate data" is

Baseline Actual Emissions (BAE)

Ohio EPA's draft language is consistent with federal rules.

- ⚡ BAE definition included in OAC 3745-31-01(O)
- ⚡ Current definition of "actual emissions", OAC 3745-31-01(C), being amended to identify it will no longer be used for determining if a significant emission increase occurs or for establishing a PAL and to remove EUSGU provisions.
- ⚡ Definition of "net emissions increase" amended to reflect BAE is used (OAC 3745-31-01(SSS)(2)) and not actual emissions (OAC 3745-31-01(SSS)(3)(h)).

Baseline Actual Emissions (BAE)

The following were amended to either make them more consistent with the federal rule that already existed or because USEPA had amended them to reflect the applicability of the "actual emissions" definition to the offset program.

- ⚡ Current definitions in OAC 3745-31-01:
 - ⚡ "baseline area", "baseline concentration", "baseline date", "major source baseline date", "minor source baseline date", and
- ⚡ OAC 3745-31-24(B) provisions

Actual-to-Projected-Actual Applicability Test

- ⚡ Optional applicability test that can be used for existing emissions units.
- ⚡ BAE is used to establish the pre-change baseline
- ⚡ Projected actual emissions definition is used to establish the post-change emissions which are based on actual emissions rather than the sources potential to emit

Actual-to-Projected-Actual Applicability Test

- Projected actual emissions are projected either 5 or 10 years into the future, depending on whether the capacity or PTE will change to where full utilization would result in a significant or net significant emissions increase. They must include:
- ⚡ Quantifiable fugitive emissions and emissions associated with startups, shutdowns and malfunctions
 - ⚡ Exclude emissions that could have been accommodated before the change (BAE) AND are unrelated to the projected (i.e., demand growth exclusion)

Actual-to-Projected-Actual Applicability Test

- ⚡ The BAE emissions are deducted from the projected actual emissions and compared to the significance level to determine if a significant emissions increase occurs
- ⚡ The permittee then performs the standard netting procedures to determine if a significant net emissions increase occurs
- ⚡ Both must occur in order for major NSR to be applicable.

Actual-to-Projected-Actual Applicability Test

- ⚡ Use of this applicability test requires documentation and recordkeeping of use of the applicability test and then IF there is a reasonable possibility a project that didn't result in a major modification may result in a significant emissions increase, more detailed post-change MRR is required.

Actual-to-Projected-Actual Applicability Test

Ohio EPA draft rules are consistent with federal rule for the Actual-to-Projected-Actual Applicability test with one change:

- ⚡ The federal rule requires additional recordkeeping when using the test **if** there is a “reasonable possibility” the change could result in a significant emissions increase
- ⚡ “reasonable possibility” is not defined
- ⚡ The rule requires the permittee to keep all the records and document the calculations used in the test
- ⚡ Then they must monitor the post-change emissions and report to the Agency if there is any deviation from the projections

Actual-to-Projected-Actual Applicability Test

- ⚡ Ohio EPA is proposing the applicant submit all documentation and calculations from the first part of the MRR regardless of whether a “reasonable possibility” is determined possible. In reality, this documentation **MUST** be generated in order to do the applicability test. Ohio EPA is not asking for any expanded document generation or analysis.
- ⚡ These documents and calculations would be submitted with a minor NSR application when any project that uses the new applicability test finds a major modification was not applicable but a modification (minor NSR) is applicable.
- ⚡ Ohio EPA then proposes to retain the second part of the MRR consistent with the federal rule, i.e. the post-change monitoring and reporting would only be required when there is a “reasonable possibility” of a significant emissions increase occurring.

Actual-to-Projected-Actual Applicability Test

- ⚡ Ohio EPA does not believe this would pose any additional burden on the applicant because all documentation would be necessary as part of the steps in performing the applicability test.
- ⚡ We believe it will benefit the Agency, the applicant, and the environment because Ohio EPA’s review of the applicability test determination will provide all parties with assurance that the applicant has properly applied the applicability test and major NSR is not applicable.

Actual-to-Projected-Actual Applicability Test

- ⚡ Definition of “representative actual annual emissions” removed since it is replaced by the use of “projected actual emissions”. This used to be used for the EUSGU’s provisions.
- ⚡ Definition of “projected actual emissions” added – OAC 3745-31-01(UUUU)
- ⚡ Provisions for pre- and post-change MRR is contained in OAC 3745-31-10(C)

Definition of Major Modification

- ⚡ Ohio’s rule made consistent with federal rule
- ⚡ Previously stated a major modification is one that results in a “significant net emissions increase”
- ⚡ Now identifies there is a two step process...a “significant emissions increase” for the pollutant and a “significant net emissions increase” from the source.

Definition of Major Modification

Understanding the rule software can be tricky:

Red is “stricken” text (rule language shows it as stricken)

Yellow is “moved down” text and what was kept of the yellow text is in **bold** and what is deleted is in red (strikeout in the rule language)

Underlined text is “new” text

Definition of Major Modification

This.....

(VV)(III) "Major modification" means any physical change in or change in the method of operation of a major stationary source that would result in; a significant net emissions increase. In determining whether there has been a net emissions increase, fugitive emissions, to the extent quantifiable, shall be considered from only those stationary sources listed in paragraph (VV)(4) of rule 3745-31-01 of the Administrative Code. Any net emissions increase that is considered significant for volatile organic compounds shall be considered significant for ozone. A physical change or change in the method of operation shall not include:

(1) A significant net emissions increase of a regulated NSR pollutant; and, In determining whether there has been a net emissions increase, fugitive emissions, to the extent quantifiable, shall be considered from only those stationary sources listed in paragraph (VV)(4) of rule 3745-31-01 of the Administrative Code. Any net emissions increase that is considered significant for volatile organic compounds shall be considered significant for ozone. A physical change or change in the method of operation shall not include

(2) A significant net emissions increase of that pollutant from the major stationary source.

Definition of Major Modification

SAYS THIS....

(III) "Major modification" means any physical change in or change in the method of operation of a major stationary source that would result in:

(1) A significant emissions increase of a regulated NSR pollutant; and

(2) A significant net emissions increase of that pollutant from the major stationary source.

⚡ IP package contains an error which will be corrected in the proposed package

⚡ OAC 3745-31-01(III)(1) says a "significant net emissions increase" and should state a "significant emissions increase". The "net" increase is covered under OAC 3745-31-01(III)(2).

⚡ After this correction, Ohio's language will be equivalent to the federal language.

Definition of Major Modification

Now includes new procedure provisions for:

1. Existing actual-to-potential applicability tests that are used for new units (required) or existing units (option)
2. New actual-to-projected actual applicability test for existing units (option)
3. Clean unit emissions test
4. Hybrid test for multiple types of the above three within the same project

Miscellaneous Definitions

New

⚡ "Project" - OAC 3745-31-01(TTTT)

⚡ Do to the addition of this definition, throughout chapter 31 Ohio EPA has change the reference to "project" to "clean coal technology project" where it is appropriate.

⚡ "Significant emissions increase" - OAC 3745-31-01(GGGGG)

⚡ "Replacement unit" - OAC 3745-31-01(ZZZZ)

Amended

⚡ "Emissions unit" - OAC 3745-31-01(MM)

Regulated NSR Pollutant

⚡ References to "air pollutant subject to regulation under the Clean Air Act" replaced with "regulated NSR pollutant" throughout rules. This is consistent with federal changes.

⚡ Definition of "regulated NSR pollutant" incorporated into OAC 3745-31-01(YYYY) consistent with USEPA

Miscellaneous Definitions

⚡ Ohio EPA added definitions of:

⚡ "Nonattainment" or "nonattainment area" - OAC 3745-31-01(UUU)

⚡ "Nonattainment new source review (NSR) permit" - OAC 3745-31-01(VVV)

⚡ "Prevention of significant deterioration (PSD) permit" - OAC 3745-31-01(RRR)

⚡ These were added, and are referenced throughout the rules, in order to provide clarity in the intention of the rules

Additions for Future Rule Making

- ∞ Several definitions were incorporated into OAC 3745-31-01 at this time in order to allow future rule making to proceed more expeditiously:
 - ∞ Definitions for future Permit by Rules
 - ∞ Definition for Exemption Threshold rule
 - ∞ Expect an interested party package in late June to early July

Ozone Nonattainment

- ∞ OAC 3745-31-26 is being amended to address upcoming USEPA redesignations.
- ∞ This amendment provides the appropriate offset ratio to be used for areas that may not obtain a classification by USEPA

Incorporation by Reference

- ∞ SB265 requires any materials incorporated by reference identify where the document can be found and what version of the document is being incorporated.
- ∞ OAC 3745-31-01(TTTTT) satisfies this requirement.
- ∞ Throughout the text minor changes may have been made in order to create uniformity in how we reference materials.

Next Steps

Bob Hodanbosi
DAPC

Next Steps

- ∞ After reviewing comments and revising rule, if necessary, Ohio EPA will propose rule, submit to JCARR, and hold at least one public hearing with a 30+ day comment period. Draft schedule would include:
 - ∞ Propose August 9, 2004
 - ∞ Hearing Sept 9-18
 - ∞ Comments due Sept 24
 - ∞ Rules Effective by Dec 1, 2004
- ∞ Dates may fluctuate but Ohio EPA anticipates the final date will meet the end of the year deadline

Questions??

- ∞ If you would like more information, and, or
- ∞ If you would like to be included in DAPC's interested party list for the NSR Reform
 - ∞ contact Jennifer Nichols:
jennifer.nichols@epa.state.oh.us
614-644-3696