RULE SYNOPSIS

Draft rule language for Ohio Administrative Code (OAC) Chapter 3745-15
"General Provision on Air Pollution Control"

The Ohio Environmental Protection Agency, Division of Air Pollution Control has reviewed OAC Chapter 3745-15 "General Provision on Air Pollution Control" pursuant to Ohio law (Ohio Revised Code Section 119.032) which requires all agencies review existing rules every five years to determine if the rules should be eliminated or amended, or to remain "as-is." Io EPA has reviewed the rules in this chapter and determined that changes are needed. The changes are as follows:

Changes Made as a Result of Comments on the Draft Rule Amendments

A draft of amended rules was released to interested parties for a 30-day comment period ending November 7, 2014. Upon review of the comments received, Ohio EPA made one significant change to the draft rule language. Ohio EPA had originally suggested draft language in OAC rule 3745-15-05, "'De Minimis' air contaminant source exemption" which included changing the words "ten" and "twenty-five" with the numbers 10.0 and 25.0 to clarify Ohio EPA interpretation of the language. Based on a comment, Ohio EPA is reverting back to the original words to keep the language in-line with the language in Ohio Revised Code (ORC) 3704.011 from which the OAC rule language was taken.

No other changes were made to the draft rule language. A discussion of the original draft changes is included below.

Original Draft Changes Proposed to the Rules in OAC Chapter 3745-15

The following are original draft changes presented to interested parties for comment. The changes discussed below will be proposed to the Joint Committee on Agency Rule Review (JCARR) unless superseded by a change discussed above.

- OAC rule 3745-15-03 "Submission of emission information" is being amended to recognize third-party carrier delivery of hard copy submissions as follows:

  [Comment: "submitted" as used above will be considered the postmark date, if sent by United States postal service; the electronic signature date, if submitted through the Ohio environmental protection agency's electronic reporting system; or the signature date of the receipt, if hand delivered in person **or delivered by a third-party commercial carrier** to the appropriate Ohio environmental protection agency district office or local air agency.**"**]

- OAC rule 3745-15-07 "De Minimis" air contaminant source exemption." Ohio EPA is proposing to amend OAC rule 3745-15-05(B), OAC rule 3745-15-

05(C)(4), and OAC rule 3745-15-05(C)(5) to clarify the numerical value associated with written values in each subject rule. This clarification is rooted in questions received from affected facilities concerning the number of significant digits associated with the values and as an improvement on rule construction. Following are the specific sub-paragraph (B), (C)(4), and (C)(5) proposed amendments:

(B) Except as provided in paragraphs (C), (D) and (H) of this rule and division (B) of section 3704.011 of the Revised Code, any air contaminant source is exempt from Chapter 3704. of the Revised Code and rules adopted thereunder, unless the potential emissions of any one of the following exceeds ten pounds (10.0 pounds) per day: particulate matter, sulfur dioxide, nitrogen oxides, organic compounds, carbon monoxide, lead or any other air contaminant.

(4) The source alone or in combination with similar sources at the same facility, would result in potential emissions of any air pollutant in excess of twenty-five tons (25.0 tons) per year. In determining the total emissions from a group of similar sources, an enforceable permit emission limit shall be used in lieu of the potential to emit for such source or sources; or

(5) The source emits more than one ton (1.0 ton) per year of any hazardous air pollutants or combination of hazardous air pollutants.

- OAC rule 3745-15-07 “Air pollution nuisances prohibited” is being amended to clarify when odor nuisance is enforceable under OAC Chapter 3745-15 as follows:

(A) ~~Except as provided in paragraph (B) of this rule,~~ T~~t~~he emission or escape into the open air from any source or sources whatsoever, of smoke, ashes, dust, dirt, grime, acids, fumes, gases, vapors, ~~odors,~~ or any other substances or combinations of substances, in such manner or in such amounts as to endanger the health, safety or welfare of the public, or cause unreasonable injury or damage to property, is hereby found and declared to be a public nuisance. It shall be unlawful for any person to cause, permit or maintain any such public nuisance.

(B) The emission or escape into the open air from any source or sources of odors whatsoever that is~~Those sources of odors not~~ subject to regulation under Chapter 3745-17, 3745-18, 3745-21 or 3745-31 of the Administrative Code and is operated in such manner to emit such amounts of odor as to endanger the health, safety or welfare of the public, or cause unreasonable injury or damage to property, is hereby found and declared to be a public nuisance. It shall be unlawful for any person to cause, permit or maintain any such public nuisance.~~shall not be subject to this rule~~

- OAC rule 3745-15-08 is being amended to upgrade the vague reference to “any rules of the director.” The new language specifically references the appropriate authorizing statutes and “rules adopted thereunder” to clarify the meaning of “any rules...”

- OAC rule 3745-15-09 is being amended to upgrade the vague reference to “all rules of the director.” The new language specifically references the appropriate authorizing statutes and “rules adopted thereunder” to clarify the meaning of “all rules...”

In addition, various minor fixes are being made the rules above and rules 3745-15-01, 3745-15-02, 3745-15-05, 3745-15-06 to update LSC formatting issues and to apply agency consistency standards. Rule 3745-15-04 is proposed to be filed as a no-change.