

3745-17-08

Restriction of emission of fugitive dust.

[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 ~~the last~~ paragraph (C) of rule 3745-17-01 of the Administrative Code titled "~~Incorporation by reference~~referenced materials."]

(A) Applicability:

- (1) Except as otherwise ~~indicated~~specified in paragraph (A)(3) of this rule, ~~the requirements of~~ paragraph (B) of this rule shall apply to any fugitive dust source which is located within the areas identified in appendix A to this rule. Except as additional time for achieving compliance is provided in paragraph (B) of rule 3745-17-04 of the Administrative Code, any such source shall comply with ~~the requirements of~~ paragraph (B) of this rule ~~upon the effective date of this rule~~by August 7, 1972 or the date of initial startup of the source, whichever is later.
- (2) Notwithstanding the exemptions in paragraph (A)(3) of this rule, ~~the requirements of~~ paragraph (B) of this rule shall apply to any fugitive dust source regardless of location if, in the director's judgment, probable cause exists to believe that such source is causing or contributing to a violation of rule 3745-15-07 or 3745-17-02 of the Administrative Code. In such cases, the director may require the owner or operator of the fugitive dust source to apply for and obtain ~~a permit to operate for the source in accordance with rule 3745-35-02 of the Administrative Code~~an operating permit in accordance with Chapter 3745-77 of the Administrative Code (for sources subject to the Title V permit program) or an a permit-to-install and operate in accordance with Chapter 3745-31 of the Administrative Code (for sources not subject to the Title V permit program), and/or require the owner or operator to submit and implement a control program which will bring the fugitive dust source into compliance with ~~the requirements of~~ paragraph (B) of this rule as expeditiously as practicable.

[Comment: Applications requiring submittal prior to June 30, 2008, for sources not subject to the Title V program, were to be submitted in accordance with now rescinded Chapter 3745-35 of the Administrative Code.]

- (3) ~~The requirements of paragraph~~Paragraph (B) of this rule shall not apply to:
 - (a) Any fugitive dust source which is located at a grain elevator having a permanent storage capacity of less than 2.5 million bushels~~;~~.
 - (b) [Reserved.]

- (c) Fugitive dust generated from publicly owned roadways and parking lots, provided the fugitive dust is not directly caused by the deposition of materials due to industrial, commercial, or construction activities; ~~and.~~
 - (d) Fugitive dust generated from the tilling and wind erosion of farm land.
 - (e) Except as otherwise provided in paragraphs (E) and (F) of this rule, fugitive dust generated from any roadway or parking area ~~at the "Ford Motor Company, Cleveland Casting Plant" or any subsequent owner or operator of the "Ford Motor Company, Cleveland Casting Plant" facility located at 5600 Henry Ford Boulevard, Brook Park, Ohio (OEPA premise number 1318120180) and at the "Wheeling Pittsburgh Steel Corporation Mingo Junction Steel Works LLC" or any subsequent owner or operator of the "Wheeling Pittsburgh Steel Corporation Mingo Junction Steel Works LLC" facilities located at South Third Street, Steubenville, Ohio (OEPA premise number 17411500110641090010) and at MeLister avenue, 540 Commercial Ave., Mingo Junction, Ohio (OEPA premise number 17410900100641090010).~~
- (4) An air contaminant source can be subject to both ~~of the requirements of~~ rule 3745-17-11 of the Administrative Code and this rule if it is a fugitive dust source, as defined in paragraph (B)(7) of 3745-17-01 of the Administrative Code, and also emits, by means of one or more stacks, particulate matter that is subject to a ~~limitation(s)~~limitation in rule 3745-17-11 of the Administrative Code.
- (B) No person shall cause or permit any fugitive dust source to be operated; or any materials to be handled, transported, or stored; or a building or its appurtenances or a road to be used, constructed, altered, repaired, or demolished without taking or installing reasonably available control measures to prevent fugitive dust from becoming airborne. Such reasonably available control measures shall include, but not be limited to, one or more of the following which are appropriate to minimize or eliminate visible particulate emissions of fugitive dust:
- (1) The use of water or other suitable dust suppression chemicals for the control of fugitive dust from the demolition of existing buildings or structures, construction operations, the grading of roads or the clearing of land; ~~.~~
 - (2) The periodic application of asphalt, oil (excluding any used oil as defined in paragraph ~~(A)(12)~~(A) of rule 3745-279-01 of the Administrative Code), water, or other suitable dust suppression chemicals on dirt or gravel roads and parking lots, and other surfaces which can cause emissions of fugitive dust; ~~.~~

- (3) The installation and use of hoods, fans, and other equipment to adequately enclose, contain, capture, vent and control the fugitive dust. Such equipment shall meet the following requirements:
 - (a) The collection efficiency is sufficient to minimize or eliminate visible particulate emissions of fugitive dust at the ~~point(s)~~point of capture to the extent possible with good engineering design;~~and~~.
 - (b) The control equipment achieves an outlet emission rate of not greater than 0.030 grain of particulate emissions per dry standard cubic foot of exhaust gases or there are no visible particulate emissions from the exhaust ~~stack(s)~~stack, whichever is less stringent~~;~~.
- (4) For ship loading operations at grain terminals, either of the following:
 - (a) Except during topping-off periods or during the loading of tween-deckers or tankers, the covering of the hatches and loading spouts with tarpaulin covers, to the extent practicable, and evacuation of the hatches to control equipment which is designed to achieve an outlet emission rate of 0.030 grain of particulate emissions per dry standard cubic foot of exhaust gases;~~or~~.
 - (b) The installation and use of control measures such as deadbox or bullet-type loading spouts which are equivalent to or better than the overall control efficiency of the measures described in paragraph (B)(4)(a) of this rule~~;~~.
- (5) The use of adequate containment methods during sandblasting or other similar operations~~;~~.
- (6) The periodic application of water or other suitable dust suppression chemicals, the installation of storage silos, bins or other enclosed structures, or the use of canvas or other suitable coverings, for all materials stockpiles and stockpiling operations, except temporary stockpiles and stockpiling operations for grain and grain products~~;~~.
- (7) The covering, at all times, of open bodied vehicles when transporting materials likely to become airborne~~;~~.
- (8) The paving of roadways and the maintaining of roadways in a clean condition;~~and~~.

- (9) The prompt removal, in such a manner as to minimize or prevent resuspension, of earth or other material from paved streets onto which earth or other material has been deposited by trucking or earth moving equipment or erosion by water or other means.
- (C) For purposes of determining compliance with ~~the requirements of~~ paragraph (B) of this rule, the director shall consider a control measure to be adequate if it complies with the following:
- (1) The visible particulate emission ~~limitation(s)~~limitation contained in rule 3745-17-07 of the Administrative Code;
 - (2) If applicable, the control requirements contained in paragraph (B) of this rule; and
 - (3) The definition of reasonably available control measures in paragraph (B)(17) of rule 3745-17-01 of the Administrative Code.
- (D) Any owner or operator of a facility which contains a fugitive dust source and which is located within any area identified in appendix A to this rule shall submit a certification ~~and/or~~or application for a permit-to-operate in accordance with paragraphs (A) and (B) of rule 3745-17-04 of the Administrative Code. This paragraph shall not exempt the owner or operator of a fugitive dust source which is not located within an area identified in appendix A to this rule from ~~the requirements of~~ rule 3745-35-02 or 3745-77-02 of the Administrative Code.

[\[Comment: Applications requiring submittal prior to June 30, 2008, for sources not subject to the Title V program, were to be submitted in accordance with now rescinded Chapter 3745-35 of the Administrative Code.\]](#)

- (E) ~~Within thirty days after January 31, 1998, the "Ford Motor Company, Cleveland Casting Plant" (OEPA premise number 1318120180) or any subsequent owner or operator of the "Ford Motor Company, Cleveland Casting Plant" located at 5600 Henry Ford Boulevard, Brook Park, Ohio shall submit a written notification to the director which indicates whether it will comply with either the work practice plan in appendix B to this rule or the visible particulate emission limitation in paragraph (B)(5) of rule 3745-17-07 of the Administrative Code and the requirements of paragraph (B)(2) of this rule for the control of fugitive dust generated from any unpaved roadway or parking area located at such facility. In such notification, "Ford Motor Company, Cleveland Casting Plant" or any subsequent owner or operator of such facility shall choose between the requirements of the work practice plan or the requirements of paragraph (B)(5) of rule 3745-17-07 of the~~

~~Administrative Code and of paragraph (B)(2) of this rule. Except as otherwise provided in paragraph (F) of this rule, after submitting such written notification indicating which control requirements it will comply with, "Ford Motor Company, Cleveland Casting Plant" or any subsequent owner or operator of such facility will be subject to and shall comply with such control requirements~~[\[Reserved.\]](#):

- (F) ~~After selecting a control requirements option pursuant to paragraph (E) of this rule, in the event that "Ford Motor Company, Cleveland Casting Plant" or any subsequent owner or operator of the "Ford Motor Company, Cleveland Casting Plant" subsequently desires to be subject to and to comply with the other identified control requirements option identified in paragraph (E) of this rule, "Ford Motor Company, Cleveland Casting Plant" or any subsequent owner or operator of such facility may so notify the director by submitting a written notification which clearly indicates that "Ford Motor Company, Cleveland Casting Plant" or any subsequent owner or operator of such facility desires to be subject to and shall comply with the alternative control requirements option. To be effective, any such written notification shall expressly identify the specific date on which "Ford Motor Company, Cleveland Casting Plant" or any subsequent owner or operator of such facility desires to be subject to the alternative control requirements option and shall be submitted no later than thirty days prior to such date. In the event that "Ford Motor Company, Cleveland Casting Plant" or any subsequent owner or operator of such facility complies with the written notification provisions contained in this paragraph, "Ford Motor Company, Cleveland Casting Plant" or any subsequent owner or operator of such facility shall become subject to and shall comply with the alternative control requirements option as of the date specifically identified in the written notification~~[\[Reserved.\]](#):