

RULE SYNOPSIS

Draft rule language for Ohio Administrative Code (OAC) Rules 3745-25-01 and 3745-25-02

The Ohio EPA Division of Air Pollution control (DAPC) has completed amended rule language to make OAC Chapter 3745-25 (Ambient Air Quality and Emergency Episode Standards) current in relation to recent changes to the National Ambient Air Quality Standards (NAAQS) for particulate matter, sulfur dioxide, ozone, and lead. A discussion of the amendments/changes to the rule language are discussed below:

Changes to the rules made as a results of, or after the completion of, the draft rule review

OAC rules 3745-25-01 and 3745-25-02 were originally released for a draft review as part of a larger rulemaking package on March 16, 2011. No comments were received on the draft language for OAC rule 3745-25-01 and 3745-25-02 during the draft comment period. However, due to the uncertainty with USEPA's reconsideration of the 2008 ozone standard, these two rules were removed from the draft rulemaking package pending resolution of the uncertainty.

On September 2, 2011, USEPA was directed by the president of the United States to suspend their reconsideration and begin enforcement of the 2008 ozone standard. Based on this decision, Ohio EPA amended paragraph (D) of OAC rule 3745-25-02 to reflect the 2008 primary and secondary ozone standard of 0.075 parts per million by volume.

No other changes were made to the March, 2011 draft amended rules. The rules proposed to the JCARR include the draft changes and the additional change to the ozone standard. The draft amendments are discussed below:

Changes to the rules presented in the March, 2011 draft review

The following changes were presented in the rules released for draft review on March 16, 2011.

In OAC rule 3745-25-01 (Definitions), under the "Referenced materials" heading, paragraphs have been added referencing 40 CFR Part 50, Appendices C, G, R, S, and T, pertaining to procedures or interpretations concerning carbon monoxide, lead, nitrogen dioxide and sulfur dioxide. Also, the title of 3745-25-01 is being changed to "Definitions and reference to materials" to properly reflect the rule content.

In OAC rule 3745-25-02 (Ambient air quality standards) the following changes are needed to bring Ohio's rules in agreement with the NAAQS:

Paragraphs (A)(2) and (A)(3) pertaining to particulate matter are being changed

to add “midnight to midnight” and “averaged over three years” at appropriate places in the text, to clarify the intended timeframes.

Paragraphs (B)(1)(a) and (B)(1)(b) pertaining to sulfur dioxide are being changed to remove the concentration limits expressed in micrometers per cubic meter, while leaving the corresponding limits expressed in parts per million in place. In (B)(1)(a) the limit of 0.03 ppm is restated as 0.030 ppm to match the digits of precision in the federal standard, and the rounding convention is explicitly stated. In (B)(1)(b), the twenty-four hour averages are defined as midnight-to-midnight blocks, and the rounding convention is explicitly stated.

A new paragraph (B)(1)(c) has been inserted to add concentration limits based on the three year average of one-hour ninety-ninth percentile concentrations, to match the federal standard for sulfur dioxide.

Paragraph (B)(2) pertaining to the secondary standard for sulfur dioxide has been changed to remove the concentration limit for the maximum three-hour concentration expressed in micrometers per cubic meter, while leaving the corresponding limit expressed in parts per million (ppm) in place. The limit of 0.50 ppm is restated as 0.5 ppm to match the digits of precision in the federal standard, and the rounding convention is explicitly stated. The three-hour averages are stated to be non-overlapping three-hour blocks.

The material under paragraph (C) pertaining to carbon monoxide has been reorganized, without changing any requirements, and a reference has been added to the 40 CFR appendices that specify reference sampling methods and equivalent methods.

Under paragraph (E) pertaining to nitrogen dioxide, the concentration limit for the annual averaging period has been changed to remove the limit expressed in micrograms per cubic meter, while leaving the corresponding limit expressed in parts per million in place. A new paragraph (E)(1)(b) has been inserted to add concentration limits based on the three year average of one-hour average ninety-eighth percentile concentrations, in order to match the federal standard, and in (E)(3), a reference has been added to the 40 CFR appendices that specify reference sampling methods and equivalent methods.

Under paragraph (F) pertaining to lead, the ambient air quality standard has been made numerically more stringent, the averaging period has been changed from block to rolling quarter, and a statement has been added that three consecutive calendar years at or below the standard establishes compliance.