

\*\*\* DRAFT – NOT FOR FILING \*\*\*

3745-31-23 **Nonattainment provisions - stationary sources locating in designated clean or unclassifiable areas which would cause or contribute to a violation of a national ambient air quality standard.**

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see "[Incorporation by Reference](#)"-at the end of rule 3745-31-01 of the Administrative Code paragraph (KKKKKK) of rule 3745-31-01 of the Administrative Code entitled, "[referenced materials.](#)"-]

(A) Applicability.

This rule applies only to major stationary sources or major modification that will be located in an area designated in 40 CFR 81.336 as attainment or unclassifiable if the emissions from the major stationary source or major modification would exceed the following significance levels at any locality that does not meet the national ambient air quality standard:

Air Pollutant	Annual	Averaging Time (Hours)			
		24	8	3	1
Sulfur dioxide	1.0µg/m <sup>3</sup>	5.0µg/m <sup>3</sup>	-----	25µg/m <sup>3</sup>	-----
<del>TSP</del>	<del>1.0µg/m<sup>3</sup></del>	<del>5.0µg/m<sup>3</sup></del>	<del>-----</del>	<del>-----</del>	<del>-----</del>
PM10	1.0µg/m <sup>3</sup>	5.0µg/m <sup>3</sup>	-----	-----	-----
<u>PM2.5</u>	<u>0.3µg/m<sup>3</sup></u>	<u>1.2µg/m<sup>3</sup></u>	<u>-----</u>	<u>-----</u>	<u>-----</u>
Nitrogen dioxide	1.0µg/m <sup>3</sup>	-----	-----	-----	-----
Carbon monoxide	-----	-----	500µg/m <sup>3</sup>	-----	2mg/m <sup>3</sup>

(B) Requirements and exemptions.

Major stationary sources or major modifications to which this section applies ~~must~~ shall meet the LAER ~~requirements~~ under paragraph (A)(1) of rule 3745-31-22 of the Administrative Code, the compliance certification ~~requirement~~ under paragraph (A)(2) of rule 3745-31-22 of the Administrative Code, and the net air quality benefit ~~requirement~~ under paragraph (A)(4) of rule 3745-31-22 of the Administrative Code. However, such major stationary sources or major modifications are exempt from the offset requirements under paragraph (A)(3) of rule 3745-31-22 of the Administrative Code.

(C) Review of specified major stationary sources for air quality impact.

(1) For sulfur dioxide, particulate matter, PM10, PM2.5 and carbon monoxide, the determination of whether a major stationary source or major modification will

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cause or contribute to a violation of a national ambient air quality standard is be made on a case-by-case basis using the major stationary source's allowable emissions in an atmospheric dispersion model.

- (2) For major stationary sources of nitrogen oxides, the initial determination of whether a major stationary source would cause or contribute to a violation of the national ambient air quality standard for nitrogen dioxide will be made using an atmospheric model assuming all the nitric oxide emitted is oxidized to nitrogen dioxide by the time the plume reaches ground level. The initial concentration estimates may be adjusted if adequate data are available to account for the expected oxidation rate.
- (3) For ozone, major stationary sources of VOCs, locating outside a designated ozone nonattainment area, will be presumed to have no significant impact on the designated nonattainment area. If ambient monitoring indicates that the area of major stationary source location is in fact nonattainment, then the major stationary source may be permitted under the provisions of the Ohio state implementation plan adopted pursuant to Section 110(A)(2)(d) of the Clean Air Act until the area is designated nonattainment and the Ohio state implementation plan revision is approved. If no Ohio state implementation plan pursuant to Section 110(A)(2)(d) of the Clean Air Act has been adopted and approved, then this rule shall apply.
- (4) The determination as to whether a major stationary source would cause or contribute to a violation of a national ambient air quality standard should be made as of the new stationary source's start-up date. Therefore, if a designated nonattainment area is projected to be an attainment area as part of an approved Ohio state implementation plan control strategy by the new stationary source start-up date, offsets will not be required if the new stationary source would not cause a new violation.

## (D) Major stationary sources located in clean air areas.

If the director finds that the emissions from a proposed major stationary source would cause a new violation of a national ambient air quality standards, but would not contribute to an existing violation, approval may be granted only if both of the following conditions are met:

- (1)
  - (a) The major stationary source is required to meet a more stringent emission limitation and/or the control of existing stationary sources below allowable levels is required so that the major stationary source will not cause a violation of any national ambient air quality standard.

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- (b) If the director determines that technological or economic limitations on the application of measurement methodology to a particular class of major stationary sources would make the imposition of an enforceable numerical emission standard infeasible, the director may instead prescribe a design, operational, or equipment standard. Any permits issued without an enforceable numerical emission standard must contain enforceable conditions which assure that the design characteristics or equipment will be properly maintained (or that the operational conditions will be properly performed) so as to continuously achieve the assumed degree of control. Such conditions shall be enforceable as emission limitations by private parties under Section 304 of the Clean Air Act. Thereafter, the term emission limitation shall also include such design, operational, or equipment standards.
- (2) The new emission limitations for the major stationary source as well as any existing stationary sources affected must be federally enforceable.