



Early Stakeholder Outreach — OAC Chapter 3745-110 – Nitrogen Oxides - Reasonably Available Control Technology Regulations

Ohio EPA prepares early stakeholder outreach fact sheets to ensure stakeholders are brought into the review process as early as possible and to obtain additional input and discussion before development of interested party draft rules.

What does OAC Chapter 3745-110 cover?

Chapter 3745-110 of the Ohio Administrative Code (OAC) establishes requirements for emissions of Nitrogen oxides (NO_x) from very large, large, mid-size, and small boilers, stationary combustion turbines, stationary internal combustion engines or reheat furnace as defined in OAC rule 3745-110-01, or sources located at a facility that emits or has the potential to emit a total of more than one hundred tons per year of NO_x emissions from all sources at that facility. NO_x is a precursor compound which, along with volatile organic compounds (VOCs) can form ozone. Ozone is one of the six criteria pollutants for which a National Ambient Air Quality Standard (NAAQS) has been established under the Clean Air Act.

Why are these rules being sent out for Early Stakeholder Outreach?

The first step in the rule-making process is for Ohio EPA to identify that a rule needs to be amended, rescinded, or created. In response to EO 2011-01K, Ohio EPA has added an additional step to ensure stakeholders are brought into the rule process as early as possible. This additional interested party notification and request for information will allow for early feedback before the rule language has been developed by the Agency.

What changes are being considered?

At this time, Ohio EPA is considering changes that may be required under the Clean Air Act (CAA) in the event the Cleveland and Cincinnati ozone nonattainment areas are reclassified from marginal to moderate nonattainment.

The Cleveland and Cincinnati nonattainment areas are currently classified as marginal nonattainment for the 2015 ozone standard. The areas are required to meet the ozone standard by August 3, 2021, based on ozone monitoring data collected during the 2018-2020 ozone monitoring seasons, which extend from March 1 to October 31 each year.

Based on ozone monitoring data through October 31, 2020, Ohio EPA anticipates that the Cleveland and Cincinnati areas will fail to meet the ozone standard by August 3, 2021 as required, and will be reclassified to moderate nonattainment by U.S. EPA in accordance with the CAA. Reclassification to moderate nonattainment triggers additional CAA requirements, including NO_x Reasonably Available Control Technology (RACT) requirements for major stationary sources located in the moderate nonattainment areas.

How can I provide input?

The Agency is seeking stakeholder input on the rules. When preparing your comments, be sure to:

- explain your views as clearly as possible;
- describe any assumptions used;
- provide any technical information and/or data used to support your views;
- explain how you arrived at your estimate for potential burdens, benefits or costs;
- provide specific examples to illustrate your views; and
- offer alternatives.

Written comments will be accepted through close of business **Monday, January 11, 2021.**

Please submit input to:

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What if I have questions?

These rules can be found on Ohio EPA's website for electronic downloading at:

http://epa.ohio.gov/dapc/regs/3745_110.aspx
or contact Mr. Braun (information provided above).

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NOx RACT was previously established for the Cleveland nonattainment area under prior ozone standards. Ohio EPA will need to review the currently effective requirements and make any necessary revisions to ensure they continue to be appropriate to meet requirements under the 2015 standard. Ohio EPA will also need to establish NOx RACT requirements for sources in the Cincinnati ozone nonattainment area.

Who will be regulated by these rules?

The rules in OAC Chapter 3745-110 are currently applicable to very large, large, mid-size, and small boilers, stationary combustion turbines, stationary internal combustion engines or reheat furnace as defined in OAC rule 3745-110-01, or sources located at a facility that emits or has the potential to emit a total of more than one hundred tons per year of NOx emissions from all sources at that facility; and the facility is located in Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Medina, Portage, or Summit County.

The revisions would affect point sources emitting NOx in the Cleveland 2015 ozone nonattainment area (Cuyahoga, Geauga, Lake, Lorain, Medina, Portage and Summit counties) and the Cincinnati 2015 ozone nonattainment area (Butler, Clermont, Hamilton and Warren counties).

What is the rulemaking schedule?

Upon completion of the Early Stakeholder Outreach portion of this rulemaking, Ohio EPA will make any changes necessary to the rule language and make a draft of the rule language available to the public for a 30-day review.

What input is the Agency seeking?

The following questions may help guide you as you develop your comments.

- Is the general regulatory framework proposed the most appropriate? Should the Agency consider any alternative framework?
- What options are available for improving an identified concept? What options are available for improving the existing rules?
- Are there considerations the Agency should take into account when updating the existing rules? Are there considerations the Agency should take into account when developing a specific concept?
- Is there any information or data the Agency should be aware of when developing program concepts or rule language?

Contact

For more information, contact Paul Braun at paul.braun@epa.ohio.gov or (614)644-3734.