



John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Craig W. Butler, Director

MAR 13 2017

Mr. Robert Kaplan  
Acting Regional Administrator  
U.S. EPA Region V  
77 W. Jackson Blvd.  
Chicago, IL 60604

**Re: Request for Approval of New and Amended Rules in Ohio Administrative Code (OAC) Chapter 3745-18 into Ohio's State Implementation Plan (SIP)**

Dear Mr. Kaplan:

On February 6, 2017, Ohio EPA adopted amended and new rules in OAC Chapter 3745-18. The rules in this chapter regulate emissions of sulfur dioxide from coal-burning boilers in the state of Ohio and have been a part of Ohio's State Implementation Plan (SIP) since the 1980's.

This letter will serve as Ohio's submittal to request amendment to the SIP by replacing existing rules in OAC Chapter 3745-18 in the SIP with the new and amended versions included in this submittal.

The following changes have been made to these rules:

1. Removal of Permanently Shut down Facilities and Emission Units, or Corrections to Existing Facilities:

The most expansive change to the rules involves the chapter-wide deleting and/or amending of requirements for facilities or emissions units that have permanently shut down, changed ownership, or made other changes at the facility requiring updating in the rules. The rules in this chapter were initially promulgated in the 1970's and 1980's to memorialize emissions limitations for specific emission sources in the state of Ohio that were necessary for Ohio to demonstrate attainment of the sulfur dioxide national ambient air quality standard. The emission limits for these units were written into the rules to become an official part of Ohio's SIP.

In the 30+ years since these emission limits were incorporated into Ohio's SIP, many of these emission sources have been permanently shut down, have changed ownership, have been re-permitted with differing emissions unit identification number or descriptions, or have otherwise made changes that warrant updating to one or more of the rules in this chapter. After discussions with USEPA Region V, it was determined that Ohio EPA could and should

remove information on these sources from our rules to ease confusion over limits for facilities or emissions units that no longer exist. DAPC removed sources from the rules that: 1) are located at fully closed (permanently shutdown) facilities as verified in Ohio EPA's STARS2 database; 2) the facility or emission unit is not included in the STARS2 database, but Ohio EPA has some form of written evidence of a permanent shut down; or 3) contain a shutdown emissions unit that was previously amended by zeroing out the emissions limits in the rule to preserve the facility for potential use as an offset, as it is not necessary for the facility to be in the rules to be used as an offset as historically believed.

These facilities would not be able to restart, if desired, without being considered a new source which would subject them to emission limitations that meet today's best available technology requirements. The removal of these sources is being performed to ease confusion over retaining regulations with emission limits for facilities that no longer exist.

2. Updating of Compliance Requirements (OAC rule 3745-18-03):

Ohio EPA removed permanently shut down facilities from the compliance requirements in OAC rule 3745-18-03, "Attainment dates and compliance time schedules". The criteria for removal was identical to those listed in item #1 above.

3. Removal of Director's Discretion Language in OAC 3745-18-03(C)(11):

On February 24, 2016, Ohio EPA received notification from USEPA that language in paragraph (C)(11) of the rule regarding the director's discretion in issuing an extension to the compliance date for affected facilities was unapprovable as part of Ohio's SIP. In the interest of the state of Ohio, and to make the rule approvable as a part of Ohio's SIP, Ohio EPA is striking the director's discretion language from the rule as part of this rulemaking.

4. Updating of Measurement Methods and Requirements (OAC rule 3745-18-04):

Ohio EPA removed permanently shut down facilities from OAC rule 3745-18-04, "Measurement Methods and Procedures". The criteria for removal was identical to those listed in item #1 above.

5. Updating Requirements for Ohio's Attainment Demonstration SIPs for the 2010 Sulfur Dioxide National Ambient Air Quality Standard (NAAQS).

On April 3, 2015 Ohio EPA submitted "Ohio's Nonattainment Area State Implementation Plan for the 2010 Sulfur Dioxide National Ambient Air Quality Standard" and on October 13, 2015, Ohio EPA submitted "Ohio's Final Nonattainment Area State Implementation Plan and Ohio Administrative Code Chapter 3745-18 Revisions for the 2010 Sulfur Dioxide National Ambient Air Quality Standard" to USEPA for approval into Ohio's SIP. Subsequently, Ohio EPA received comments on sources subject to attainment demonstrations contained in these submittals as a part of this rulemaking (see Article V). As a result, Ohio EPA has incorporated the amendments contained in Appendix M of this submittal and is requesting USEPA approve these new requirements in place of the requirements submitted in our October 13, 2015 OAC Chapter 3745-18 rules. The specific changes that apply are summarized below:

a. Cardinal Power Plant:

OAC rule 3745-18-47(D) is being revised to incorporate emissions limits equivalent to limits the Cardinal Power Plant is currently required to comply with as part of their federally enforceable permits. These limits will assist with ensuring compliance with the 2010 Sulfur Dioxide NAAQS.

OAC rule 3745-18-03(C)(11) is being revised to reference the new limitations in paragraph (D) of OAC rule 3745-18-47 and require compliance for the purposes of the 2010 Sulfur Dioxide NAAQS by no later than 30 days from the effective date of the rule.

OAC rule 3745-18-04(D)(4) is being deleted as Cardinal Power Plant no longer uses or needs the ability to allow two exceedances to be used in its 30-day compliance determination.

b. Painesville Municipal Electric:

Paragraphs (F)(2) to (F)(8) of OAC rule 3745-18-49 are being revised to update the emissions limitations and allow the use of "Biomass" burning.

OAC rule 3745-18-04(D)(10) is being amended to update the compliance demonstration method to conform to the new emissions limitations established in OAC rule 3745-18-49(F).

OAC rule 3745-18-03(C)(9) is being revised to require a permit application to incorporate the updated emissions limitations in paragraph (F) of OAC rule 3745-18-49 by no later than 30 days from the effective date of the rule.

OAC rule 3745-18-03(C)(11) is being revised to require compliance with the updated emissions limitations in paragraph (F) of OAC rule 3745-18-49 by no later than 30 days from the effective date of the rule.

This letter should meet the requirements in 40 CFR Part 51, Appendix V, Section 2.1(a): a "formal letter of submittal from the Governor or his designee, requesting EPA approval of the plan or revision."

The following documents are attached for your consideration per the requirements of 40 CFR Part 51, Appendix V:

Article I addresses the following two requirements:

40 CFR Part 51, Appendix V, Section 2.1(b)

Evidence that the State has adopted the plan in the State code or body of regulations; or issued the permit, order, consent agreement (hereafter "document") in final form. That evidence shall include the date of adoption or final issuance as well as the effective date of the plan, if different from the adoption/issuance date.

40 CFR Part 51, Appendix V, Section 2.1(d)

A copy of the actual regulation, or document submitted for approval and incorporation by reference into the plan, including indication of the changes made to the existing approved plan, where applicable. The submittal shall be a copy of the official State regulation /document signed, stamped, and dated by the appropriate State official indicating that it is fully enforceable by the State. The effective date of the regulation/document shall, whenever possible, be indicated in the document itself.

Certified copies of the rules in this chapter, as effective at the state level on February 16, 2017 in redline and strikeout, are included in Article I, Attachment A for approval and incorporation by reference into the plan. The copy is included as evidence that the State has adopted the body of regulations in final form. This submittal includes a copy of the official State regulation signed, stamped, and dated by the appropriate State official indicating that it is fully enforceable by the State. The effective date of the regulation is indicated in the document itself. Please consider that Ohio has an electronic rule filing system and all certifications/signatures of regulations are done electronically.

Also included with Article I, Attachment B is a cross-reference document detailing the changes made throughout the rules in this Chapter, including: 1) if a facility or emissions unit was removed from the rule and the reason for the removal from the rule; 2) a cross reference for modifications to facility and emissions unit name and ID changes, and; 3) cross references for facilities that remain in the rules but were relocated due to renumbering of a rule.

Article 1, Attachment C includes a cross-reference document comparing the date of the most recent version of each of Ohio's rules included in this submittal, the date of the last version of each of those rules approved in the SIP, and the location in this document where redline and strikeout versions of each rule under this SIP revision request is compared to the rule last approved in the SIP. For the majority of the rules in this submittal, the official redline and strikeout document included Article 1, Attachment A will serve as this comparison document as the changes in this rulemaking are the first changes to the rule since the most recent approved SIP rule version. However, for five rules in this Chapter that became effective October 23, 2015, Ohio EPA submitted a SIP revision request on October 13, 2015 as noted above. USEPA has not acted to approve these rules in Ohio's SIP and as noted above, Ohio EPA is requesting USEPA approve the latest version of these rules in place of the rules submitted on October 13, 2015. Additionally, Ohio EPA adopted changes to OAC rule 3745-18-03 on August 26, 2011, removing paragraph (A) and listing it as "[Reserved.]" The change was made to remove duplicative attainment language that could be found in other state and federal documents. Also, to reflect this change, Ohio EPA changed the name of the rule to "Compliance Time Schedules" to reflect the removal of the attainment language from the rule. This change was not previously submitted as an amendment to the SIP. Ohio EPA is providing a comparison of the previously approved SIP rule with current amendments for each of these rules in Article 1, Attachment D.

Article II addresses the following requirement:

Copies of the public notice of adoption and Director's Findings & Orders have been included as evidence of the date of adoption as well as the effective date of the regulation and evidence that public notice was given of the proposed changes consistent with procedures approved by EPA, including the date of publication of such notice.

Requirements of 40 CFR Part 51, Appendix V, Section 2.1(c):

Evidence that the State has the necessary legal authority under State law to adopt and implement the plan.

Ohio's legislature has given Ohio EPA authority under paragraphs (A) and (E) of Section 3704.03 of the Ohio Revised Code (ORC) to enact these rules. Copies of these sections of the ORC can be provided upon request.

Article III addresses the following requirements:

40 CFR Part 51, Appendix V, Section 2.1(e)

Evidence that the State followed all of the procedural requirements of the State's laws and constitution in conducting and completing the adoption/issuance of the plan.

40 CFR Part 51, Appendix V, Section 2.1(f)

Evidence that public notice was given of the proposed change consistent with procedures approved by EPA, including the date of publication of such notice.

Ohio EPA has included a narrative and several attachments as evidence that the State followed all of the procedural requirements of the State's laws and constitution in conducting and completing the adoption/issuance of the plan.

Article IV

40 CFR Part 51, Appendix V, Section 2.1(g)

Certification that public hearings(s) were held in accordance with the information provided in the public notice and the State's laws and constitution, if applicable.

A copy of the transcript from the public hearing held on January 6, 2017 in Columbus, Ohio has been provided as certification that a public hearing was held in accordance with the information provided in the public notice and the State's laws and constitution.

Article V

40 CFR Part 51, Appendix V, Section 2.1(h)

Compilation of public comments and the State's response thereto.

Copies of the Response to Comments documents for both the draft language and proposed language comment periods are attached.

Ohio EPA asks that the above mentioned rules be accepted as revisions/additions into Ohio's SIP.

We would appreciate if U.S. EPA would expedite the review of this material. Please contact Bob Hodanbosi (614)644-3585 or [robert.hodanbosi@epa.ohio.gov](mailto:robert.hodanbosi@epa.ohio.gov) if you have any questions about this submittal.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Butler". The signature is fluid and cursive, with a long horizontal stroke at the end.

Craig W. Butler  
Director, Ohio Environmental Protection Agency

cc: Bob Hodanbosi, Chief Division of Air Pollution Control

Attachments