

Ohio EPA

Division of Air Pollution Control

S.B. 265 Changes

A&WMA NOC

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S.B. 265 Changes

- Sweeping changes to NSR program.
- Redefining air contaminants covered by PTI.
- Codified major parts of toxics program.



S.B. 265 Changes

- Relaxed construction limitations.
- Limited monitoring, record keeping and reporting.
- Major changes in applicability of BAT.

Consideration of Compliance Costs During Rulemaking

- ORC 3704.03 (E) (1).
- Director promulgates rules – must consider compliance costs.
- Ohio EPA will closely evaluate any cost information that is produced looking to minimize the overall cost of the regulation.

Permit to Install Requirements for PALs

- ORC 3704.03 (F)(2).
- No PTIs needed for modifications to plant-wide applicability limit (PAL).
- Implemented through PAL permit.
- Toxics modeling may still be required.



Defining Air Contaminants Covered by PTIs

- ORC 3704.03 (F)(3).
- DAPC must adopt rules - PTIs only for new or modified facilities that emit:
 - ◆ NAAQS;
 - ◆ Clean Air Act regulated air cont.; or.
 - ◆ Contaminant w/ threat of adverse human health effects.



Defining Air Contaminants Covered by PTIs

- Developed air toxic rule per ORC.
- Detailed technical review - 303 compounds.
- OAC 3745-114 effective Friday, December 1, 2006.



Issuing PTIs in accordance with the Air Toxics Policy

- ORC 3704.03 (F)(4)(a).
- Must use air toxics policy.
- Applicant must provide toxic information.
- Same toxic evaluation as before rule.



Consistent Air Toxics Modeling

- ORC 3704.03 (F) (4)(b).
- Toxics modeling must be performed consistent w/ Air Toxics Policy.
- The modeling based on max hourly emission rate after controls.
- Director determines if Maximum Acceptable Ground Level concentration (MAGLC) is exceeded.



Air Toxics Terms and Conditions

- ORC 3704.03 (F)(4)(c) and (d) - (c).
- Toxic limits can be in PTIs when the modeled concentration is $>80\%$ MAGLC.
- Toxic limit = daily limit (maximum hourly limit by operating schedule).
- $< 80\%$ of the MAGLC, no limits, but annual report of changes.
- Need to develop “state-only” T&Cs.



Sources Excluded from the Air Toxics Policy

- ORC 3704.03 (F)(4)(e).
- No toxics if MACT, residual risk, PSD or LAER for that pollutant.
- Roadways, parking lots, storage tanks etc. (EG 70).
- Same as current practice.



Defining Pre-Construction Activities

- ORC 3704.03 (F)(5).
- Ohio EPA must adopt rules – Small sources can start const. prior to PTI.
- Can do everything except hook up utilities.
- At the risk of the owner or operator.



Defining Pre-Construction Activities

- PSD, Nonattainment NSR, Syn Minors – same start const rules as before – no changes.
- Better defined what can be done.
- OAC 3745-33, effective December 1, 2006.

Limiting Monitoring, Record Keeping and Reporting

- ORC 3704.03 (I).
- Must use rule monitoring, record keeping, reporting, if available.
- Applicant can agree to alternative (but not less stringent).
- Director may combine monitoring requirements to streamline reporting.

Limiting Operating Restrictions

- ORC 3704.03 (I).
- Can't add operational restricts that are more restrictive than the underlying applicable rule.
- For synthetic minors, companies may accept more stringent operating restrictions.



Limitations on BAT

- ORC 3704.03 (T).
- After three years, BAT shall be no more stringent than MACT, PSD or LAER.
- Ohio EPA will limit the BAT requirements of new sources. This restriction is similar to our current practice.



Rulemaking Requirement for BAT

- ORC 3704.03 (T).
- After three years, BAT can only be required on sources if Ohio EPA has developed rules.
- DAPC must write rule to describe BAT for all sources.



Rulemaking Requirement for BAT

- Rule BAT can be work practices, source design characteristics or design efficiency; raw material specification or throughput averaged over a twelve-month rolling period; and monthly allowable emissions averaged over a twelve month rolling period.



BAT exemption for sources less than 10 tons per year

- ORC 3704.03 (T).
- <10 ton/yr controlled... no BAT.
- BAT limitations do not apply to PALs or GPs issued prior to January 1, 2006.
- Currently not applying BAT to <10 t/y sources.
- Forward looking only.



<10 T/Y BAT Q & A

- Get BAT dropped by getting a permit?
 - ◆ Only if a “modification” under the rule.
- If my uncontrolled >10, my rule limits are >10, but my controlled <10, does BAT apply.
 - ◆ Yes, unless you get a voluntary limit.
- See 9/12/06 Q&A.

Application of RACT for BAT

- ORC 3704.03 (T).
- At a minimum, a new source greater than 10 tons per year of VOC or NO_x must install RACT.
- This is a backstop provision.
- Applies in three years.

SIP Revision Needed

- Ohio EPA must submit changes to US EPA in order to revise the SIP.
- Need to document that the changes will not have an adverse impact on air quality.
- Started dialogue with US EPA on what will be needed.



Wrap-up

- Check the “What’s New” link on DAPC’s web page
- <http://www.epa.state.oh.us/dapc/>
- Questions/Comments?