



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

SEP 02 2014

REPLY TO THE ATTENTION OF:

Mike Hopkins
Division of Air Pollution Control
Ohio Environmental Protection Agency
50 West Town Street
Suite 700
P.O. Box 1049
Columbus, Ohio 43216

Dear Mr. Hopkins,

On February 7, 2014, the Ohio Environmental Protection Agency (OEPA) issued revised guidance regarding the implementation of Ohio Administrative Code 3745-31-05, Best Available Technology (BAT). I want to thank you and your staff for engaging in several discussions with the U.S. Environmental Protection Agency regarding the BAT guidance document (the guidance).

After discussing the guidance with you and your staff, EPA continues to have concerns about the source design characteristic option (source design) under the case-by-case BAT determination. EPA understands that under this option, sources will be required to design emission units to meet a specified emission rate and follow maintenance procedures as recommended by the equipment manufacturer. The guidance says that the source design BAT *"is simply a design standard that needs to be met initially. No ongoing compliance obligations exist. No monitoring, record keeping, or reporting requirements should be included."* EPA remains concerned that while the OEPA may choose to require initial emission testing and require monitoring and recordkeeping to ensure that the equipment is maintained as designed, there will be no periodic testing, monitoring or recordkeeping associated with the source design BAT limit, therefore there is no expectation of ongoing compliance by the source, as stated on page 9 of the guidance. This creates conditions which are unenforceable within the permit and the unrealistic assumption that if the equipment is designed to meet certain emission rates, it is consistently achieving those emission rates. In some situations, the only permit conditions that would be enforceable are whether the equipment was installed per design and whether proper maintenance per the manufacturer's recommendations was followed. Additionally, EPA understands that any emissions testing would not be used for compliance with a source design BAT limit; it would only be used as an indicator of proper operation of the emissions unit. Emissions testing results which cannot be used for compliance purposes conflict with EPA's Credible Evidence Rule.

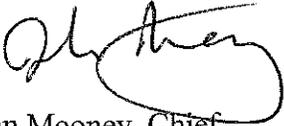
The guidance also allows the option of monthly allowable emissions averaged over a 12-month period (monthly allowable) under the case-by-case BAT. The method of compliance when using

the monthly allowable BAT simply describes how the monthly allowable rate was calculated, often utilizing AP-42 emission factors and a maximum processing rate. We have a concern with the monthly allowable BAT as it utilizes a fixed calculation to show compliance with the BAT emission rate. Because there are no variables in the equation, the equation does not reflect actual production or process data from the source.

Finally, the guidance is applicable to sources emitting between 10 and 249 tons per year of a single pollutant, which can include sources close to significance thresholds, sources in non-attainment areas, sources using control equipment, and significant emission units at major sources. The guidance document (page 21) is clear that OEPA will follow EPA's limiting potential to emit guidance document when setting synthetic minor restrictions. However, the sources using source design to meet BAT could trigger additional Clean Air Act requirements such as Prevention of Significant Deterioration or Non-attainment New Source Review without realizing it, without practically enforceable emission limits, testing, monitoring, recordkeeping and reporting, especially if the source relies on inappropriate emission factors.

If you have any questions or would like to discuss further, please contact Rich Angelbeck of my staff at (312) 886-9698.

Sincerely,

A handwritten signature in black ink, appearing to read "John Mooney", written over a horizontal line.

John Mooney, Chief
Air Programs Branch