



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

MAY 31 2013

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 43216-1049

Dear Mr. Hopkins:

The U.S. Environmental Protection Agency has several comments on the Ohio Environmental Protection Agency's (OEPA) proposed changes to Ohio's Best Available Technology (BAT) program. OEPA is proposing these changes, for the sources that emit more than 10 tons per year (tpy) of a criteria pollutant, to further incorporate changes placed into Ohio law via Senate Bill 265 in 2006. OEPA is proposing revisions to both its December 10, 2009 BAT Guidance Document as well as its state rule language in Ohio Administrative Code 3745-31-05.

Federal regulation requires that a state's minor New Source Review program ensure that the construction of a source will not result in a violation of the State Implementation Plan (SIP), or interfere with attainment or maintenance of a National Ambient Air Quality Standard (NAAQS) (40 C.F.R. 51.160(a)). As you know, relaxations to a state's SIP requires a demonstration under 110(l) of the Clean Air Act showing "that the national ambient air quality standards, prevention of significant deterioration (PSD) increments, reasonable further progress demonstration, and visibility, as applicable, are protected if the plan is approved and implemented" (40 C.F.R. 51 App. V 2.2(d)). As written, the draft rule contains several items that would require a 110(l) demonstration in order to be approved into the SIP.

1. Pages 2 and 4 of the strike out version of the draft revised Guidance Document have references to OEPA's BAT exemption for sources emitting less than 10 tpy. At present, this exemption has not been approved into the SIP and OEPA may want to consider referencing the SIP approval status in the Guidance Document.
2. Starting on page 2 of the strike out version of the draft revised Guidance Document, under the heading of "MACT, BACT, LAER Applicability," Generally Available Control Technology was added to some but not all of the paragraphs in the section.
3. Page 3 of the strike out version of the draft revised Guidance Document refers to OAC 3745-31-07(A)(3) as an applicable citation for BAT, but that appears to be a typographical error because that rule pertains to termination of a permit.

4. The second to last paragraph on page 10 of the strike out version of the draft revised Guidance Document states that "If a BAT limit is established for the Source Design Characteristics or Control Efficiency then no ton/yr or other limit should be included for BAT." This conflicts with language in the second to last paragraph on page 9 which states "Note Ohio EPA expects emissions design characteristics to be short-term specification like ppm, gr/dscf, lb/mmBtu, lbb/100 lbs charged, etc".
5. In the strike out version of the draft revised Guidance Document and the draft revised rule, at the end of item number 4 at the bottom of page 12, the language requiring the development of monitoring, record keeping, and monitoring is deleted, and only the testing requirement is remaining. This conflicts with language on pages 9, 10, and 11 which provide specifically that ongoing compliance with BAT will include monitoring, recordkeeping, reporting, and testing. It appears that this guidance is potentially setting synthetic minor limits by rule and because of that EPA believes that the January 25, 1995 EPA policy labeled "Guidance and Enforceability Requirements for Limiting Potential to Emit through SIP and section 112 Rules and General Permits" applies. Section D "Specific Compliance Monitoring" of the policy says "The rule must specify the methods to determine compliance. Specifically, the rule must state the monitoring requirements, record keeping requirements, reporting requirements, and test methods as appropriate for each potential to emit limitation". A stack test alone with no prescribed schedule is not adequate to assure compliance with the limitation. EPA recommends that OEPA continue the development of monitoring, record keeping and reporting and keep it in the Guidance Document.

We look forward to clarification regarding the points set forth above. If you have any questions, please feel free to contact Richard Angelbeck, of my staff, at (312) 886-9698.

Sincerely,

Handwritten signature of Richard Angelbeck in cursive script.

Genevieve Damico  
Chief  
Air Permits Section