

RULE SYNOPSIS

Draft rule language for Ohio Administrative Code (OAC) rules 3745-18-01, -03, -04, -47 and -49 to incorporate facility specific requirements to address Ohio's 2010 Sulfur Dioxide (SO₂) National Ambient Air Quality Standard (NAAQS) State Implementation Plan (SIP) for Ohio's nonattainment areas

The Ohio EPA Division of Air Pollution Control (DAPC) has completed draft rule language for OAC rules 3745-18-01, -03, -04, -47 and -49. The draft amendments are being made as to incorporate facility specific requirements to address Ohio's 2010 SO₂ NAAQS SIP for Ohio's nonattainment areas.

The Clean Air Act (CAA) requires each state with areas failing to meet the 1-hour SO₂ NAAQS to develop SIPs to expeditiously attain and maintain the standard. The United States Environmental Protection Agency (U.S. EPA) promulgated a revised NAAQS for SO₂ on June 2, 2010. The new standard replaced the existing 24-hour and annual standards with a short-term 1-hour standard of 75 parts per billion (ppb). The new 1-hour SO₂ standard was published in the Federal Register on June 22, 2010 (75 FR 35520) and became effective on August 23, 2010. The standard is based on the three-year average of the annual 99th percentile of 1-hour daily maximum concentrations.

On August 15, 2013, U.S. EPA published (78 FR 47191) the initial SO₂ nonattainment area designations for the 1-hour SO₂ standard across the country (effective October 4, 2013). Four areas of the state were designated nonattainment in 2013: Lake County, OH nonattainment area (all of Lake County); Muskingum River, OH nonattainment area (Center Township in Morgan County and Waterford Township in Washington County); Steubenville OH-WV nonattainment (Cross Creek Township, Steubenville Township, Warren Township, Wells Township, and Steubenville City in Jefferson County, Ohio and Cross Creek Tax District in Brooke County, West Virginia); and Campbell-Clermont KY-OH nonattainment area (Pierce Township in Clermont County, Ohio and portions of Campbell County, Kentucky). The Campbell-Clermont KY-OH nonattainment area is not addressed in this rulemaking. Air quality data from the 2012 to 2014 period indicates this area is now attaining the standard. On March 12, 2015 Ohio EPA provided a draft redesignation request and maintenance plan to U.S. EPA and the public for comment. Areas that attain before the required date for submitting a plan do not have to submit a full nonattainment area SIP.

The remaining three areas are addressed under Ohio's nonattainment area SIP and Ohio has performed analyses that provide for attainment of the standard, as follows:

- Lake County, OH: the permanent shutdown of Eastlake Power Plant and reductions made at Painesville Municipal Power.

- Muskingum River, OH: the permanent shutdown of Muskingum River Power Plant.
- Steubenville, OH-WV: reductions will be achieved at the former Wheeling Pittsburgh Mingo Junction Steel Plant and the Mingo Junction Energy Center.

The reductions in SO₂ emissions for relevant sources above are being incorporated into this chapter which regulates Ohio's SO₂ emissions. The full technical analysis supporting these emission reductions and draft rule changes can be found in Ohio's SIP at: <http://www.epa.ohio.gov/dapc/SIP/so2.aspx> (under the heading "Attainment Demonstration").

Changes Made as a Result of Comments on the Draft Rule Amendments

A draft of amended rules was released to interested parties for a 30-day comment period ending July 9, 2015. Upon review of the comments received, Ohio EPA made one significant change to the draft rule language in OAC rule 3745-18-47 that affects the Mingo Junction Energy Center. AK Steel owns a facility (Mountain State Carbon) located in the nonattainment area (but in West Virginia). As part of their strategy for attainment, AK Steel is agreeing to no longer send coke oven gas to any sources in Ohio. AK Steel asked that we modify the emission limit in our strategy for Mingo Junction Energy Center to reflect that this facility will no longer need to burn coke oven gas from AK Steel. The higher emissions limit DAPC originally proposed was interfering with the ability for AK Steel to demonstrate attainment. Ohio EPA is now modifying the language in paragraph (P) to reflect an emissions limitation equivalent to 0.5 lb. SO₂/hr (0.0028 pounds of SO₂ per million BTU) to ensure natural gas may continue to be burned at the Mingo Junction Energy Center and reflect that higher emissions are no longer necessary to burn coke oven gas.

No other changes were made to the draft rule language. A discussion of the original draft changes is included below.

Original Draft Changes Proposed to the Rules in OAC Chapter 3745-15

The following draft changes have been made to the rules in the rulemaking:

1. Minor Style and Typo Changes: Ohio EPA is making various minor changes to correct typos and update the rule language in this chapter to meet legislative service commission (LSC) style and formatting guidelines. These changes are being made throughout these rules, are minor in nature, and do not affect the scope or intent of the rules.
2. Test Method, Publications, Referenced Materials: Ohio EPA is making various minor changes to update test method, publication and referenced material titles, effective

dates, addresses and web sites. These changes are being made throughout the chapter, are minor in nature, and do not affect the scope or intent of the rules.

3. OAC rule 3745-18-01 (Definitions)

Three new referenced materials are being added to paragraph (C)(2) to address requirements incorporated into OAC rule 3745-18-49 for the Painesville Municipal Power Plant.

5. OAC rule 3745-18-03 (Compliance time schedules)

Paragraph (B)(9) is being added to provide the requirement for sources subject to the new facility specific requirements to submit a permit application to incorporate those requirements into their permit.

Paragraph (C)(3)(w)(ii) is being reserved. This paragraph required the Wheeling Pittsburgh Steel Plant in Mingo Junction to comply with its limitations by June 17, 1980. However, the particular sources at this facility that originally had to comply with limits by that date have permanently shut down. If the language was retrained it would conflict with the new limits that are being established under OAC rule 3745-18-47 which has a different compliance schedule being incorporated into paragraph (C)(11) of this rule.

Paragraph (C)(11) is being added to provide the compliance timeline requirement for sources subject to the new facility specific requirements. January 1, 2017 is the compliance date suggested by U.S. EPA guidance while October 4, 2018 is the actual date by which attainment with the SO₂ NAAQS is required of states.

Several incorrect cross references are being corrected throughout this rule.

6. OAC rule 3745-18-04 (Measurement methods and procedures)

Paragraph (D)(10) is being added to incorporate the method for demonstrating compliance with new emissions limits being added to paragraphs (F)(4) and (F)(5) of OAC rule 3745-18-49 for the Painesville Municipal Power Plant.

7. OAC rule 3745-18-47 (Jefferson County emission limits)

Paragraph (G) is being amended for the Wheeling Pittsburgh Steel Mingo Junction facility to remove older requirements for emissions sources that have shut down and incorporate new emissions limits necessary to ensure attainment of the 2010 SO₂ NAAQS.

Paragraph (P) is being added for the Mingo Junction Energy Center facility to incorporate new emissions limits necessary to ensure attainment of the 2010 SO₂ NAAQS.

8. OAC rule 3745-18-49 (Lake County emission limits)

Paragraph (F) is being amended for the Painesville Municipal Power Plant to remove older requirements and incorporate new emissions limits and requirements necessary to ensure attainment of the 2010 SO₂ NAAQS.

Paragraph (G) is being reserved due to the permanent shutdown of the Eastlake Power Plant, which aides in ensuring attainment of the 2010 SO₂ NAAQS.