



**Environmental  
Protection Agency**

John R. Kasich, **Governor**  
Mary Taylor, **Lt. Governor**  
Scott J. Nally, **Director**

Certified Mail

OCT 12 2011

Ms. Susan Hedman  
Regional Administrator  
U.S. EPA Region 5  
77 W. Jackson Blvd.  
Chicago, IL 60604

Re: Ohio Lead (Pb) Infrastructure SIP

Dear Administrator Hedman:

I am writing to confirm that the State of Ohio continues to retain the resources necessary to evaluate ambient air quality, develop plans to attain new and existing ambient air quality standards, run a complete new source review program, and effectively enforce all applicable requirements. As outlined below, Ohio EPA can implement and satisfactorily complete the Section 110 requirements for all current and any future National Ambient Air Quality Standards (NAAQS). Specifically, the State of Ohio is submitting this documentation in accordance with the "Guidance on SIP Elements Required Under Sections 110(a)(1) and (2) for the 2008 Lead (Pb) National Ambient Air Quality Standards (NAAQS)" (draft as of 6/17/11).

The State Implementation Plan (SIP) elements listed below are required under Section 110(a)(1) and (2). Section 110(a)(1) provides the procedural and timing requirements for SIPs. Section 110(a)(2) lists the elements and sub-elements required in a complete and approvable SIP. Many of the Section 110(a)(2) SIP elements relate to the general information and authorities that constitute the "infrastructure" of a state's air quality program; hence these SIPs are referred to as infrastructure SIPs. Following each element below is Ohio EPA's discussion regarding the Agency's ability to fulfill the requirement.

**Section 110(a)(2)(A): Emission limits and other control measures** - Section 110(a)(2)(A) requires infrastructure SIPs to include enforceable emission limits and other control measures, means or techniques, schedules for compliance, and other related matters. U.S. EPA notes it would not expect infrastructure SIP submissions to identify nonattainment emission controls. Nonattainment area plans are subject to the timing requirements of Section 172. However the infrastructure SIP should identify all Pb emission reduction measures adopted and relied on by the state to meet other CAA requirements.

**Comment:** Ohio EPA continues to devote staff to implement needed revisions to the SIP. Ohio Revised Code 3704.03 provides the Director with the authority to develop rules and regulations necessary to meet ambient air quality standards.

Ohio EPA continues to follow and develop federal and state emission reductions measures to meet CAA requirements, such as the maintenance of the 2008 Pb NAAQS. Pb emissions are directly regulated through Ohio Administrative Code (OAC) Chapter 3745-71. In addition, the control of particulate emissions, which aids in the control of Pb emissions, is regulated under OAC Chapter 3745-17.

**Section 110(a)(2)(B): Ambient air quality monitoring data system** - Section 110(a)(2)(B) requires infrastructure SIPs to include provisions to provide for establishment and operation of (i) ambient air quality monitors, collecting and analyzing ambient air quality data, and (ii) making these data available to U.S.EPA upon request.

**Comment:** In accordance with our SIP, Ohio EPA continues to operate one of the largest monitoring networks in the nation. Appendix 1, contains two documents, the first one entitled "Ohio Air Monitoring Network 2011-2012," and the second one entitled "Ohio Lead Air Monitoring Network 2011-2012", both documents summarize the current plans for continued ambient monitoring as agreed to during the most recent review of the U.S. EPA Region 5 monitoring network.

As a result of revisions of the Pb monitoring network requirements under U.S. EPA's 2008 Pb standard, Ohio EPA, district offices, and contractual agencies implemented a new Pb monitoring network that included seventeen sites. Fourteen of these sites were already contained within Ohio's Pb monitoring network and four additional facility specific sites were established in 2010 in accordance with U.S. EPA's revised monitoring requirements. In addition, four new NCore sites began sampling in early 2011..

On December 27, 2010, U.S.EPA promulgated a second change to the Pb monitoring requirements (75 FR 81126). U.S.EPA determined an additional need for facilities with emissions over 0.5 ton per year (tpy) to be modeled for possible impacts of airborne Pb. Ohio EPA has modeled facilities with emissions exceeding 0.5 tpy of Pb and submitted waivers in accordance with the new requirements. The results of the modeling at three facilities in Ohio are specifically discussed in the Revised Lead Monitoring Network 2011-2012 (Appendix 1). Ohio's Pb monitoring network is also depicted in Appendix 3.

Ohio EPA submits all data to U.S. EPA's Air Quality System (AQS) in a timely manner and routinely works with U.S. EPA Region 5 regarding any planned changes to Ohio's monitoring network.

**Section 110(a)(2)(C): Program for enforcement of control measures, PSD, and NSR** - Section 110(a)(2)(C) requires states to include a program providing for enforcement of all SIP measures and the regulation of construction of new or modified stationary sources to meet Prevention of Significant Deterioration (PSD) and nonattainment new source review (NSR) requirements (collectively referred to as the major NSR program).

**Comment:** Ohio EPA continues to devote staff to implement a vigorous enforcement program. Appendix 2, entitled "Summary of the 2009 Enforcement Activities," demonstrates Ohio EPA's continued commitment to ensuring compliance of Ohio entities.

Ohio Revised Code 3704.03 provides the Director with the authority to continue to implement Ohio's NSR program. Ohio's SIP approved NSR provisions are contained within OAC Chapter 3745-31. OAC Chapter 3745-31 meets the requirements of 40 CFR 51.165, 51.166, 52.21, 52.24, and Part 51, Appendix S.

Ohio's NSR program requirements ensure that the construction and modification of major stationary sources do not cause or contribute to a violation of the Pb NAAQS. Moreover, it ensures that new or modified sources will apply Best Available Control Technology, when applicable, to reduce Pb emissions. Lastly, Ohio EPA will continue to revise its NSR regulations to address any applicable U.S.EPA amendments to their rules within 3 years from the date of such amendments.

Ohio's NSR program also addresses requirements established in accordance with U.S.EPA's GHG Tailoring Rule provisions. These provisions are addressed within OAC Rule 3745-31-34. OAC Rule 3745-31-34 became effective March 21, 2011. Ohio EPA submitted OAC rule 3745-31-34 for U.S.EPA's approval into Ohio's SIP and is waiting for a federal action. While waiting for the federal approval, Ohio is also subject to the GHG PSD SIP Narrowing Rule.

**Section 110(a)(2)(D): Interstate transport provisions** - Section 110(a)(2)(D) requires infrastructure SIPs to include provisions prohibiting any source or other type of emissions activity in one state from contributing significantly to nonattainment, or interfering with maintenance, of the National Ambient Air Quality Standards (NAAQS) in another state; or from interfering with measures required to prevent significant deterioration of air quality, or to protect visibility in another state. U.S.EPA has already developed programs that address Section 110(a)(2)(D) for many of the NAAQS (such as the Cross State Air Pollution Rule (CSAPR) and the Regional Haze rule). Ohio EPA continues to work with U.S. EPA in developing SIPs to meet this requirement for purposes of the visibility, 8-hour ozone and PM2.5 NAAQS.

U.S.EPA's guidance affirms that the physical properties of Pb prevent Pb emissions from experiencing the same travel or formation phenomena as PM2.5 or ozone. Pb concentrations sharply decrease with the distance from a Pb source. Only large sources in close proximity to state boundaries could contribute significantly to nonattainment in, or interfere with maintenance by, any other state.

In addition, U.S.EPA's guidance clarifies that Pb is not directly regulated under Sections 169(A) and (B) (visibility program). Because all the areas are currently subject to the Regional Haze program which addresses visibility-impairing pollutants, at this time U.S.EPA would not expect infrastructure SIPs for Pb to address visibility under Subsection (2)(D)(i)(II).

**Comment:** Ohio EPA has adopted and implemented the various major programs related to the interstate transport of pollution. OAC Chapters 3745-16 (Stack Height Requirements), 3745-103 (Acid Rain Permits and Compliance), 3745-14 (Nitrogen Oxides – Budget Trading Program), and 3745-109 (Clean Air Interstate Rule) all address Congressional and U.S.EPA concerns over the transport of emissions of regulated pollutants beyond our State borders. OAC Chapter 3745-109 is still effective until the end of 2011. In 2012, Ohio EPA will implement the new CSAPR. Ohio has also responded to requests by the States of Indiana and West Virginia to implement revisions to OAC Chapter 3745-18 (Hamilton County and Jefferson County) to alleviate modeled violations due, in part, to sources in Ohio. Additionally, all new major sources and major modifications in the state are subject to PSD and NNSR program to help achieve 2008 Pb NAAQS.

The State of Ohio has three partial Pb nonattainment areas (see pages 19 through 48 of the “Ohio’s 2008 Revised Lead Standard Recommended Designations and Nonattainment Boundaries” document at [www.epa.ohio.gov/portals/27/SIP/document/Lead\\_Doc\\_Final\\_Nonatt.pdf](http://www.epa.ohio.gov/portals/27/SIP/document/Lead_Doc_Final_Nonatt.pdf)). These areas are not in close proximity to Ohio’s border. In addition, there are no significant Pb sources located in close proximity Ohio’s border (See Map in Appendix 3). Although Severstal Warren and General James M. Gavin Power Plant are in close proximity to the Ohio border, modeling conducted as part of the monitoring network indicated these sources are not significant Pb sources and emissions of Pb were low enough to submit a waiver from monitoring requirements (see Appendix 1). As showed in the Table in Appendix 3, Pb sources in Ohio do not contribute significantly to nonattainment, or interfere with maintenance, of the NAAQS in another state, or interfere with measures required to prevent significant deterioration of air quality.

**Section 110(a)(2)(D)(ii): Interstate and international transport provisions -** Section 110(a)(2)(D)(ii) requires infrastructure SIPs to include provisions insuring compliance with the applicable requirements that involve Pb emissions relating to interstate and international pollution abatement. Specifically, to include

provisions requiring a new or modified source to notify neighboring states of potential impacts from the source.

**Comment:** OAC Chapter 3745-31 is consistent with 40 CFR 51.166(q)(2)(iv), regarding notifications and public participation when a new source or modifications to major source occurs.

**Section 110(a)(2)(E): Adequate resources** - Section 110(a)(2)(E) requires states to provide adequate personnel, funding, and legal authority under state law to carry out its SIP and related issues.

**Comment:** Appendix 4 is the Ohio EPA Division of Air Pollution Control's current funding sources that are used to implement the required SIP programs. These funding sources are provided through Ohio EPA's Biennial Budget approved by Ohio's legislature. Ohio EPA does not anticipate a future lack or decrease in its resources (funding, personnel and/or legal authority) for future implementations.

Under Chapter ORC 3704.03 (<http://codes.ohio.gov/orc/3704>) Ohio EPA has the legal authority to carry out the SIP and any other programs and requirements as established by the CAA. Specifically, Chapter 3704.03(E) (<http://codes.ohio.gov/orc/3704.03>) gives Ohio EPA the authority to establish environmental programs, procedures, requirements and regulations to enforce the CAA

**Section 110(a)(2)(F): Stationary source monitoring and reporting systems-** Section 110(a)(2)(F) requires SIPs to include stationary sources monitoring, emissions reporting, and reporting on the nature and amount of emissions and emissions-related data from such sources. It requires including regulations for source monitoring, recordkeeping, and reporting requirements applicable to Pb.

**Comment:** Ohio EPA Rule 3745-71-03 addresses methods of ambient air measurements for Pb ([http://www.epa.ohio.gov/portals/27/regs/3745-71/3745-71-03\\_Final.pdf](http://www.epa.ohio.gov/portals/27/regs/3745-71/3745-71-03_Final.pdf)). OAC Chapter 3745-15 provides for general provisions that include submitting of emissions reports and measurement of emissions. ([http://www.epa.ohio.gov/dapc/regs/3745\\_15.aspx](http://www.epa.ohio.gov/dapc/regs/3745_15.aspx)).

OAC Chapter 3745-77 ([www.epa.ohio.gov/dapc/regs/3745\\_77.aspx](http://www.epa.ohio.gov/dapc/regs/3745_77.aspx)) and OAC Chapter 3745-31 ([www.epa.ohio.gov/dapc/regs/3745\\_31.aspx](http://www.epa.ohio.gov/dapc/regs/3745_31.aspx)) provide requirements for recordkeeping by sources.

The 1990 federal CAA established new permitting and reporting requirements for air polluting facilities Under Title V of the CAA amendments, facilities that have the potential to emit certain amounts of air pollution are required to apply for and obtain a state-federal operating permit and pay emission fees. In Ohio, facilities are required to file on April 15th of each year. The Fee Emissions Report (FER) requirements are outlined in ORC 3745.11 (<http://codes.ohio.gov/orc/3745.11>)

and OAC 3745-78-02 ([www.epa.ohio.gov/portals/27/regs/3745-78/3745-78-02.pdf](http://www.epa.ohio.gov/portals/27/regs/3745-78/3745-78-02.pdf)).

Facilities are required to apply for and obtain an air pollution control operating permit, and submit an annual emissions report for estimated actual facility wide emissions of particulate matter (PM), sulfur dioxide (SO<sub>2</sub>), nitrogen dioxides (NO<sub>x</sub>), organic compounds (OC), and lead (Pb) no later than April 15<sup>th</sup> for the previous year. Also, Ohio EPA has the authority to under OAC rule 3745-15-03 ([www.epa.ohio.gov/portals/27/regs/3745-15/3745-15-03.pdf](http://www.epa.ohio.gov/portals/27/regs/3745-15/3745-15-03.pdf)) to request and receive the information from regulated entities. An Emission Inventory Summary is provided to EPA to develop an annual criteria and toxic pollutant inventory pursuant to 40CFR 51.321. Beginning with calendar year 2006 inventory, all Title V facilities are required to file a complete an inventory. Pollutants required to be reported in the EIS are: NO<sub>x</sub>, VOC, SO<sub>2</sub>, Lead, OC, CO, NH<sub>3</sub>, PM-CON, PM-FIL, PM<sub>10</sub>-FIL and PM<sub>2.5</sub>-FIL.

Ohio EPA District Offices and local air agencies are currently required to witness 50% of all source emissions testing and review 100% of all emissions tests. Hundreds of emission tests are performed throughout the State each year. In addition, at the present time, 286 sources in the State employ 583 continuous monitoring systems for various air pollutants. Ohio EPA oversees the operation and certification of these systems and routinely provides quarterly summary reports to EPA. A quarterly excess emission report summary report for the Ohio facilities is included in Appendix 5.

**Section 110(a)(2)(G): Emergency episodes** - Section 110(a)(2)(G) requires states to provide for authority to address activities causing imminent and substantial endangerment to public health, including contingency plans to implement the emergency episode provisions in their SIPs.

**Comment:** OAC Chapter 3745-25 addresses the requirement to implement emergency action plans in the event of an Air Quality Alert (or higher). Such an event has not occurred since 1978 and these rules have undergone revision to: 1) make them more relevant and 2) to incorporate revised significant harm levels which EPA will determine are necessary to address the revised ozone and PM 2.5 standards. These rules became effective as of August 21, 2009.

Specifically, OAC Chapter 3745-25-03(A) determines: "Conditions justifying the proclamation of an air pollution "Alert", air pollution "Warning", or air pollution "Emergency" shall be deemed to exist whenever the director determines that the accumulation of air contaminants in any place is attaining or has attained levels which could, if such levels are sustained or exceeded, Pb to a substantial threat to the health of persons." Additionally, OAC Chapter 3745-25-05(1)(a) determines: "Any one or combination of air contaminants: Any person responsible for the operation of a source of air contamination as set forth in

paragraph (A) of rule 3745-25-04 of the Administrative Code shall take all air pollution "Alert" actions as required for such source of air contamination; and shall particularly put into effect, the emission control action programs for an air pollution "Alert".

**Section 110(a)(2)(H): Future SIP revisions** - Section 110(a)(2)(H) requires states to have the authority to revise their SIPs in response to changes in the NAAQS, availability of improved methods for attaining the NAAQS, or in response to an EPA finding that a SIP is substantially inadequate.

**Comment:** Ohio Revised Code 3704.03 provides the Director with the authority to develop rules and regulations necessary to meet ambient air quality standards. Ohio EPA continues to make every possible effort to meet all SIP deadlines.

**Section 110(a)(2)(I): Nonattainment area plan or plan revision under Part D** - Section 110(a)(2)(I) requires states in the case of a plan or plan revision for an area designated as a nonattainment area, meet the applicable requirements of part D of this subchapter.

**Comment:** As noted in the introduction text of the infrastructure SIP guidance document, EPA would not expect infrastructure SIP submissions to address subsection 110(a)(2)(I).

**Section 110(a)(2)(J): Consultation with government officials, public notification, PSD and visibility protection** - Section 110(a)(2)(J) requires states to provide a process for consultation with local governments and Federal Land Managers (FLMs) carrying out NAAQS implementation requirements pursuant to Section 121. It also requires states to notify the public if NAAQS are exceeded in an area and to enhance public awareness of measures that can be taken to prevent exceedances. Lastly, requires states to meet the applicable requirements of part C related to PSD and visibility protection.

**Comment:** Ohio EPA actively participates in the regional planning efforts that include both the state rule developers as well as representatives from the FLMs and other affected stakeholders. The FLMs are also included in Ohio EPA's interested party lists for announcements of draft and proposed rule packages and NSR permits. Ohio EPA works with interested FLMs regarding proposed major new sources in Ohio.

Ohio EPA's District Offices and local air agencies monitor air quality daily, and where required, report the daily air quality index to the interested media. In addition, Ohio EPA's remotes access data system (RADS) provides online reports of real time air quality data on the internet and feeds raw information to EPA's AIRNOW program. In addition, several of the local stakeholder groups actively participate in the AIRNOW forecast program.

Ohio EPA prepares an annual report detailing data from the complete network (2009 Air Quality Report; Appendix 6).

Ohio EPA is addressing both the long term requirements to meet natural visibility levels by 2064 as part of the Regional Haze program and the ongoing review of new major sources under Ohio's approved PSD new source review program. Ohio EPA submitted a revised Regional Haze SIP on March 11, 2011.

**Section 110(a)(2)(K): Air quality modeling/data** - Section 110(a)(2)(K) requires that SIPs provide for performing air quality modeling to predict the effects on air quality of emissions from any NAAQS pollutant and for submission of such data to EPA upon request.

**Comment:** Ohio EPA reviews the potential impact of major and some minor new sources, consistent with Appendix W of 40 CFR Parts 51 and 52 and Ohio EPA Engineering Guide 69. Modeling data are available upon request by U.S.EPA or other interested parties.

**Section 110(a)(2)(L): Permitting fees** - Section 110(a)(2)(L) requires SIPs to require each major stationary source to pay permitting fees to cover the cost of reviewing, approving, implementing and enforcing a permit.

**Comment:** Ohio EPA continues to implement the approved Title V permit program, including requiring major sources to pay emissions fees to cover reviewing, processing, and enforcing the permits.

**Section 110(a)(2)(M): Consultation/participation by affected local entities** - Section 110(a)(2)(M) requires states to provide for consultation and participation in SIP development by local political subdivisions affected by the SIP.

**Comment:** Ohio EPA follows approved procedures for public notification and participation, consistent with OAC Chapter 3745-47, which is an approved portion of our SIP.

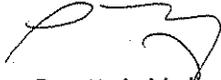
Enclosed with this letter you will also find the results of the public hearing and comment process for the State of Ohio request for approval of this Infrastructure SIP. The public hearing for this package was held on October 11, 2011 in Columbus, Ohio. No oral or written comments were received.

I ask that EPA complete the review of this package and take final action on the Infrastructure SIP approval request for the State of Ohio. I believe that Ohio EPA complies with EPA's guidance in determining that it has the authority to implement its Infrastructure SIP requirements with respect to the NAAQS. If you

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Re: Ohio Infrastructure SIP  
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have any questions, please feel free to contact Jennifer Hunter of the Division of  
Air Pollution Control (614-644-3696).

Sincerely,



Scott J. Nally  
Director

xc: Cheryl L. Newton, EPA Region 5  
Jennifer Hunter, Ohio EPA, DAPC

Enclosures