



January 18, 2024

Ms. Debra Shore
Regional Administrator
U.S. EPA Region V
77 W. Jackson Blvd.
Chicago, IL 60604

Re: Request for Approval of Amendments to Rules in Ohio Administrative Code (OAC) Chapter 3745-17 into Ohio's State Implementation Plan (SIP)

Dear Ms. Shore:

On August 25, 2023, Ohio EPA adopted amended rules in Ohio Administrative Code (OAC) Chapter 3745-17, "Particulate Matter Standards". The changes were made after a review to fulfill the requirements in Ohio Revised Code (ORC) 106.03 and 106.031, Ohio's 5-year review requirements.

The rules in this chapter are a part of Ohio's state implementation plan (SIP) and Ohio is submitting the amended rules to the SIP. The amendments to the rules are as follows: Ohio EPA made 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 the chapter, are minor in nature, and do not affect the scope or intent of the rules.

2. Test Method, Publications, Referenced Materials:

Ohio EPA made various minor changes to update test method, publication and referenced material titles, effective dates, addresses and web sites. These changes were made throughout the chapter, are minor in nature, and do not affect the scope or intent of the rules.

3. OAC rule 3745-17-01 – Definitions

DAPC made minor edits for clarification by reordering the rule so that definitions are located alphabetically by paragraph ("A" terms under (A), "B" terms under (B) and so on...).

Subsequently, intro paragraphs in the rules of this chapter are being edited to show the information for reference materials located under paragraph (AA) of this rule.

4. OAC rule 3745-17-08 - Update Emissions Restriction Language

Ohio EPA updated the language in OAC rule 3745-17-08(A)(3)(e) to reflect the current address of the JSW Steel USA facility (Ohio EPA ID: 0641090010). During the 2018 5-year review, the North and South plants were combined into one facility with one Ohio EPA premise ID, however, both the North and South plant addresses were maintained in the rule. The North plant has since been shut down and the address for that facility is being removed from the rule. The address of the South plant is also being updated from 450 Commercial Ave to 1500 Commercial Ave, Mingo Junction, Ohio.

Additionally, references to paragraphs (E) and (F) of this rule are being removed, those paragraphs were removed during the last rulemaking.

5. OAC rule 3745-17-12(W) and (X) - Combination of Emissions Units for Stein, Inc.

Ohio EPA combined emissions units (EU) in paragraphs (W) and (X) of OAC rule 3745-17-12. Stein, Inc. operates a slag processing operation at 3100 East 45th Street, Cleveland, Ohio. Historically, the permits for Stein, Inc. were separated into an eastside and westside facility. The EUs associated with the eastside facility were regulated under paragraph (W) and emissions units associated with the westside facility were regulated under paragraph (X).

In 2019, Ohio EPA updated the facility's Title V operating permit. In the updated permit, Ohio EPA combined both the eastside and westside facilities under one facility ID (1318003929) at the E. 45th Street address. The EUs formerly associated with the westside facility and regulated under paragraph (X) were renumbered as follows:

- Source Number F001, unpaved roadways and parking areas – The source was rolled into a facility-wide requirement for control of dust from roadways and parking areas and the EU was discontinued.
- Source Number F002, slag unloading operations – The source remains in the same location, but is now regulated as source number F008
- Source Number F003, slag processing operation – The source remains in the same location, but is now regulated as source number F009
- Source Number F004, slag storage piles – The source remains in the same location, but is now regulated as source number F010

To prevent confusion, the regulated requirements for sources F008, F009, and F010 are being moved from paragraphs (X)(2), (X)(3), and (X)(4) to paragraphs (W)(3), (W)(4), and (W)(5)

respectively. The requirements in paragraph (X)(1) are being removed from the rule as EU F001 no longer exists at the facility. Paragraph (X) of this rule is being changed to “[Reserved.]” as a placeholder for potential future use.

6. Removal of Permanently Shut down Facilities and Updating Existing Facility Data in Rules (OAC rules 3745-17-01 to 3745-17-14)

Over the years since this chapter was established, sources and/or facilities for which facility specific rules have been established have closed or certain operations at these facilities have ceased. During this 5-year review, Ohio EPA removed facilities and emissions units from the rules in this chapter that are permanently shut down. In addition, Ohio EPA is also updating the facility specific rules with any name or address changes along with adding or updating facility identification numbers, emission unit identification numbers or descriptions.

The updating and removal of these sources is being performed to ease confusion over operations that no longer exist and to make these rules more reader friendly. A table detailing facility specific rule changes is included with this document as an attachment under Article VI.

This letter is intended to meet the requirements in 40 CFR Part 51, Appendix V, Section 2.1(a): a “formal letter of submittal from the Governor or his designee, requesting EPA approval of the plan or revision.”

The following documents are attached for your consideration per the requirements of 40 CFR Part 51, Appendix V:

Article One addresses the following two requirements:

40 CFR Part 51, Appendix V, Section 2.1(b)

Evidence that the State has adopted the plan in the State code or body of regulations; or issued the permit, order, consent agreement (hereafter "document") in final form. That evidence shall include the date of adoption or final issuance as well as the effective date of the plan, if different from the adoption/issuance date.

40 CFR Part 51, Appendix V, Section 2.1(d)

A copy of the actual regulation, or document submitted for approval and incorporation by reference into the plan, including indication of the changes made to the existing approved plan, where applicable. The submittal shall be a copy of the official State regulation /document

signed, stamped, and dated by the appropriate State official indicating that it is fully enforceable by the State. The effective date of the regulation/document shall, whenever possible, be indicated in the document itself.

Certified copies of the rule, in redline and strikethrough are being submitted for approval and incorporation by reference into the plan. The copy is included as evidence that the State has adopted the body of regulations in final form. This submittal includes copies of the official State regulation signed, stamped, and dated by the appropriate State official indicating that it is fully enforceable by the State. The effective date of the regulation is indicated in the document itself. Please consider that Ohio has an electronic rule filing system, and all certifications/signatures of regulations are done electronically.

Article Two addresses the following requirement:

Copies of the public notice of adoption and Director's Findings & Orders have been included as evidence of the date of adoption as well as the effective date of the regulations and evidence that public notice was given of the proposed changes consistent with procedures approved by EPA, including the date of publication of such notice.

Requirements of 40 CFR Part 51, Appendix V, Section 2.1(c):

Evidence that the State has the necessary legal authority under State law to adopt and implement the plan.

Ohio's legislature has given Ohio EPA authority under paragraphs (A) and (E) of Section 3704.03 of the Ohio Revised Code (ORC) to enact these rules. Copies of these sections of the ORC can be provided upon request.

Article Three addresses the following requirements:

40 CFR Part 51, Appendix V, Section 2.1(e)

Evidence that the State followed all of the procedural requirements of the State's laws and constitution in conducting and completing the adoption/issuance of the plan.

40 CFR Part 51, Appendix V, Section 2.1(f)

Evidence that public notice was given of the proposed change consistent with procedures approved by EPA, including the date of publication of such notice.

Ohio EPA has included a narrative and several attachments as evidence that the State followed all the procedural requirements of the State's laws and constitution in conducting and completing the adoption/issuance of the plan.

Article Four

40 CFR Part 51, Appendix V, Section 2.1(g)

Certification that public hearings(s) were held in accordance with the information provided in the public notice and the State's laws and constitution, if applicable.

A copy of the hearing summary from the public hearing including the public hearing speech, a copy of the attendance log, and the response to comments (if one was necessary) submitted during the hearing and associated public comment period has been provided as certification that a public hearing was held in accordance with the information provided in the public notice and the State's laws and constitution.

Article Five

40 CFR Part 51, Appendix V, Section 2.1(h)

Compilation of public comments and the State's response thereto.

Ohio EPA received several public comments on both the draft and the proposed rule amendments during this rulemaking. Copies of Ohio's response to comments documents are attached as Article 5.

Article Six addresses the following requirement:

Application to Section 110(l) of the Clean Air Act

The amendments to this rule include removal of facility specific emission requirements that were formerly a part of Ohio's SIP and minor amendments for clarification of the rules. The removal of information on shutdown facilities and amendments for clarification of the rules would not interfere with any applicable requirement concerning attainment and reasonable further progress (RFP), or any other applicable requirement of the Clean Air Act. Therefore, Ohio has not prepared a separate

analysis for these rules under Section 110(l) of the Clean Air Act. A list of the removed/shut down facilities/emission units (EU) including justification for each facility's/EU's removal is attached.

Ohio EPA asks that the above-mentioned rules be accepted as a revision to Ohio's SIP as noted above.

Ohio EPA is submitting this SIP via U.S. EPA's State Planning Electronic Collaboration System (SPeCS).

We would appreciate if U.S. EPA would expedite the review of this material. Please contact Bob Hodanbosi if you have any questions about this submittal.

Sincerely,



Anne M. Vogel
Director, Ohio Environmental Protection Agency

cc: Bob Hodanbosi, Chief Division of Air Pollution Control

Attachments

Article I

Certified Copy of Rules

3745-17-01

Definitions and referenced materials.

[Comment: For dates and availability of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see paragraph ~~(C)~~(AA) of this rule titled "referenced materials."]

Except as otherwise provided in this rule, the definitions in rule 3745-15-01 of the Administrative Code apply to this chapter. As used in this chapter:

(A) ~~Except as otherwise provided in this rule, the definitions in rule 3745-15-01 of the Administrative Code shall apply to this chapter.~~[Reserved.]

(B) ~~As used in Chapter 3745-17 of the Administrative Code:~~

- (1) "Banked condition" means the condition where fuel is burned on the grates of fuel burning equipment at rates which are sufficient to maintain ignition only.
- (2) "British thermal unit" or "Btu" means the amount of heat required to raise the temperature of one pound of water from fifty-nine degrees Fahrenheit to sixty degrees Fahrenheit at a constant pressure of one atmosphere.

(C)

~~(3)~~(1) "Central heater" means a fuel-burning device designed to burn wood or wood pellet fuel that warms spaces other than the space where the device is located, by the distribution of air heated by the furnace through ducts or liquid heated in the device and distributed typically through pipes. Unless otherwise specified, these devices include, but are not limited to, residential forced-air furnaces (small and large) and residential hydronic heaters.

~~(4)~~(2) "Chip wood fuel" means wood chipped into small pieces that are uniform in size, shape, moisture, density and energy content.

(D) [Reserved.]

(E) [Reserved.]

(F) [Reserved.]

~~(5)~~(1) "Facility" means any building, structure, installation, operation, or combination thereof which contains one or more stationary sources of air contaminants. As used in paragraph (D) of rule 3745-17-08 of the Administrative Code, the definition of facility ~~shall~~does not include agricultural activities, such as the

tilling of land, the harvesting of crops, the application of fertilizers, pesticides or herbicides, and grain drying, which are conducted on a farm.

~~(6)~~(2) "Fireplace" means a wood-burning appliance intended to be used primarily for aesthetic enjoyment and not as a space heater. An appliance is a fireplace if it is in a model line that satisfies one of the following:

- (a) The model line includes a safety listing under recognized American or Canadian safety standards, as documented by a permanent label from a nationally recognized certification body affixed on each unit sold, and that said safety listing only allows operation of the fireplace with doors fully open. Operation with any required safety screen satisfies this requirement.
- (b) The model line has a safety listing that allows operation with doors closed, has no user-operated controls other than flue or outside air dampers that can only be adjusted to either a fully closed or fully opened position, and either of the following are satisfied:
 - (i) Appliances are sold with tempered glass panel doors only (either as standard or optional equipment).
 - (ii) The fire viewing area is equal to or greater than five hundred square inches.
- (c) A model line that is clearly positioned in the marketplace as intended to be used primarily for aesthetic enjoyment and not as a room heater, as demonstrated by product literature (including owner's manuals), advertising targeted at the trade or public (including web-based promotional materials) or training materials is presumptively a fireplace model line.

The presumption in this paragraph of this definition can be rebutted by test data from a United States environmental protection agency-approved test laboratory reviewed by a United States environmental protection agency-approved third-party certifier that were generated when operating the appliance with the doors closed, and that demonstrate an average stack gas carbon dioxide concentration over the duration of the test run equal to or less than 5.00 per cent and a ratio of the average stack gas carbon dioxide to the average stack gas carbon monoxide equal to or greater than 15:1. The stack gas average carbon dioxide and carbon monoxide concentrations for the test run shall be determined in accordance with the requirements in CSA B415.1-10 ~~(R2015)~~(R2020), clause 6.3, using

a sampling interval no greater than one minute. The average stack gas carbon dioxide and carbon monoxide concentrations for purposes of this determination shall be the average of the stack gas concentrations from all sampling intervals over the full test run.

~~(7)~~(3) "Fuel" means wood, refuse, natural gas, coke oven gas, petroleum, coal, and any combustible solid, liquid, or gas derived from such materials.

~~(8)~~(4) "Fuel burning equipment" means any furnace or boiler, and any appurtenances thereto such as stacks, ducting and similar apparatus, used in the process of burning fuel for the primary purpose of producing heat or power by indirect heat transfer, where the products of combustion do not come into contact with process materials.

~~(9)~~(5) "Fugitive dust" means particulate matter which is emitted from any source by means other than a stack.

~~(10)~~(6) "Fugitive dust source" means any source which emits fugitive dust or which emitted fugitive dust prior to the installation of any control equipment that was installed on or after February 15, 1972.

~~(11)~~(G) "Grain elevator" means any plant or installation at which grain is unloaded, handled, cleaned, dried, stored, or loaded, except those located at the following: animal food, pet food or cereal manufacturers; breweries; livestock feedlots; wheat flour, wet corn, dry corn, rice mills; or soybean oil extraction plants.

(H) [Reserved.]

~~(12)~~(I) "Incinerator" means any equipment, machine, device, article, contrivance, structure, or part of a structure used to burn liquid, semi-solid or solid refuse or to process salvageable materials by burning other than by open burning as defined in rule 3745-19-01 of the Administrative Code.

(J) [Reserved.]

(K) [Reserved.]

(L) [Reserved.]

(M) [Reserved.]

(N) [Reserved.]

(O)

~~(13)~~(1) "OEPA" or "Ohio EPA" means the Ohio environmental protection agency.

~~(14)~~(2) "Opacity" means the degree to which emissions reduce the transmission of light and obscure the view of the background.

(P)

~~(15)~~(1) "Particulate emissions" or "particulate matter emissions" means particulate matter measurable by one of the following:

(a) The applicable test methods in 40 CFR part 60, appendix A, "Standards of Performance for New Stationary Sources."

(b) Continuous emissions monitoring certified in accordance with 40 CFR part 60, appendix B, performance specification 11, for any owner or operator complying with paragraph (D) or rule 3745-17-03 of the Administrative Code.

~~(16)~~(2) "Particulate matter" means any material, except water in uncombined form, that is or has been airborne, and exists as a liquid or a solid at standard conditions.

~~(17)~~(3) "Pellet fuel" means refined and densified fuel shaped into small pellets or briquettes that are uniform in size, shape, moisture, density and energy content.

~~(18)~~(4) "Pellet stove" (sometimes called pellet heater or pellet space heater) means an enclosed, pellet or chip fuel-burning device capable of and intended for residential space heating or space heating and domestic water heating. Pellet stoves include a fuel storage hopper or bin and a fuel feed system. Pellet stoves include, but are not limited to the following:

(a) Free-standing pellet stoves, which are pellet stoves that are installed on legs or on a pedestal or other supporting base. These stoves generally are safety listed under ~~ASTM E1509-12~~ASTM E1509, UL-1482, ULC S627-00 or ULC ORD-C1482-M1990.

(b) Pellet stove fireplace inserts, which are pellet stoves intended to be installed in masonry fireplace cavities or in other enclosures. These stoves generally are safety listed under ~~ASTM E1509-12~~ASTM E1509, UL-1482, ULC-S628 or ULC ORD-C1482-M1990.

(c) Built-in pellet stoves, which are pellet stoves intended to be recessed into the wall. These stoves generally are safety listed under ~~ASTM~~

~~E1509-12~~ ASTM E1509, UL-127, ULC-S610 or ULC ORD-C1482-M1990.

~~(19)~~(5) "Permanent storage capacity" means grain storage capacity which is inside a building, bin or silo.

~~(20)~~(6) "PM_{2.5}" means particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers as measured either by a reference method that is based on 40 CFR part 50, appendix L and designated in accordance with 40 CFR part 53 or by an equivalent method designated in accordance with 40 CFR part 53.

~~(21)~~(7) "PM₁₀" means particulate matter with an aerodynamic diameter less than or equal to a nominal ten micrometers as measured either by a reference method that is based on 40 CFR part 50, appendix J and designated in accordance with 40 CFR part 53 or by an equivalent method designated in accordance with 40 CFR part 53.

~~(22)~~(8) "Process weight" means the total weight of all materials introduced into the source operation, including solid fuels, but excluding gaseous fuels and liquid fuels when they are used solely as fuels, and excluding air introduced for the purpose of combustion.

(Q) [Reserved.]

(R)

~~(23)~~(1) "Reasonably available control measures" means the control technology which enables a particular fugitive dust source to achieve the lowest particulate matter emission level possible and which is reasonably available considering technological feasibility and cost-effectiveness.

~~(24)~~(2) "Refuse" means any discarded matter, or any matter which is to be reduced in volume, or otherwise changed in chemical or physical properties, in order to facilitate its discard, removal or disposal.

~~(25)~~(3) "Residential forced-air furnace" means a fuel burning device designed to burn wood or wood pellet fuel that warms spaces other than the space where the furnace is located, by the distribution of air heated by the furnace through ducts.

~~(26)~~(4) "Residential hydronic heater" means a fuel burning device designed to burn wood or wood pellet fuel for the purpose of heating building space and/or water through the distribution, typically through pipes, of a fluid heated in the device, typically water or a water and antifreeze mixture.

~~(27)~~(5) "Residential masonry heater" means a factory-built or site-built wood-burning device in which the heat from intermittent fires burned rapidly in the firebox is stored in the refractory mass for slow release to building spaces. Masonry heaters are site-built (using local materials or a combination of local materials and manufactured components) or site-assembled (using factory-built components), solid fuel-burning heating appliances constructed mainly of refractory materials (e.g., masonry materials or soapstone. They typically have an interior construction consisting of a firebox and heat exchange channels built from refractory components, through which flue gases are routed. ~~ASTM E1602-03(2010)~~ASTM E1602 provides design and construction information for the range of masonry heaters most commonly built in the United States. The site-assembled models are generally listed to UL-1482.

~~(28)~~(6) "Residential wood burning appliances" means wood heaters, residential masonry heaters, residential hydronic heaters, residential forced-air furnaces, fireplace, and central heaters that are designed to burn wood, chip wood or pellet fuel.

(S)

~~(29)~~(1) "Salvageable material" means any material which is to be reduced in volume, or otherwise changed in chemical or physical properties, in order to facilitate its reuse.

~~(30)~~(2) "Single fuel burning unit" means any single, enclosed combustion chamber in which fuel is burned for the primary purpose of producing heat or power by indirect heat transfer, where the products of combustion do not come into contact with process materials.

~~(31)~~(3) "Stack" means any chimney, flue, conduit or duct, including the outlet of any air pollution control equipment, which is arranged to conduct emissions to the ambient air.

~~(32)~~(4) "Stand-by fuel burning equipment" means any fuel burning equipment which is used only as a direct substitution for other fuel burning equipment for a limited period due to unpredictable and unavoidable breakdown or failure, or routine scheduled maintenance of such other fuel burning equipment.

~~(33)~~(5) "Start-up" means the commencement of firing of fuel burning equipment from a cold, non-fired condition.

~~(34)~~(6) "Stationary gas turbine" means an engine that is not self-propelled (although it may be mounted on a vehicle for portability), in which a turbine is driven by

expanding hot combustion gases. Such an engine typically consists of an axial-flow air compressor, one or more combustion chambers, and a turbine. A gas turbine employed in a jet engine is not included in this definition.

~~(35)~~(7) "Stationary small internal combustion engine" means an engine, other than an engine used to, or intended to, propel any vehicle, with a rated power of less than or equal to six hundred horsepower and in which combustion occurs within one or more cylinders, thereby converting heat energy into mechanical energy that can be used to drive an electric generator or other mechanical equipment.

~~(36)~~(8) "Stationary large internal combustion engine" means an engine, other than an engine used to, or intended to, propel any vehicle, with a rated power of greater than six hundred horsepower and in which combustion occurs within one or more cylinders, thereby converting heat energy into mechanical energy that can be used to drive an electric generator or other mechanical equipment.

~~(37)~~(T) "Topping-off" means that portion of a ship loading operation at a grain terminal during which the following occurs:

~~(a)~~(1) The top portion of a hold (not to exceed twenty-five per cent of the total volume of the hold) is filled with grain.

~~(b)~~(2) The control of particulate emissions through the use of tarpaulin covers and associated ventilation and control equipment is impractical or impossible.

~~(38)~~(U) "Uncontrolled mass rate of emission" means the total weight rate of particulate emissions which are, or in the absence of control equipment would be, emitted from an air contaminant source when such source is operated at its maximum capacity.

(V) [Reserved.]

~~(39)~~(W) "Wood heater" means an enclosed, wood burning-appliance capable of and intended for residential space heating or space heating and domestic water heating. These devices include, but are not limited to, adjustable burn rate wood heaters, single burn rate wood heaters, pellet stoves, hydronic heaters and forced-air furnaces. Wood heaters may or may not include air ducts to deliver some portion of the heat produced to areas other than the space where the wood heater is located. Wood heaters include, but are not limited to the following:

~~(a)~~(1) Free-standing wood heaters, which are wood heaters that are installed on legs, on a pedestal or suspended from the ceiling. These products generally are safety listed under UL-1482, UL-737 or ULC-S627-00.

~~(b)~~(2) Fireplace insert wood heaters, which are wood heaters intended to be installed in masonry fireplace cavities or in other enclosures. These appliances generally are safety listed under UL-1482, UL-737 or ULC-S628.

~~(c)~~(3) Built-in wood heaters, which are wood heaters that are intended to be recessed into the wall. These appliances generally are safety listed under UL-1482, UL-737, UL-127 or ULC-S610.

(X) [Reserved.]

(Y) [Reserved.]

(Z) [Reserved.]

~~(C)~~(AA) Referenced materials. This chapter includes references to certain matter or materials. The text of the referenced materials is not included in the regulations contained in this chapter. The materials are hereby made a part of the regulations in this chapter. For materials subject to change, only the specific versions specified in the regulation are incorporated. Material is incorporated as it exists on the effective date of this rule. Except for subsequent annual publication of existing (unmodified) Code of Federal Regulation compilations, any amendment or revision to a referenced document is not incorporated unless and until this rule has been amended to specify the new dates.

(1) Availability. The ~~materials reference~~ referenced materials are available as follows:

- (a) "Acid Rain Program Continuous Emission Monitoring Systems (CEMS) Field Audit Manual." Information and copies may be obtained by writing to: "US EPA (6204J), Attn: Louis Nichols, 1200 Pennsylvania Ave., NW, Washington, D.C. 20460." This document is also available in electronic format at <http://www.epa.gov/airmarkets/participants/monitoring/audit-manual.html> <https://www.epa.gov/airmarkets/field-audit-manual>. The manual can also be obtained for inspection and copying at most public libraries and "The State Library of Ohio."
- (b) American Society for Testing Materials (ASTM). Information and copies of documents may be obtained by writing to: "ASTM International, 100 Bar Harbor Drive, P.O. Box C700, West Conshohocken, Pennsylvania 19426- 2959." These documents are also available for purchase at <http://www.astm.org>. ASTM documents are also available for inspection and copying at most public libraries and "The State Library of Ohio."
- (c) "Canadian Standards Association" (CSA). Information and copies of documents may be obtained by writing to: "CSA Group, 178 Rexdale

Blvd. Toronto, ON Canada M9W 1R3." These documents are also available for purchase at www.csagroup.org. CSA documents are also available for inspection and copying at most public libraries and "The State Library of Ohio."

- (d) Code of Federal Regulations (CFR). Information and copies may be obtained by writing to: "U.S. government printing office, P.O. Box 979050, St. Louis, MO 63197-9000." The full text of the CFR is also available in electronic format at <http://www.ecfr.gov>. The CFR compilations are also available for inspection and copying at most public libraries and "The State Library of Ohio."
- (e) Engineering Guides. Information and copies may be obtained by writing to: "Ohio EPA Division of Air Pollution Control, 50 West Town Street, Suite 700, Columbus, OH 43215" or by calling (614) 644-2270. Engineering Guides are also available for downloading at ~~<http://www.epa.ohio.gov/dape/engineer/eguides.aspx>~~ <https://epa.ohio.gov/divisions-and-offices/air-pollution-control/guides-and-manuals/engineering-guides-notebook>.
- (f) EPA 340/1-86-010 and EPA 450/3-88-008. Information and copies may be obtained by writing to: "US EPA Office of Air Quality Planning and Standards (OAQPS), TTN EMC Webmaster, Mail Code E143-02, Research Triangle Park, NC 27711". These documents can also be obtained for inspection and copying at most public libraries and "The State Library of Ohio."
- (g) "Standard Methods for the Examination of Water and Wastewater." Information and copies may be ordered by writing to: "Water Environment Federation, 601 Wythe Street, Alexandria, VA 22314-1994," or by calling 571-830-1545. This document is also available for ordering at ~~<https://www.e-wef.org/Default.aspx?TabId=192&ProductId=17997>~~ <https://www.wef.org/resources/publications/books/StandardMethods/>. A copy of the document is also available for inspection and copying at most public libraries and "The State Library of Ohio."
- (h) "Underwriters Laboratories" (UL). Information and copies of documents may be obtained by writing to: "UL, 2600 N.W. Lake Rd., Camas, WA 98607-8542." These documents are also available for purchase at www.ul.com. UL documents are also available for inspection and copying at most public libraries and "The State Library of Ohio."

- (i) "Underwriters Laboratories of Canada" (ULC). Information and copies of documents may be obtained by writing to: "Underwriters Laboratories of Canada, 7 Underwriters Road Toronto, Ontario, Canada M1R 3A9." These documents are also available for purchase at www.canada.ul.com. ULC documents are also available for inspection and copying at most public libraries and "The State Library of Ohio."

(2) Referenced materials.

(a) The following sections of the Code of Federal Regulations as published in the July 1, 2022 Code of Federal Regulations:

- ~~(a)(i)~~ 40 CFR 50.6; "National primary and secondary ambient air quality standards for PM₁₀;" ~~as published in the July 1, 2016 Code of Federal Regulations.~~
- ~~(b)(ii)~~ 40 CFR 60.13; "Monitoring requirements;" ~~as published in the July 1, 2016 Code of Federal Regulations.~~
- ~~(c)(iii)~~ 40 CFR part 50, appendix J; "Reference Method for the Determination of Particulate Matter as PM₁₀ in the Atmosphere;" ~~as published in the July 1, 2016 Code of Federal Regulations.~~
- ~~(d)(iv)~~ 40 CFR part 50, appendix K; "Reference Method for the Determination for Particulate Matter;" ~~as published in the July 1, 2016 Code of Federal Regulations.~~
- ~~(e)(v)~~ 40 CFR part 50, appendix L; "Reference Method for the Determination of Fine Particulate Matter as PM_{2.5} in the Atmosphere;" ~~as published in the July 1, 2016 Code of Federal Regulations.~~
- ~~(f)(vi)~~ 40 CFR part 50, appendix N; "Interpretation of the National Ambient Air Quality Standards for PM_{2.5};" ~~as published in the July 1, 2016 Code of Federal Regulations.~~
- ~~(g)(vii)~~ 40 CFR part 51, appendix P; "Minimum Emission Monitoring Requirements;" ~~as published in the July 1, 2016 Code of Federal Regulations.~~
- ~~(h)(viii)~~ 40 CFR part 53; "Ambient Air Monitoring Reference and Equivalent Methods;" ~~as published in the July 1, 2016 Code of Federal Regulations.~~

- (~~+~~)(ix) 40 CFR part 60, appendix A; "Standards of Performance for New Stationary Sources;" ~~as published in the July 1, 2016 Code of Federal Regulations.~~
- (~~+~~)(x) 40 CFR part 60, appendix B; "Performance Specifications;" ~~as published in the July 1, 2016 Code of Federal Regulations.~~
- (~~k~~)(b) "Acid Rain Program Continuous Emission Monitoring Systems (CEMS) Field Audit Manual" July 16, 2003.
- (~~+~~)(c) ASTM ~~D240-14~~D240-19; "Standard Test Method for Heat of Combustion of Liquid Hydrocarbon Fuels by Bomb Calorimeter;" approved ~~October 1, 2014~~December 5, 2019.
- (~~m~~)(d) ASTM ~~D1826-94(2010)~~D1826-94(2017); "Standard Test Method for Calorific (Heating) Value of Gases in Natural Gas Range by Continuous Recording Calorimeter;" approved ~~May 1, 2010~~April 14, 2017.
- (~~n~~)(e) ASTM ~~D3174-12~~D3174-12(2018)e1; "Standard Test Method for Ash in the Analysis Sample of Coal and Coke from Coal;" approved ~~November 1, 2012~~September 17, 2020.
- (~~o~~)(f) ASTM ~~D5685-11~~D5685-19; "Standard Specification for Fiberglass (Glass-Fiber-Reinforced Thermosetting-Resin) Pressure Pipe Fittings;" approved February ~~1, 2011~~25, 2020.
- (~~p~~)(g) ASTM ~~E1509-12~~E1509-22(2022); "Standard Specification for Room Heaters, Pellet Fuel-Burning Type;" approved ~~October 1, 2012~~June 13, 2022.
- (~~q~~)(h) ASTM ~~E1602-03(2010)e1~~E1602-03(2017); "Standard Guide for Construction of Solid Fuel Burning Masonry Heaters;" approved ~~April 1, 2010~~September 7, 2017.
- (~~r~~)(i) ASTM ~~E870-82(2013)~~E870-82(2019); "Standard Test Methods for Analysis of Wood Fuels;" approved ~~June 1, 2013~~April 16, 2019.
- (~~s~~)(j) CSA B415.1-10 (~~R2015~~)(R2020); "Performance Testing of Solid-Fuel-Burning Heating Appliances;" approved March 1, 2010, reaffirmed in 2020.
- (~~+~~)(k) EPA 340/1-86-010; "Recommended Quality Assurance Procedures Opacity Continuous Emission Monitoring Systems;" February 1986.

- ~~(u)~~(l) EPA 450/3-88-008; "Control of Open Fugitive Dust Sources;" September, 1988.
- ~~(v)~~(m) Engineering Guide #13; "Procedures for EVEL Determinations;" June 20, 1997.
- ~~(w)~~(n) Engineering Guide #15; "Testing Procedure to Establish EVEL's for Identical Sources;" June 20, 1997.
- ~~(x)~~(o) Section 209(C); "Standard Methods for the Examination of Water and Wastewater;" 22nd Edition, published 2012.
- ~~(y)~~(p) UL-127; "Factory-Built Fireplaces;" approved April 21, 2011.
- ~~(z)~~(q) UL-1482; "Solid-Fuel Type Room Heaters;" approved April 25, 2011.
- ~~(aa)~~(r) UL-737; "Fireplace Stoves;" approved march 21, 2011.
- ~~(bb)~~(s) ULC-S610; "Standard for Factory-Built Fireplaces;" approved October 1, 1998.
- ~~(ee)~~(t) ULC-S627-00; "Standard for Space Heaters for Use with Solid Fuels;" approved June 1, 2000.
- ~~(dd)~~(u) ULC-S628; "Standard for Fireplace Inserts;" approved January 1, 1997.
- ~~(ee)~~(v) ULC ORD-C1482-M1990; "Space Heaters for Use With Particulate Solid Fuels;" approved January 1, 1990.
- (w) The following USEPA methods and specifications as published in the July 1, 2022 Code of Federal Regulations:
- ~~(ff)~~(i) USEPA method 3a; contained in 40 CFR part 60, appendix A-2; "Determination of Oxygen and Carbon Dioxide Concentrations in Emissions From Stationary Sources (Instrumental Analyzer Procedure);" ~~as published in the July 1, 2016 Code of Federal Regulations.~~
- ~~(gg)~~(ii) USEPA method 3b; contained in 40 CFR part 60, appendix A-2; "Gas analysis for the determination of emission rate correction factor or excess air;" ~~as published in the July 1, 2016 Code of Federal Regulations.~~

- ~~(hh)~~(iii) USEPA method 5; contained in 40 CFR part 60, appendix A-3; "Determination of particulate matter emissions from stationary sources;" ~~as published in the July 1, 2016 Code of Federal Regulations.~~
- ~~(ii)~~(iv) USEPA method 5b; contained in 40 CFR part 60, appendix A-3; "Determination of nonsulfuric acid particulate matter emissions from stationary sources;" ~~as published in the July 1, 2016 Code of Federal Regulations.~~
- ~~(jj)~~(v) USEPA method 9; contained in 40 CFR part 60, appendix A-4; "Visual Determination of the Opacity of Emissions From Stationary Sources;" ~~as published in the July 1, 2016 Code of Federal Regulations.~~
- ~~(kk)~~(vi) USEPA method 22; contained in 40 CFR part 60, appendix A; "Visual determination of fugitive emissions from material sources and smoke emissions from flares;" ~~as published in the July 1, 2016 Code of Federal Regulations.~~
- ~~(H)~~(vii) USEPA Performance Specification 1; "Specifications and Test Procedures for Opacity Continuous Emission Monitoring Systems in Stationary Sources;" contained in 40 CFR part 60, appendix B; ~~as published in the July 1, 2016 Code of Federal Regulations.~~

Effective: 8/25/2023

Five Year Review (FYR) Dates: 5/24/2023 and 08/25/2028

CERTIFIED ELECTRONICALLY

Certification

08/15/2023

Date

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3745-17-03

Measurement methods and procedures.

[Comment: For dates and availability of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see paragraph ~~(C)~~ (AA) of rule 3745-17-01 of the Administrative Code titled "referenced materials."]

(A) For purposes of ascertaining, defining, and measuring ambient air quality, PM_{2.5} and PM₁₀ shall be measured by the methods specified in paragraphs ~~(B)(20) and (B)(21)~~ (P)(6) and (P)(7) of rule 3745-17-01 of the Administrative Code. Such measurements for PM₁₀ shall be corrected to standard conditions for purposes of comparing measurements with the ambient air quality standards set forth in rule 3745-25-02 of the Administrative Code.

(B) Emissions test methods and procedures for all new and existing sources.

(1) For the purpose of determining compliance with paragraph (A)(1) of rule 3745-17-07 of the Administrative Code, visible particulate emissions shall be determined according to the following:

(a) Except as provided in paragraph (B)(1)(b) of this rule, USEPA method 9 or continuous opacity monitoring as specified in paragraph (C) of this rule shall be employed.

(b) As an alternative to the compliance procedures specified in paragraph (B)(1)(a) of this rule, coal-fired boilers with heat input capacities equal to or greater than two hundred fifty million Btu per hour that are controlled with either baghouses or electrostatic precipitators may determine compliance with the visible particulate emission limitations specified in paragraph (A)(1) of rule 3745-17-07 of the Administrative Code through the use of continuous opacity monitoring data. The continuous opacity monitoring system shall comply with the requirements specified in 40 CFR 60.13 and ~~shall~~ be certified in accordance with "USEPA Performance Specification 1." (The continuous opacity monitoring system consists of all the equipment used to acquire data and includes the data recording/processing hardware and software.) During each calendar quarter, the permittee shall be deemed in compliance with paragraph (A)(1) of rule 3745-17-07 of the Administrative Code if the following conditions are met:

(i) The nonexempt opacity values in excess of twenty per cent opacity are less than 1.10 per cent of the six-minute average opacity values. (Exempt opacity values are defined in paragraphs (A)(1)(b), (A)(2), and (A)(3) of rule 3745-17-07 of the Administrative Code.)

- (ii) None of the nonexempt six-minute average opacity values exceeds sixty per cent.
- (iii) The total amount of time, in hours, of exempt and nonexempt opacity values greater than twenty per cent and less than sixty per cent (not including start-up, shutdown, and malfunction exemptions provided in paragraphs (A)(2) and (A)(3) of rule 3745-17-07 of the Administrative Code) does not exceed the product of 0.10 times the actual number of hours the emissions unit was in operation during the calendar quarter.

In the event of a discrepancy between the continuous opacity monitoring data and any observations performed in accordance with paragraph (B)(1)(a) of this rule during the same time period, an evaluation may be performed by the Ohio EPA to assess the accuracy of the continuous opacity monitoring data (which may include an audit of the continuous opacity monitoring system performed in accordance with EPA 340/1-86-010 (recommended quality assurance procedures for opacity continuous emission monitoring systems) and "Acid Rain Program Continuous Emission Monitoring Systems (CEMS) Field Audit Manual" and the validity of the observations performed in accordance with paragraph (B)(1)(a) of this rule. The Ohio EPA may accept and utilize any data or observation it finds credible. The permittee is not precluded from using any credible evidence in defense of any enforcement action that may be initiated by the Ohio EPA.

- (2) For the purpose of determining compliance with paragraph (B)(2) of rule 3745-17-07 of the Administrative Code, pertaining to visible particulate emissions from coke oven batteries:

- (a) Charging operations:

- (i) The charging period shall begin when the coal from the charging system starts to enter the oven and ~~shall~~ end when the last charge port lid is replaced. Such charging period shall not include the period of time during which the port lids are reopened in order to sweep spilled coal into the oven.
- (ii) The observer shall stand on the topside of the coke oven battery such that a good view of all charge ports of the oven being charged and the charging system is possible. The observer may change position to obtain a clear view of all oven ports, drop sleeves, and hoppers. During the charging period, the observer shall watch

all the potential emission sources including the charge ports and the entire charging system. Upon observing the release of any visible particulate emission, an accumulative stopwatch shall be started. The watch shall be stopped when the visible particulate emission stops and ~~shall~~ be restarted when a visible particulate emission reappears. The observer shall continue this procedure for the entire charging period. If visible particulate emissions should occur simultaneously from several points during a charge, the visible particulate emissions shall be timed collectively as one continuous visible particulate emission. Furthermore, visible particulate emissions which may start from one source immediately after those from another source shall be timed as one continuous visible particulate emission. The following visible particulate emissions shall not be timed: steam vapor, visible particulate emissions from burning coal that is spilled on top of the oven or oven lid during charging, visible particulate emissions emitted from any equipment other than the charging system or charging ports, visible particulate emissions from closed standpipes during charging, visible particulate emissions emitted from coke oven doors which may rise above the battery and which may be windblown across its topside, and visible particulate emissions that drift from the top of the charging system, but have already been timed as a visible particulate emission from the drop sleeve below the hopper. The time recorded on the stopwatch shall represent the total time that visible particulate emissions are observed during a charge. The number of seconds of visible particulate emissions observed for each charge shall be recorded on a data sheet.

- (iii) A minimum of six consecutive charges shall be observed and the time in seconds of visible particulate emissions during such charges shall be totalled. If the observations of a set of consecutive charges is interrupted by an event not in the control of an observer, then the data for the interrupted charges shall be discarded and additional charges shall be observed until the total number of consecutive charges equals at least six. For purposes of this paragraph, charges immediately preceding and following any interrupted or discarded charges shall be deemed consecutive.

(b) Offtake piping and charging hole lids:

- (i) The observer shall walk down the length of the top of the battery and ~~shall~~ complete the inspection in an expeditious manner consistent with the safety of the observer. When safety conditions permit,

the observer will walk near the center of the battery, but may deviate from this path to obtain a better view of any lid or offtake piping system. Separate traverses may be performed for offtake piping and charging hole lids. If the battery has two collector mains, the observer may make two traverses when observing visible particulate emissions from offtake piping. If an observer elects to make two traverses for a battery which has two collector mains, the observer shall inspect one collector main during the first traverse and inspect the other collector main during the second traverse. During each traverse, the observer shall record the time of the beginning and end of each traverse and the identity of any charging hole or offtake piping system having visible particulate emissions.

- (ii) Visible particulate emissions from offtake piping shall include emissions from cracks or defects in the piping, emissions from the jointure of the battery to the standpipe, emissions from the standpipe to the gooseneck and gooseneck to the collector main, emissions from the seal between the gooseneck and gooseneck lid, and emissions from opened offtake lids. Visible particulate emissions from charging holes shall include emissions from the seal between the charging hole or stationary jumper pipe lid and its casting, emissions from the charging hole or stationary jumper pipe casting/battery interface, and emissions from opened charging holes or stationary jumper pipe lids. Visible particulate emissions which shall not be included are emissions caused by maintenance work in progress at an oven, emissions caused by the vaporization of wet luting materials, emissions caused by burning or smoldering excess topside coal, and emissions from charging ports and offtake piping during the charging operation. Visible particulate emissions from open offtake piping and charging holes, from a maximum of three ovens, shall be exempt. Regardless of the number of points from which visible particulate emissions are observed from any one offtake piping system, the maximum entry for any oven with a single offtake system shall be one and the maximum entry for any oven with two offtake piping systems shall be two. The maximum number of charging hole leaks recorded for any oven shall not exceed the number of charging holes on that oven.
- (iii) The percentage of charging holes and offtake piping with visible particulate emissions shall be determined by totalling the number of charging holes or offtake piping with visible particulate emissions, including that number of opened charging holes and offtake piping

with visible particulate emissions which exceeds the amount which is allowed for three ovens, dividing that number by the total number of observed charging holes or offtake piping on operating ovens, and multiplying the result by one hundred per cent. For purposes of this paragraph, any oven which is not out of service for rebuild or maintenance work that is extensive enough to require the oven to be skipped in the charging sequence shall constitute an operating oven. Further, any opened charging hole or offtake piping lids on operating ovens shall be included as observed charging holes and offtake piping.

(c) Oven doors:

- (i) The observer shall observe visible particulate emissions by completely walking around the coke oven battery at a steady distance from a position just outside the pusher machine and quencher car tracks as close to the battery as safety and visibility conditions permit. The observer shall traverse each side of a battery expeditiously, recording the time of the beginning and end of each side traverse, the identity of each door having visible particulate emissions, and the identity of any door not observable during the traverse. A visible particulate emission from an individual door shall be noted on an inspection sheet when an observer determines any visible particulate emissions are occurring from any location on the perimeter of a coke oven door or chuck door. Visible particulate emissions observed at the top of the battery above a specific oven door but not clearly attributable to such door shall not be counted in this procedure. An observer shall observe each oven door only once while scanning the perimeter for any visible particulate emissions. After a brief scan of an oven door, the observer shall move along ~~his/her~~ the observer's traverse, checking subsequent doors on the battery in a like manner. If a temporary machine obstruction occurs which blocks the view of a series of ovens, the ovens shall be bypassed and the remaining oven doors on that side of the battery shall be observed. After the traverse of such side of the battery, the bypassed oven doors and only those oven doors, may be reobserved. After completing one side, the observer shall proceed directly to the opposite side of the battery and proceed to perform a like traverse while repeating the above procedures. A row of two or more continuous batteries may be inspected by observing all of the pusher side doors and then all of the coke side doors.

- (ii) The percentage of oven doors with visible particulate emissions shall be determined by totalling the number of doors with visible particulate emissions, dividing that sum by the total number of observed doors on operating ovens, and multiplying the result by one hundred per cent. For purposes of this paragraph, any oven which is not out of service for a rebuild or maintenance work that is extensive enough to require that oven to be skipped in the charging sequence shall constitute an operating oven. Further, any doors that are removed from operating ovens shall constitute unobserved doors.
- (d) For any pushing operations, visible particulate emissions shall be determined according to USEPA method 9 with the following modifications:
 - (i) Paragraph 2.5 ("Data Reduction") of USEPA method 9 shall not be used; and
 - (ii) Visible particulate emission readings shall be recorded at fifteen-second intervals during each pushing operation observed and the average reading during each such operation shall be determined by summing the opacity readings and dividing this sum by the number of observations during that pushing operation.
- (3) For the purpose of determining compliance with paragraphs (B)(1), (B)(3), (B)(7)(a)(i), (B)(7)(b), (B)(7)(c), and (B)(8)(a) to (B)(8)(d) of rule 3745-17-07 of the Administrative Code, or with paragraphs (C)(3)(c), (D)(3), (F)(4)(c), ~~(H)(1), (L)(3), (O)(1),~~ (P)(2), (V)(4)(c), (W)(2), (X)(2), and (X)(3) of rule 3745-17-12 of the Administrative Code, ~~or with paragraph (D)(4)(a) of rule 3745-17-13 of the Administrative Code,~~ visible emissions of fugitive dust shall be determined according to USEPA method 9 with the following modifications:
 - (a) For paragraphs (B)(1), (B)(7)(b), (B)(7)(c), (B)(8)(b), and (B)(8)(d), ~~and (B)(9)~~ of rule 3745-17-07 of the Administrative Code, the data reduction and average opacity calculation shall be based upon sets of twelve consecutive visible emission observations recorded at fifteen-second intervals.
 - (b) Opacity observations shall be made from a position that provides the observer a clear view of the source and the fugitive dust with the sun behind the observer. A position at least fifteen feet from the source is recommended. To the extent possible, the line of sight should be approximately perpendicular to the flow of fugitive dust and to the longer

axis of the emissions. Except as provided in paragraphs (B)(3)(d) and (B)(3)(e) of this rule, opacity observations shall be made for the point of highest opacity within the fugitive dust. Since the highest opacity usually occurs immediately above or downwind of the source, the observer should normally concentrate on the area of the plume close to the source. For purposes of paragraphs (B)(7)(b) and (B)(8)(b) of rule 3745-17-07 of the Administrative Code, observations shall be made where the fugitive dust plume is distinctly separate from the falling material and from the surface of the pile.

(c) [Reserved.]

(d) For paragraphs (B)(7)(a)(i), (B)(8)(a), and (B)(8)(c) of rule 3745-17-07 of the Administrative Code and ~~paragraphs (I)(1), (O)(1), and~~ paragraph (P)(2) of rule 3745-17-12 of the Administrative Code:

(i) A data set shall consist of twelve observations based on four uninterrupted vehicle passes, three observations per vehicle pass, using USEPA method 9. The initial observation shall be taken immediately after passage of the first vehicle, at the point of highest opacity within the fugitive dust, and at four feet above the surface of the roadway or parking area. Two additional observations shall be taken at the same point as the initial observation and at five seconds and ten seconds after the initial reading. The same procedure shall be conducted for the next three vehicle passes. If any interruption in observations during any vehicle pass occurs, the observations taken during that vehicle pass shall be discarded and the next vehicle pass shall be observed. For vehicle traffic on top of any material storage pile, the observer may observe passes of the same vehicle or vehicles, at identical or different points atop the pile, in order to obtain readings for four vehicle passes.

(ii) The data reduction and average opacity calculation shall be based upon the average of twelve observations in each data set.

(e) For paragraph (B)(7)(c) of rule 3745-17-07 of the Administrative Code, observations of fugitive dust resulting from a vehicle's movement upon a coal storage pile shall be made at a point no less than one vehicle length from the rear of the vehicle and at an elevation no lower than the maximum height of the vehicle. For purposes of this rule, vehicle length and height shall be based upon the length and height of the vehicle being observed.

- (4) For the purpose of determining compliance with paragraphs (B)(4) to (B)(6), (B)(7)(a)(ii), and (B)(7)(d) of rule 3745-17-07 of the Administrative Code, paragraphs ~~(B)~~, (C)(1), (C)(2), (E), (F)(1) to (F)(3), ~~(K)~~, (M)(1), (M)(2), ~~(Q)(1)~~, (S)(4)(b), (U)(1), (U)(2), (V)(1) to (V)(3), (W)(1), (W)(5), ~~(X)(1)~~, ~~(X)(4)~~, ~~(Y)(1) to (Y)(3)~~, and (Z) of rule 3745-17-12 of the Administrative Code, or with paragraph (B) of rule 3745-17-13 of the Administrative Code, visible emissions of fugitive dust shall be determined according to USEPA method 22 with the following modifications:
- (a) If the observer's view is obscured and observations shall be terminated prior to completing the necessary or desired observation period, the observer shall clearly note this fact on the observation form. When the observer's view of the source is no longer obscured, the observations shall recommence to complete the observation period.
 - (b) The observer shall identify on the observation form all interruptions due to rest breaks.
 - (c) For the purpose of determining compliance with the applicable visible emission limitation, the observations, excluding break periods and periods of obscured vision, shall be considered continuous.
 - (d) For any roadway or parking area, the observer shall determine the presence and duration of visible particulate matter at the same point of the potential emissions and at a height approximately four feet above the surface of the roadway or parking area.
- (5) Visible particulate emission readings other than those referenced in paragraph (B)(4) of this rule shall be determined by observers qualified according to tests and procedures set forth in USEPA method 9.
- (6) The director may refuse to accept the results of emission tests conducted pursuant to paragraphs (B)(7) to (B)(10) of this rule which are not conducted with prior review and approval of the test specifications by the director. Test specifications shall be submitted for this purpose at least thirty days before the proposed test date. The director will advise an entity of any deficiencies in the proposed test specifications as expeditiously as practicable so as to minimize any disruption of the proposed testing schedule.
- (7) For the purpose of determining compliance with paragraphs (B)(3) and (B)(4) of rule 3745-17-08 of the Administrative Code:

- (a) The amount of particulate emissions shall be determined by the test methods specified in paragraph ~~(B)(15)~~ (P)(1) of rule 3745-17-01 of the Administrative Code.
- (b) For electric arc furnaces at iron foundries, steel foundries and iron and steel mills, the sampling and measurement of the particulate emissions shall be performed only during those operating intervals commencing with the addition of cold scrap to the furnace and ending with the completion of the tapping of the furnace.
- (c) For argon-oxygen decarburization vessels, the sampling and measurement of the particulate emissions shall be performed only during those operating intervals commencing with the pouring of hot metal into the vessel and ending with the completion of the tapping of the vessel.
- (d) For basic oxygen furnaces, the sampling and measurement of the particulate emissions shall be performed only during those operating intervals commencing with the addition of hot metal to the furnace and ending with the completion of the tapping of the furnace.
- (e) For hot metal transfer operations, the sampling and measurement of the particulate emissions shall be performed only during those operating intervals when hot metal is being poured.
- (f) For hot metal desulfurization operations, the sampling and measurement of the particulate emissions shall be performed only during those operating intervals commencing with the initial injection of the desulfurization agent into the hot metal and ending with the completion of the injection process.
- (g) For blast furnace casthouses, the sampling and measurement of the particulate emissions shall be performed only during the casting operation, commencing with the opening of the tap hole and ending one minute after the positioning of the mud gun to plug the tap hole.
- (h) For pushing operations at coke oven batteries, one point of a probe traverse shall be sampled during each pushing operation and the sampling and measurement of the particulate emissions shall be performed only during those operating intervals commencing with the first movement of the ram and ending with the full extension of the ram plus ten seconds or with the first movement of the quench car, whichever occurs first.

- (8) For the purpose of determining compliance with rule 3745-17-09 of the Administrative Code:
- (a) The amount of particulate emissions from an incinerator shall be determined by test methods specified in paragraph ~~(B)(15)~~ (P)(1) of rule 3745-17-01 of the Administrative Code. Emission tests shall be conducted at maximum burning capacity of the incinerator.
 - (b) The maximum burning capacity of an incinerator shall be the manufacturer's or designer's guaranteed maximum rate or such other rate as may be determined by the director in accordance with good engineering practices. In case of conflict, the determination made by the director shall govern.
- (9) For the purpose of determining compliance with rule 3745-17-10 of the Administrative Code and ~~paragraphs (N)(1), (N)(2), (O)(7), (O)(8)(a), paragraph (P)(1), (P)(7), and (P)(8)~~ of rule 3745-17-12 of the Administrative Code:
- (a) The amount of particulate emissions shall be determined by test methods specified in paragraph ~~(B)(15)~~ (P)(1) of rule 3745-17-01 of the Administrative Code, except that for USEPA method 5 the probe and filter holder heating systems in the sampling train shall be set to provide a gas temperature no greater than three hundred twenty degrees Fahrenheit (one hundred sixty degrees Celsius).
 - (b) The heat content of fuels shall be determined according to ASTM ~~D5685-14~~ D5685 or ASTM ~~E870-82(2013)~~ E870 for solid fuels, ASTM ~~D240-14~~ D240 for liquid fuels, and ASTM ~~D1826-94(2010)~~ D1826 for gaseous fuels.
 - (c) The ash content of coal shall be determined according to ASTM ~~D3174-12~~ D3174.
- (10) For the purpose of determining compliance with rule 3745-17-11 of the Administrative Code, paragraphs (C)(3)(b), (D)(2), (F)(4)(b), (F)(5), ~~(G), (H), (I)(2) to (I)(14), (I)(16), (I)(17), (I)(19) to (I)(30), (I)(38) to (I)(40), (I)(43), (I)(45), (I)(46), (I)(48), (J), (L)(2), (M)(3), (N)(3), (N)(4), (O)(3) to (O)(6), (O)(9), (O)(10), (P)(3)(a), (P)(4) to (P)(6), (P)(10), (P)(11), (Q)(2), (R)(1), (S)(1) to (S)(4)(a), (T), (U)(3), and (V)(4)(b), and (Y)(4)~~ of rule 3745-17-12 of the Administrative Code, and ~~paragraphs (D)(2), (D)(3), (D)(4)(b) to (D)(4)(d), (D)(5) and (D)(6)~~ of rule 3745-17-13 of the Administrative Code:

- (a) The amount of particulate emissions shall be determined by test methods specified in paragraph ~~(B)(15)~~ (P)(1) of rule 3745-17-01 of the Administrative Code.
 - (b) The controlled mass rate of particulate emissions from sources equipped with control equipment, or the uncontrolled mass rate of particulate emissions from sources not equipped with control equipment, shall be determined by sampling and other measurements made at the air contaminant source or sources prior to the point at which air contaminants are emitted to the ambient air. For sources equipped with control equipment, the uncontrolled mass rate of emission may be determined by either sampling in the stack upstream from the inlet of the control equipment or by the use of other techniques accepted by the director.
 - (c) For coke quench towers, the concentration of total dissolved solids in the quench water shall be determined according to Section 209(C), "Standard Methods for the Examination of Water and Wastewater," using a drying temperature between one hundred three and one hundred five degrees Celsius. Analyses shall be performed on grab samples of the quench water as applied to the coke. Samples shall be collected at a minimum of five days per week per quench tower and analyzed to report a weekly average concentration for each quench tower. Samples for each week shall be analyzed either:
 - (i) Separately, with daily concentrations determined and averaged as a weekly average, or
 - (ii) As one composite sample, with equal volumes of each day's sample combined to form the composite sample.
- (C) Continuous emission monitoring requirements for measuring opacity for "Appendix P" facilities.
- (1) Except as provided in paragraphs (D) and (E) of this rule, for any air contaminant source subject to 40 CFR part 51, appendix P, "Minimum Emission Monitoring Requirements," shall operate and maintain a continuous opacity monitoring system (COMS) for measuring opacity. The COMS shall comply with all specifications outlined in 40 CFR part 60, appendix B, "Performance Specification 1." The COMS shall be capable of providing external calibration filter access in accordance with Section 5.1.9 of "USEPA Performance Specification 1."

- (2) Any owner or operator of a facility that meets the applicability requirements specified in paragraph (C)(1) of this rule shall submit reports to the director of excess emissions for each calendar quarter within thirty days following the end of each calendar quarter. The reports shall include, but not be limited to, the times and values of all six-minute average readings of opacity above the applicable standard, along with the dates, magnitudes (per cent opacity), reasons (if known), and corrective actions taken (if any). In addition, the reports shall include the dates and times of each period during which the continuous emission monitoring system was inoperative, except for zero and span checks, and the nature of system repairs or adjustments.
- (D) For any air contaminant source subject to 40 CFR part 51, appendix P, "Minimum Emission Monitoring Requirement" where the use of a COMS would not provide accurate determinations of opacity as described in Section 6.1 of 40 CFR part 51, appendix P, the owner or operator may elect to request, in writing, permission from the director and the administrator to install, calibrate, certify, maintain and operate a CEMS for measuring particulate emissions in lieu of complying with paragraph (C)(1) of this rule. Upon approval of the use of the CEMS by the director and the administrator, the air contaminant source shall comply with the following:
- (1) The owner or operator shall install, operate and maintain a CEMS for particulate emissions that meets 40 CFR part 60, appendix B, performance specification 11 and the following:
- (a) The owner or operator shall conduct a performance evaluation of the CEMS according to 40 CFR 60.13, performance specification 11, and appendix F, procedure 2.
 - (b) During each particulate emissions correlation testing run of the CEMS required by performance specification 11, particulate emissions and oxygen or carbon dioxide data shall be collected concurrently by both the CEMS and the performance tests conducted using the following:
 - (i) For particulate emissions, USEPA method 5 or 5B of 40 CFR part 60, appendix A shall be used.
 - (ii) For oxygen or carbon dioxide, USEPA method 3A or 3B of 40 CFR part 60, appendix A, shall be used.
 - (c) Quarterly accuracy determinations and the daily calibration drift tests shall be performed in accordance with 40 CFR part 60, appendix F, procedure 2. Relative response audits shall be performed annually and response

correlation audits using one-hour test runs shall be performed every three years.

- (2) Each air contaminant source that is equipped with a CEMS for particulate emissions in lieu of using COMS shall comply with a particulate emissions limit of 0.030 pounds of particulate emissions per million British thermal units of heat input, based upon a daily average, and any other mass emission limit that applies.
 - (3) Compliance with the daily average particulate emission limitation shall be determined by calculating the arithmetic average of all valid CEMS hourly emission rates for particulate emissions for each air contaminant source operating day.
- (E) For any air contaminant source subject to 40 CFR part 51, appendix P, "Minimum Emission Monitoring Requirement" where the use of a COMS would not provide accurate determinations of opacity as described in 40 CFR part 51, appendix P, section 6.1, the owner or operator may elect to request, in writing, approval from the director and the administrator of an alternative monitoring plan for determining compliance with particulate emissions, in lieu of complying with paragraph (C)(1) of this rule. Upon approval of the use of the alternative monitoring plan by the director and the administrator, the air contaminant source shall comply with the following:
- (1) The monitoring requirements and ranges of the parameters to be monitored shall be incorporated into the underlying federally enforceable permit-to-install and Title V permit as federally enforceable limits.
 - (2) The federally enforceable ranges of the parameters to be monitored shall be established such that, during the initial performance testing required under 40 CFR 60.8, performance testing required by permit, or other performance testing as required by law, USEPA method 5B testing shows the air contaminant source is complying with any particulate matter mass limit applicable to the air contaminant source while operating within those ranges.
 - (3) Each instance where any parameter required to be monitored under the alternative monitoring plan falls outside the federally enforceable ranges is considered a violation of the applicable particulate emissions limit, and shall be reported in quarterly excess emission reports required by the permit. The quarterly excess emission reports shall satisfy 40 CFR 60.7 and the permits and shall include, at a minimum, the following:
 - (a) The date the parameter was outside of the range.

- (b) The time the parameter was outside of the range.
- (c) The value of the parameter during the period it was outside of the range.
- (d) The cause of the parameter to be outside of the range.
- (e) The corrective action taken to bring the parameter back into the federally enforceable range.

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Five Year Review (FYR) Dates: 5/24/2023 and 08/25/2028

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3745-17-04

Compliance time schedules.**(A) Certification and permit application requirements.**

(1) Except as otherwise provided in paragraph (A)(2) of this rule, by no later than October 1, 1980, any owner or operator of an air contaminant source subject to paragraph (B)(2) of rule 3745-17-07 of the Administrative Code or of a fugitive dust source subject to paragraph (D) of rule 3745-17-08 of the Administrative Code, as those rules existed on June 18, 1980, shall do either of the following:

- (a) Certify in writing to the director that such source is in compliance with paragraph (B)(2) of rule 3745-17-07 of the Administrative Code and paragraph (B) of rule 3745-17-08 of the Administrative Code, as applicable. Such certification shall include: equipment description, Ohio EPA permit application number (if assigned), and all necessary data (consistent with the appropriate permit application appendices) and calculations which confirm the compliance status. The certification shall also include an application for a permit-to-operate such source in accordance with rule 3745-35-02 of the Administrative Code if such source does not possess an effective permit.
- (b) Submit an application for a permit-to-operate or an application for a modification to a permit-to-operate in accordance with rule 3745-35-02 of the Administrative Code. Such application shall include a final control plan and a compliance schedule which will bring the source into compliance with paragraph (B)(2) of rule 3745-17-07 of the Administrative Code and paragraph (B) of rule 3745-17-08 of the Administrative Code as expeditiously as practicable but in no event later than the dates specified in paragraph (B) of this rule.

[Comment: Applications requiring submittal prior to June 30, 2008, for sources not subject to the Title V program, were to be submitted in accordance with now rescinded Chapter 3745-35 of the Administrative Code.]

- (2) Any owner or operator of an air contaminant source, which is subject to paragraph (D) of rule 3745-17-08 of the Administrative Code, as such rule existed on August 1, 1982, and which is located in Madison township, Sandusky county, Ohio, shall comply with the certification and permit application requirements in paragraph (A)(1) of this rule by no later than October 1, 1982.
- (3) Any certification or application required by paragraph (A)(1) of this rule, or any permit issued by the director, may include multiple, similar fugitive dust sources located at a specified facility, if such similar fugitive dust sources fall

within one of the following general source categories: storage piles, mineral extraction operations, material handling operations, or roads and parking lots. Where appropriate, the certification, application or permit may specify such similar fugitive dust sources and their associated control measures by their general source categories.

- (4) By no later than October 1, 1991, any owner or operator of an air contaminant source subject to rule 3745-17-12 of the Administrative Code, as such rule existed on June 14, 1991, shall comply with the requirements in either of the following:

- (a) Certify in writing to the director that such source is in compliance with rule 3745-17-12 of the Administrative Code. Such certification shall include: equipment description, Ohio EPA permit application number, and all necessary data (consistent with the appropriate permit application appendices) and calculations which confirm the compliance status. The certification shall also include an application for a permit-to-operate such source in accordance with rule 3745-35-02 of the Administrative Code if such source does not possess an effective permit.
- (b) Submit an application for a permit-to-operate or an application for a modification in accordance with rule 3745-35-02 of the Administrative Code. Such application shall include a final control plan and a compliance schedule which will bring the source into compliance with rule 3745-17-12 of the Administrative Code as expeditiously as practicable, but in no event later than the dates specified in paragraph (B) of this rule.

[Comment: Applications requiring submittal prior to June 30, 2008, for sources not subject to the Title V program, were to be submitted in accordance with now rescinded Chapter 3745-35 of the Administrative Code.]

- (5) By no later than January 1, 1992, any owner or operator of an air contaminant source subject to rule 3745-17-13 of the Administrative Code, as such rule existed on December 6, 1991, shall comply with either of the following:

- (a) Certify in writing to the director that such source is in compliance with rule 3745-17-13 of the Administrative Code. Such certification shall include: equipment description, Ohio EPA permit application number, and all necessary data (consistent with the appropriate permit application appendices) and calculations which confirm the compliance status. The certification shall also include an application for a permit-to-operate such

source in accordance with rule 3745-35-02 of the Administrative Code if such source does not possess an effective permit.

- (b) Submit an application for a permit-to-operate or an application for a modification in accordance with rule 3745-35-02 of the Administrative Code. Such application shall include a final control plan and a compliance schedule which will bring the source into compliance with rule 3745-17-13 of the Administrative Code as expeditiously as practicable, but in no event later than the dates specified in paragraph (B) of this rule.

[Comment: Applications requiring submittal prior to June 30, 2008, for sources not subject to the Title V program, were to be submitted in accordance with now rescinded Chapter 3745-35 of the Administrative Code.]

- (6) ~~[Reserved.] By no later than October 15, 1983, the "Conesville Power Plant" (OEPA premise number 0616000000) or any subsequent owner or operator of the "Conesville Power Plant" facility located at 47201 County Road 273, Conesville, Ohio shall submit an application for a permit to operate in accordance with rule 3745-35-02 of the Administrative Code, as such rule existed on August 1, 1982, for unit four main boiler (OEPA source number B004). Such application shall include a final control plan and a compliance schedule which will bring the source into compliance with paragraph (C)(6) of rule 3745-17-10 of the Administrative Code as expeditiously as practicable but in no event later than the date specified in paragraph (B)(4) of this rule.~~

(B) Compliance time schedules.

- (1) Any owner or operator of an air contaminant source, which is subject to rule 3745-17-07 of the Administrative Code, shall achieve compliance with the requirements by the following deadlines:
 - (a) For paragraph (A) of rule 3745-17-07 of the Administrative Code, by June 18, 1980.
 - (b) For paragraphs (B)(2)(b), (B)(2)(c), and (B)(2)(e) of rule 3745-17-07 of the Administrative Code, by December 31, 1982.
 - (c) For paragraphs (B)(2)(a) and (B)(2)(d)(ii) of rule 3745-17-07 of the Administrative Code, by October 1, 1983.
 - (d) For paragraphs (B)(3) to (B)(6) of rule 3745-17-07 of the Administrative Code, by June 14, 1991.

- (e) For paragraph (B)(7) of rule 3745-17-07 of the Administrative Code, by January 31, 1998.
- (2) Except as otherwise provided in paragraph (B)(3) of this rule, any owner or operator of a fugitive dust source, which is subject to paragraph (D) of rule 3745-17-08 of the Administrative Code, shall achieve compliance with paragraph (B) of rule 3745-17-08 of the Administrative Code as expeditiously as practicable, but not later than the deadlines established in the following schedules:
 - (a) For paragraphs (B)(2), (B)(7) and (B)(8) of rule 3745-17-08 of the Administrative Code, by August 1, 1981.
 - (b) For paragraph (B)(6) of rule 3745-17-08 of the Administrative Code, by January 1, 1982.
 - (c) For paragraphs (B)(3) and (B)(4) of rule 3745-17-08 of the Administrative Code and any other reasonably available control measures not specifically described in rule 3745-17-08 of the Administrative Code, by December 31, 1982.
- (3) Any owner or operator of an air contaminant source, which is subject to paragraph (D) of rule 3745-17-08 of the Administrative Code and which is located in Madison township, Sandusky county, Ohio, shall achieve compliance with paragraph (B) of rule 3745-17-08 of the Administrative Code as expeditiously as practicable, but not later than the deadlines in the following schedules:
 - (a) For paragraphs (B)(2), (B)(7) and (B)(8) of rule 3745-17-08 of the Administrative Code, by August 1, 1983.
 - (b) For paragraph (B)(6) of rule 3745-17-08 of the Administrative Code, by January 1, 1984.
 - (c) For paragraph (B)(3) of rule 3745-17-08 of the Administrative Code and any other reasonably available control measures not specifically described in rule 3745-17-08 of the Administrative Code, by January 1, 1985.
- (4) ~~"Conesville Power Plant" (OEPA premise number 0616000000) or any subsequent owner or operator of the "Conesville Power Plant", 47201 County road 273, Conesville, Ohio shall achieve compliance with paragraph (C)(6)(b) of rule 3745-17-10 of the Administrative Code as expeditiously as practicable, but not later than June 19, 1984. [Reserved.]~~

- (5) Any owner or operator of an air contaminant source, which is subject to rule 3745-17-11 of the Administrative Code, shall achieve compliance with the requirements as expeditiously as practicable, but not later than the deadlines established in the following schedules:
- (a) For paragraphs (B)(1) to (B)(3) of rule 3745-17-11 of the Administrative Code, by April 15, 1977.
 - (b) For paragraph (B)(4) of rule 3745-17-11 of the Administrative Code, by June 14, 1991.
 - (c) For paragraphs (B)(5) and (B)(6) of rule 3745-17-11 of the Administrative Code, by January 31, 1998.
- (6) Any owner or operator of an air contaminant source, which is subject to rule 3745-17-12 of the Administrative Code, shall achieve compliance with the requirements as expeditiously as practicable, but not later than the deadlines established in the following schedules:
- (a) For paragraphs (C)(3)(c)(i), (F)(3), ~~(G)~~, (M)(3), (N), (O)(3), (P)(5), (P)(6), ~~(R)~~, (S)(4), (U)(3), (V)(3), and, (W) of rule 3745-17-12 of the Administrative Code, by June 14, 1991.
 - (b) For paragraphs (C)(1), (E), (F)(1), (F)(2), ~~(K)~~, (M)(1), (M)(2), (U)(1), (U)(2), (V)(1), (V)(2), ~~(X)(1)~~, and (Z) of rule 3745-17-12 of the Administrative Code, by August 1, 1992.
 - (c) For paragraphs (C)(2) and (X)(4) of rule 3745-17-12 of the Administrative Code, by January 1, 1993.
 - (d) For paragraphs (C)(3)(a), (C)(3)(b), (C)(3)(c)(ii), (D), (F)(4), (F)(5), (H), (L), ~~and (S)(1) to (S)(3), and (V)(4), (X)(2), and (X)(3)~~ of rule 3745-17-12 of the Administrative Code, by December 10, 1993.
 - (e) [Reserved.]
 - (f) For paragraphs (O)(10), (P)(1), (P)(2), and (P)(10) of rule 3745-17-12 of the Administrative Code, by January 31, 1998.
 - (g) [Reserved.]
- (7) Any owner or operator of an air contaminant source, which is subject to rule 3745-17-13 of the Administrative Code, shall achieve compliance with the

requirements as expeditiously as practicable, but not later than the deadlines established in the following schedules:

- (a) For paragraph (D)(3) of rule 3745-17-13 of the Administrative Code, by December 6, 1991.
 - (b) For paragraph (B) of rule 3745-17-13 of the Administrative Code, by November 1, 1992.
 - (c) ~~For paragraphs (D)(2), (D)(5) and (D)(6) of rule 3745-17-13 of the Administrative Code, by not later than February 1, 2008.~~[Reserved.]
 - (d) [Reserved.]
 - (e) For ~~paragraphs (C) and~~ paragraph (D)(1) of rule 3745-17-13 of the Administrative Code, by January 31, 1998.
- (8) Any owner or operator of a facility, which is subject to paragraph (C)(1) of rule 3745-17-03 of the Administrative Code, shall achieve compliance with the requirements by January 31, 1998.

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3745-17-07

Control of visible particulate emissions from stationary sources.

[Comment: For dates and availability of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see paragraph ~~(C)~~(AA) of rule 3745-17-01 of the Administrative Code titled "referenced materials."]

(A) Visible particulate emission limitations for stack emissions:**(1) General limitations:**

- (a) Except as otherwise specified in paragraphs (A)(1)(b), (A)(2) and (A)(3) of this rule, visible particulate emissions from any stack shall not exceed twenty per cent opacity, as a six-minute average.
 - (b) Except as otherwise specified in paragraphs (A)(2) and (A)(3) of this rule, visible particulate emissions from any stack may exceed twenty per cent opacity, as a six-minute average, for not more than six consecutive minutes in any sixty minutes, but shall not exceed sixty per cent opacity, as a six-minute average, at any time.
- (2) It shall be deemed not to be a violation of this rule where the presence of uncombined water is the only reason for failure of a stack emission to meet this rule.
- (3) The visible particulate emission limitations established in paragraph (A)(1) of this rule shall not apply to the following:
- (a) The start-up of the following fuel burning equipment:
 - (i) For any fuel burning equipment which are equipped with baghouses or electrostatic precipitators, until the exhaust gases have achieved a temperature of two hundred fifty degrees Fahrenheit at the inlet of the baghouses or electrostatic precipitators, provided that the director may incorporate a higher start-up temperature in the permit or variance for such source for which an applicant demonstrates to the satisfaction of the director that the higher temperature is needed for safety considerations or to prevent damage to the control equipment.
 - (ii) For any fuel burning equipment which are uncontrolled or which are equipped solely with mechanical collectors (including mechanical collectors which are equipped with sidestream separators or similar devices) for the control of particulate emissions, for a period of

not more than three hours from the moment of start-up, provided that the director may incorporate a longer start-up time period in the permit or variance for such source for which an applicant demonstrates to the satisfaction of the director that the longer time period is required.

(b) The shutdown of the following fuel burning equipment:

(i) For any fuel burning equipment which are equipped with baghouses or electrostatic precipitators, after the temperature of the exhaust gases has dropped below two hundred fifty degrees Fahrenheit at the inlet of the baghouses or electrostatic precipitators, provided that the director may incorporate a higher shutdown temperature in the permit or variance for such source for which an applicant demonstrates to the satisfaction of the director that the higher temperature is needed for safety considerations or to prevent damage to the control equipment.

(ii) For any fuel burning equipment which are uncontrolled or which are equipped solely with mechanical collectors (including mechanical collectors which are equipped with sidestream separators or similar devices) for the control of particulate emissions, for a period of not more than three hours, provided that the director may incorporate a longer shutdown time period in the permit or variance for such source for which an applicant demonstrates to the satisfaction of the director that the longer time period is required.

(c) The malfunction of any air contaminant source or the malfunction/shutdown of air pollution control equipment associated with any air contaminant source, if the owner or operator of said air contaminant source or air pollution control equipment complies with rule 3745-15-06 of the Administrative Code and none of the conditions listed in paragraph (C) of rule 3745-15-06 of the Administrative Code exists.

(d) Intermittent soot-blowing operations (the cleaning of heat transfer surfaces with pressurized air or steam) for fuel burning equipment which are uncontrolled or which are equipped solely with mechanical collectors (including mechanical collectors which are equipped with sidestream separators or similar devices) for the control of particulate emissions, provided that the owner or operator of such fuel burning equipment maintains a daily record which clearly documents the date, beginning time and ending time for all intermittent soot-blowing operations.

- (e) Salt glazing operations conducted in a gas-fired periodic brick or tile kiln, for a period of not more than two hours during any twenty-one consecutive days of operation of said kiln.
- (f) Intermittent ash removal operations (the dumping or pulling of ash) for fuel burning equipment which are uncontrolled or which are equipped solely with mechanical collectors (including mechanical collectors which are equipped with sidestream separators or similar devices) for the control of particulate emissions, provided that the owner or operator of such fuel burning equipment maintains a daily record which clearly documents the date, beginning time and ending time for all intermittent ash removal operations.
- (g) The commencement of increased coal firing from a banked condition for fuel burning equipment, for a period not to exceed thirty minutes.
- (h) Any air contaminant source which is not subject to any mass emission limitation in paragraphs (B)(3) and (B)(4) of rule 3745-17-08 of the Administrative Code, or rule 3745-17-09, 3745-17-10 or 3745-17-11 of the Administrative Code.
- (i) Any air contaminant source for which an equivalent visible particulate emission limitation has been established by the director pursuant to paragraph (C) of this rule.
- (j) The following kiln operations at the facility (OEPA premise number 0372000127) located at 755 Lime Road, Woodville, Ohio, provided that "Martin Marietta Magnesia Specialties, Inc.," or any subsequent owner or operator of such facility, maintains daily records that clearly document the dates, beginning times, and ending times for the operations:
 - (i) The start-up of any kiln equipped with a baghouse, until the time stone feed to the kiln begins.
 - (ii) The start-up of any kiln equipped with an electrostatic precipitator, from the time the stone feed to the kiln begins until the time a stable firing condition for the solid fuel is achieved, but not longer than six hours from the time firing with the solid fuel begins.
 - (iii) The shutdown of any kiln equipped with a baghouse, after the time the temperature of the exhaust gases from the kiln has dropped below two hundred fifty degrees Fahrenheit at the inlet of the baghouse.

For the purposes of this paragraph, "start-up" means the point of commencement of firing the kiln until such time as the process is operating in a steady-state condition using its primary fuel. A steady-state condition is present when the throughputs of process material, fuel and combustion air have been stabilized in a manner that demonstrates the combustion process will be consistently complete and safe, with an exhausted combustibles concentration within established safety limits.

(k) Residential wood burning appliances and pellet stoves.

(B) Visible particulate emission limitations for fugitive dust:

- (1) Except as provided in paragraphs (B)(2) to (B)(8) and (B)(11) of this rule, visible particulate emissions from any fugitive dust source shall not exceed twenty per cent opacity as a three-minute average.
- (2) Except as provided in paragraph (B)(11) of this rule, visible particulate emissions from the fugitive dust sources associated with a coke oven battery shall comply with the following:
 - (a) Emit no visible particulate emissions from any charging operations except for a period of time not to exceed one hundred twenty-five seconds during any five consecutive charges. One charge, which represents the charge with the highest visible particulate emissions value of twenty consecutive charges observed, may be exempted from this visible particulate emission limitation.
 - (b) Emit no visible particulate emissions from more than ten per cent of the offtake piping.
 - (c) Emit no visible particulate emissions from more than five per cent of the charging hole lids.
 - (d) For visible particulate emissions from oven doors, the following:
 - (i) [Reserved.]
 - (ii) Emit no visible particulate emissions from more than ten per cent of the oven doors. Two oven doors, which represent the last oven charged prior to the commencement of visible particulate emission readings performed in accordance with paragraph (B)(2)(c) of rule 3745-17-03 of the Administrative Code, shall be exempted from this visible emission limitation.

- (iii) For purposes of this paragraph, an oven door and the associated chuck door on the pusher side of the battery are considered as one door.
 - (e) Visible particulate emissions during any pushing operations shall not exceed an average of twenty per cent opacity read above the battery top. For purposes of this paragraph, the duration of a pushing operation commences with the moving (or pushing) of the coke mass from an oven and concludes when the quench car enters the quench tower.
- (3) Except as provided in paragraph (B)(11) of this rule, visible particulate emissions of fugitive dust from electric arc furnace shop roof monitors, argon-oxygen decarburization shop roof monitors, blast furnace casthouses and sintering operations shall not exceed twenty per cent opacity as a six-minute average.
 - (4) Except as provided in paragraphs (B)(7), (B)(8), and (B)(11) of this rule, there shall be no visible particulate emissions from any paved roadway or parking area except for a period of time not to exceed six minutes during any sixty-minute observation period, as determined in accordance with paragraph (B)(4) of rule 3745-17-03 of the Administrative Code.
 - (5) Except as provided in paragraphs (B)(7), (B)(8), and (B)(11) of this rule, there shall be no visible particulate emissions from any unpaved roadway or parking area except for a period of time not to exceed thirteen minutes during any sixty-minute observation period, as determined in accordance with paragraph (B)(4) of rule 3745-17-03 of the Administrative Code.
 - (6) Except as provided in paragraphs (B)(7), ~~(B)(8), to and~~ (B)(11) of this rule, there shall be no visible particulate emissions from any material storage pile except for a period of time not to exceed thirteen minutes during any sixty-minute observation period, as determined in accordance with paragraph (B)(4) of rule 3745-17-03 of the Administrative Code.
 - (7) Except as provided in paragraph (B)(11) of this rule, visible particulate emissions from any roadway, parking area, material handling operation, or coal storage pile located at facilities owned or operated by "Buckeye Power, Inc., Cincinnati Gas & Electric Company, The Cleveland Electric Illuminating Company, Columbus Southern Power Company, Dayton Power & Light Company, Ohio Edison Company, Ohio Power Company, and The Toledo Edison Company" or any subsequent owners or operators of such facilities shall not exceed any of the following limitations:
 - (a) For any paved or unpaved roadway or parking area, the following:

- (i) Ten per cent opacity, as determined in Accordance with paragraph (B)(3) of rule 3745-17-03 of the Administrative Code, for the following facilities:

[Reserved.]

- (ii) No visible particulate emissions from any paved roadway or parking area, except for a period of time not to exceed six minutes during any sixty-minute observation period, or from any unpaved roadway or parking area, except for a period of time not to exceed thirteen minutes during any sixty-minute observation period, as determined in accordance with paragraph (B)(4) of rule 3745-17-03 of the Administrative Code, for all other facilities not identified in paragraph (B)(7)(a)(i) of this rule.
- (b) Twenty per cent opacity for any material handling operation (including loading coal into or loading coal out of any coal storage pile), as determined in accordance with paragraph (B)(3) of rule 3745-17-03 of the Administrative Code.
 - (c) Twenty per cent opacity from the operation of vehicles on top of any coal storage pile (emissions from the combustion of fuels in such vehicles are not subject to this limitation), as determined in accordance with paragraph (B)(3) of rule 3745-17-03 of the Administrative Code.
 - (d) No visible particulate emissions from any coal storage pile due to wind erosion, except for a period of time not to exceed thirteen minutes during any sixty-minute observation period, as determined in accordance with paragraph (B)(4) of rule 3745-17-03 of the Administrative Code.
- (8) Except as provided in paragraph (B)(11) of this rule, visible particulate emissions from any roadway, parking area, or material storage pile located at iron and steel production facilities owned and operated by "Empire Detroit Steel Company, LTV Steel Company, Republic Engineered Steels, Incorporated, The Timken Company, or USS/KOBE Steel Company" or any subsequent owner or operator of such facilities shall not exceed any of the following limitations:
 - (a) Ten per cent opacity for any paved or unpaved roadway or parking area, as determined in accordance with paragraph (B)(3) of rule 3745-17-03 of the Administrative Code.
 - (b) Twenty per cent opacity for any material handling operation (including loading coal into or loading coal out of any coal storage pile), as

determined in accordance with paragraph (B)(3) of rule 3745-17-03 of the Administrative Code.

(c) Ten per cent opacity from the operation of vehicles on top of any material storage pile, where such vehicles are employed for the purpose of compacting, grading or transporting materials (emissions from the combustion of fuels in such vehicles are not subject to this limitation), as determined in accordance with paragraph (B)(3) of rule 3745-17-03 of the Administrative Code.

(d) Ten per cent opacity from wind erosion of any material storage pile, as determined in accordance with paragraph (B)(3) of rule 3745-17-03 of the Administrative Code.

(9) [Reserved.]

(10) [Reserved.]

(11) The visible particulate emission limitations specified in paragraphs (B)(1) to ~~(B)~~ (B)(8) of this rule shall not apply to the following:

(a) Ship loading spouts at grain terminals.

(b) Blasting at mineral extraction operations.

(c) Blowing taps, poling and oxygen lancing of the tap hole and casting operations associated with ferroalloy electric arc furnaces.

(d) Any fugitive dust source which is exempted from paragraph (B) of rule 3745-17-08 of the Administrative Code.

(e) Any fugitive dust source which is not located within the geographical areas specified in appendix A of rule 3745-17-08 of the Administrative Code, unless the director, in accordance with paragraph (A)(2) of rule 3745-17-08 of the Administrative Code, requires the owner or operator to submit and implement a control program which will bring the fugitive dust source into compliance with paragraph (B) of rule 3745-17-08 of the Administrative Code.

(f) The malfunction of any air contaminant source or the malfunction/shutdown of air pollution control equipment associated with any air contaminant source, if the owner or operator of said air contaminant source or air pollution control equipment complies with rule 3745-15-06 of the

Administrative Code and none of the conditions listed in paragraph (C) of rule 3745-15-06 of the Administrative Code exists.

(g) Any fugitive dust for which a visible particulate emission limitation has been established in rule 3745-17-12 or 3745-17-13 of the Administrative Code.

(12) The presence of uncombined water is not a violation if it is the only reason for failure of a fugitive dust emission to meet this rule.

(C) Equivalent visible particulate emission limitations:

- (1) For the purpose of establishing an equivalent visible particulate emission limitation for stack emissions subject to a mass-based, particulate emission limitation, any owner or operator of an air contaminant source which is subject to paragraph (A)(1) of this rule may request the director to determine the average opacity of the emissions from said source during any performance test conducted pursuant to paragraph (B) of rule 3745-17-03 of the Administrative Code. Any such request shall be made in writing at the time the test specifications and procedures are submitted to the director pursuant to paragraph (B)(6) of rule 3745-17-03 of the Administrative Code.
- (2) If, upon review of such owner's or operator's written report of the results of the performance test, it is the director's judgment that the air contaminant source is in compliance with all applicable emission limitations for which the performance tests were conducted, but fails to comply with paragraph (A)(1) of this rule, the director shall notify the owner or operator as expeditiously as practicable that the director may request, in writing not later than thirty days following receipt of the notification from the director, to establish an equivalent visible particulate emission limitation for the source.
- (3) Any written request for an equivalent visible particulate emission limitation from an owner or operator of an air contaminant source shall include information which demonstrates the following:
 - (a) That the performance tests were conducted in accordance with the conditions and procedures accepted by the director pursuant to paragraph (B)(6) of rule 3745-17-03 of the Administrative Code.
 - (b) That the air contaminant source and any associated air pollution control equipment were operated and maintained in a manner so as to minimize the opacity of the emissions during the performance test.

- (4) If an owner or operator of an air contaminant source complies with paragraphs (C)(1) to (C)(3) of this rule, the director may establish in the terms and conditions of the permit, variance, or order issued by the director for said source an equivalent visible particulate emission limitation for said source in accordance with the procedures described in the Ohio EPA, Division of Air Pollution Control documents entitled "Engineering Guide #13" and "Engineering Guide #15."
- (D) Any revision approved by the director in accordance with paragraphs (A)(3)(a)(i), (A)(3)(a)(ii), (A)(3)(b)(i), and (A)(3)(b)(ii) of this rule shall not revise the federally enforceable requirements of the state implementation plan until approved by the United States environmental protection agency.

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3745-17-08

Restriction of emission of fugitive dust.

[Comment: For dates and availability of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see paragraph ~~(C)~~ (AA) of rule 3745-17-01 of the Administrative Code titled "referenced materials."]

(A) Applicability:

- (1) Except as otherwise specified in paragraph (A)(3) of this rule, paragraph (B) of this rule shall apply to any fugitive dust source which is located within the areas identified in appendix A to this rule. Except as additional time for achieving compliance is provided in paragraph (B) of rule 3745-17-04 of the Administrative Code, any such source shall comply with paragraph (B) of this rule by August 7, 1972 or the date of initial startup of the source, whichever is later.
- (2) Notwithstanding the exemptions in paragraph (A)(3) of this rule, paragraph (B) of this rule shall apply to any fugitive dust source regardless of location if, in the director's judgment, probable cause exists to believe that such source is causing or contributing to a violation of rule 3745-15-07 of the Administrative Code. In such cases, the director may require the owner or operator of the fugitive dust source to apply for and obtain an operating permit in accordance with Chapter 3745-77 of the Administrative Code (for sources subject to the Title V permit program) or an a permit-to-install and operate in accordance with Chapter 3745-31 of the Administrative Code (for sources not subject to the Title V permit program), or require the owner or operator to submit and implement a control program which will bring the fugitive dust source into compliance with paragraph (B) of this rule as expeditiously as practicable.

[Comment: Applications requiring submittal prior to June 30, 2008, for sources not subject to the Title V program, were to be submitted in accordance with now rescinded Chapter 3745-35 of the Administrative Code.]

(3) Paragraph (B) of this rule shall not apply to:

- (a) Any fugitive dust source which is located at a grain elevator having a permanent storage capacity of less than 2.5 million bushels.
- (b) [Reserved.]
- (c) Fugitive dust generated from publicly owned roadways and parking lots, provided the fugitive dust is not directly caused by the deposition of materials due to industrial, commercial, or construction activities.

- (d) Fugitive dust generated from the tilling and wind erosion of farm land.
 - (e) ~~Except as otherwise provided in paragraphs (E) and (F) of this rule, fugitive~~ Fugitive dust generated from any roadway or parking area at the "JSW Steel USA Ohio" ~~"Mingo Junction Steel Works LLC"~~ or any subsequent owner or operator of the ~~"Mingo Junction Steel Works LLC"~~ "JSW Steel USA Ohio" ~~facilities-facility~~ located at ~~South Third street, Steubenville, Ohio (OEPA premise number 0641090010) and at, 540 Commercial ave-~~ avenue, Mingo Junction, Ohio (OEPA premise number 0641090010).
 - (f) Fugitive dust generated from residential wood burning appliances and pellet stoves.
- (4) An air contaminant source can be subject to both rule 3745-17-11 of the Administrative Code and this rule if it is a fugitive dust source, as defined in paragraph ~~(B)~~ (F)(5) of 3745-17-01 of the Administrative Code, and also emits, by means of one or more stacks, particulate matter that is subject to a limitation in rule 3745-17-11 of the Administrative Code.
- (B) No person shall cause or permit any fugitive dust source to be operated; or any materials to be handled, transported, or stored; or a building or its appurtenances or a road to be used, constructed, altered, repaired, or demolished without taking or installing reasonably available control measures to prevent fugitive dust from becoming airborne. Such reasonably available control measures shall include, but not be limited to, one or more of the following which are appropriate to minimize or eliminate visible particulate emissions of fugitive dust:
- (1) The use of water or other suitable dust suppression chemicals for the control of fugitive dust from the demolition of existing buildings or structures, construction operations, the grading of roads or the clearing of land.
 - (2) The periodic application of asphalt, oil (excluding any used oil as defined in paragraph (A) of rule 3745-279-01 of the Administrative Code), water, or other suitable dust suppression chemicals on dirt or gravel roads and parking lots, and other surfaces which can cause emissions of fugitive dust.
 - (3) The installation and use of hoods, fans, and other equipment to adequately enclose, contain, capture, vent and control the fugitive dust. Such equipment shall meet the following requirements:
 - (a) The collection efficiency is sufficient to minimize or eliminate visible particulate emissions of fugitive dust at the point of capture to the extent possible with good engineering design.

- (b) The control equipment achieves an outlet emission rate of not greater than 0.030 grain of particulate emissions per dry standard cubic foot of exhaust gases or there are no visible particulate emissions from the exhaust stack, whichever is less stringent.
- (4) For ship loading operations at grain terminals, either of the following:
 - (a) Except during topping-off periods or during the loading of tween-deckers or tankers, the covering of the hatches and loading spouts with tarpaulin covers, to the extent practicable, and evacuation of the hatches to control equipment which is designed to achieve an outlet emission rate of 0.030 grain of particulate emissions per dry standard cubic foot of exhaust gases.
 - (b) The installation and use of control measures such as deadbox or bullet-type loading spouts which are equivalent to or better than the overall control efficiency of the measures described in paragraph (B)(4)(a) of this rule.
- (5) The use of adequate containment methods during sandblasting or other similar operations.
- (6) The periodic application of water or other suitable dust suppression chemicals, the installation of storage silos, bins or other enclosed structures, or the use of canvas or other suitable coverings, for all materials stockpiles and stockpiling operations, except temporary stockpiles and stockpiling operations for grain and grain products.
- (7) The covering, at all times, of open bodied vehicles when transporting materials likely to become airborne.
- (8) The paving of roadways and the maintaining of roadways in a clean condition.
- (9) The prompt removal, in such a manner as to minimize or prevent resuspension, of earth or other material from paved streets onto which earth or other material has been deposited by trucking or earth moving equipment or erosion by water or other means.
- (C) For purposes of determining compliance with paragraph (B) of this rule, the director shall consider a control measure to be adequate if it complies with the following:
 - (1) The visible particulate emission limitation contained in rule 3745-17-07 of the Administrative Code;
 - (2) If applicable, the control requirements contained in paragraph (B) of this rule; and

(3) The definition of reasonably available control measures in paragraph ~~(B)~~ (R)(1) of rule 3745-17-01 of the Administrative Code.

(D) Any owner or operator of a facility which contains a fugitive dust source and which is located within any area identified in appendix A to this rule shall submit a certification or application for a permit-to-operate in accordance with paragraphs (A) and (B) of rule 3745-17-04 of the Administrative Code. This paragraph shall not exempt the owner or operator of a fugitive dust source which is not located within an area identified in appendix A to this rule from rule 3745-35-02 or 3745-77-02 of the Administrative Code.

[Comment: Applications requiring submittal prior to June 30, 2008, for sources not subject to the Title V program, were to be submitted in accordance with now rescinded Chapter 3745-35 of the Administrative Code.]

~~(E)~~ [Reserved.]

~~(F)~~ [Reserved.]

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3745-17-09

Restrictions on particulate emissions and odors from incinerators.**(A) General provisions.**

- (1) This rule ~~shall apply~~ applies to any incinerator except those regulated under Chapter 3745-75 of the Administrative Code.
- (2) For the purposes of this rule, the total of the capacities of all incinerators which are united either physically or operationally shall be considered as the incineration capacity.

(B) Emission limitation.

No person shall cause, suffer, or allow to be emitted into the ambient air from any incinerators, particulate emissions in the exhaust gases in excess of either of the following:

- (1) 0.10 pound per one hundred pounds of liquid, semi-solid or solid refuse and salvageable material charged, for incinerators having incineration capacities equal to or greater than one hundred pounds per hour.
- (2) 0.20 pound per one hundred pounds of liquid, semi-solid or solid refuse and salvageable material charged for incinerators having incineration capacities less than one hundred pounds per hour.

(C) Design-operation requirements.

Incinerators, including all associated equipment and grounds, shall be designed, operated and maintained so as to prevent the emission of objectionable odors.

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3745-17-10

Restrictions on particulate emissions from fuel burning equipment.

- (A) This rule applies to installations in which fuel, including any product or by-product of a manufacturing process, is burned for the primary purpose of producing heat or power by indirect heat transfer.
- (B) For purposes of this rule the actual heat input shall be the aggregate heat content of all fuels whose products of combustion emanate from a single fuel burning unit. The maximum capacity shall be the equipment manufacturer's or designer's guaranteed maximum heat input, whichever is greater. Unless otherwise specified in paragraphs (B)(1) to (B)(4) of this rule, the total heat input of all fuel burning units on a plant or premises which are united either physically or operationally shall be the total of the maximum capacities for all such units. The total heat input shall be used for determining the maximum allowable amount of particulate emissions per million Btu of actual heat input from any single fuel burning unit.
- (1) Any new or existing fuel burning equipment which is fired only with gaseous fuels or number two fuel oil and which is physically or operationally united with other fuel burning equipment on a plant or premises shall not be included by the director for purposes of determining the total heat input and maximum allowable particulate emissions per million Btu of actual heat input for such other fuel burning equipment. The maximum allowable amount of particulate emissions for any new or existing fuel burning equipment which is fired only with gaseous fuels, excluding blast furnace gas or number two fuel oil shall be 0.020 pound per million Btu of actual heat input. The maximum allowable amount of particulate emissions for any new or existing fuel burning equipment which is fired only with blast furnace gas or any mixture of blast furnace gas with other gaseous fuels or number two fuel oil shall be 0.040 pound per million Btu of actual heat input.
- (2) Stand-by fuel burning equipment which is physically or operationally united with other fuel burning equipment on a plant or premises shall be exempted by the director for purposes of determining total heat input and maximum allowable particulate emissions per million Btu of actual heat input for such other fuel burning equipment. Except as provided in paragraph (B)(1) of this rule, the total heat input for such other fuel burning equipment shall be used for determining the maximum allowable amount of particulate emissions per million Btu of actual heat input for any stand-by fuel burning equipment.
- (3) Derating of fuel burning equipment.

- (a) For purposes of this paragraph, fuel burning equipment shall include, where appropriate, all equipment on a plant or premises which are united either physically or operationally.
 - (b) Upon request, the director may specify the total heat input for fuel burning equipment at a derated value which is less than the total maximum capacity of such equipment if, in the director's judgment, the equipment will not be operated so that the actual heat input exceeds the derated value. Any owner or operator requesting derating of fuel burning equipment shall demonstrate to the director, with such steam charts, records of fuel consumption and fuel quality, and other data as are necessary, that the actual heat input from the equipment will not exceed the derated total heat input value.
 - (c) The terms and conditions of any permit, variance, or order for equipment which has been granted a derated total heat input value shall prohibit the operation of such equipment at a level in excess of the derated total heat input value. The director may include in any such permit, variance, or order requirements for the monitoring and reporting of the actual heat input of the equipment.
 - (d) Any derating of fuel burning equipment approved by the director shall not revise the federally enforceable requirements of the state implementation plan until approved by the United States environmental protection agency.
- (4) Fuel burning equipment which constitutes a new source and is physically or operationally united with existing fuel burning equipment on a plant or premises shall not be included by the director for purposes of determining total heat input and maximum allowable particulate emissions per million Btu of actual heat input for such existing fuel burning equipment. Except as may be provided in paragraphs (B)(1) or (B)(2) of this rule, the total heat input for the new and existing fuel burning equipment shall be used for determining the maximum allowable amount of particulate emissions per million Btu of actual heat input for the new fuel burning equipment.

(C) Emission limitations.

- (1) Except as provided in paragraph (B)(1) of this rule (as it pertains to gaseous fuels and number two fuel oil) and ~~paragraphs paragraph (C)(3) to (C)(7)~~ of this rule, any owner or operator of fuel burning equipment which is located within the following counties shall operate said equipment so that the particulate emissions do not exceed the allowable emission rate specified by "Curve

P-1" of "Figure I" in the appendix to this rule: Adams, Allen, Ashtabula, Athens, Belmont, Brown, Butler, Clark, Clermont, Clinton, Columbiana, Coshocton, Cuyahoga, Darke, Defiance, Delaware, Fairfield, Franklin, Gallia, Geauga, Greene, Hamilton, Henry, Jackson, Jefferson, Lake, Lawrence, Licking, Lorain, Lucas, Madison, Mahoning, Medina, Meigs, Miami, Monroe, Montgomery, Morgan, Muskingum, Noble, Perry, Pickaway, Portage, Preble, Richland, Ross, Sandusky, Scioto, Seneca, Shelby, Stark, Summit, Trumbull, Union, Warren, Washington, Wyandot and Wood.

(2) Except as provided in paragraph (B)(1) of this rule (as it pertains to gaseous fuels and number two fuel oil) and paragraph (C)(7) of this rule, any owner or operator of fuel burning equipment which is located within the following counties shall operate said equipment so that the particulate emissions do not exceed the allowable emission rate specified by "Curve P-2" of "Figure I" in the appendix to this rule: Ashland, Auglaize, Carroll, Champaign, Crawford, Erie, Fayette, Fulton, Guernsey, Hancock, Hardin, Harrison, Highland, Hocking, Holmes, Huron, Knox, Logan, Marion, Mercer, Morrow, Ottawa, Paulding, Pike, Putnam, Tuscarawas, Van Wert, Vinton, Wayne and Williams.

(3) [Reserved.]

(4) [Reserved.]

(5) [Reserved.]

(6) [Reserved.] ~~The "Conesville Power Plant."~~

~~(a) Prior to achieving compliance with the emission limitation specified in paragraph (C)(6)(b) of this rule, the "Conesville Power Plant" (OEPA premise number 0616000000) or any subsequent owner or operator of the "Conesville Power Plant, 47201 County road 273, Conesville, Ohio" shall not cause or permit the particulate emissions from unit 4 main boiler (OEPA source number B004) to exceed a maximum of 0.43 pound of particulate emissions per million Btu actual heat input.~~

~~(b) In accordance with the compliance schedule established in paragraph (C)(4) of rule 3745-17-04 of the Administrative Code, the "Conesville Power Plant" (OEPA premise number 0616000000) or any subsequent owner or operator of the "Conesville Power Plant, 47201 County road 273, Conesville, Ohio" shall not cause or permit the particulate emissions from unit 4 main boiler (OEPA source number B004) to exceed a maximum of 0.10 pound of particulate emissions per million Btu actual heat input.~~

(7) Alternative emission requirements for small coal-fired fuel burning equipment which is used exclusively for space heating purposes.

(a) Any owner or operator of coal-fired fuel burning equipment, which has an individual maximum capacity of equal to or greater than one million Btu per hour and less than twenty million Btu per hour and which is used exclusively for space heating purposes, may choose to immediately comply with all the following requirements in lieu of paragraph (C)(1) or (C)(2) of this rule:

- (i) The coal received for use in the fuel burning equipment has an ash content of less than 8.0 per cent by weight and a heat content of greater than thirteen thousand Btu per pound (ash content and heat content shall be determined on a dry basis in accordance with the procedures specified in paragraph (B)(9) of rule 3745-17-03 of the Administrative Code).
- (ii) The use of flyash reinjection in the coal-fired fuel burning equipment is prohibited.
- (iii) The coal-fired fuel burning equipment employs an overfire air system which is designed, maintained and operated in accordance with good engineering practice and which minimizes visible particulate emissions from the fuel burning equipment.
- (iv) Except as otherwise provided in paragraph (A)(3) of rule 3745-17-07 of the Administrative Code, the visible particulate emissions from the coal-fired fuel burning equipment comply with paragraph (A)(1) of rule 3745-17-07 of the Administrative Code. No coal-fired fuel burning equipment which is subject to the alternative emission requirements of this rule shall be eligible for an equivalent visible particulate emission limitation pursuant to paragraph (C) of rule 3745-17-07 of the Administrative Code.
- (v) The coal-fired fuel burning equipment is operated and maintained in a manner which will optimize combustion efficiency and minimize visible particulate emissions.
- (vi) During January and July of each year, the owner or operator shall submit reports to the director which document the quality and quantity (on a dry basis) of each shipment of coal received during the previous six calendar months for the coal-fired fuel burning equipment and which demonstrate compliance with paragraph (C)

(7)(a)(i) of this rule. Data provided by the coal supplier may be used for these semi-annual reports if such data are accurate and representative of the quality and quantity of each shipment of coal received for the fuel burning equipment.

- (b) Any owner or operator of coal-fired fuel burning equipment who chooses to comply with paragraph (C)(7)(a) of this rule in lieu of paragraph (C)(1) or (C)(2) of this rule shall notify the director in writing. The written notification shall include sufficient information and commitments to demonstrate compliance with paragraph (C)(7)(a) of this rule. If the information and commitments are adequate to demonstrate compliance with paragraph (C)(7)(a) of this rule on a continuing basis, the alternative emission requirements shall be specified in the terms and conditions of the permit to operate or variance issued for the source.

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3745-17-11

Restrictions on particulate emissions from industrial processes.**(A) General provisions:**

- (1) This rule applies to any operation, process, or activity which releases or may release particulate emissions into the ambient air except the following:
 - (a) The burning of fuel for the primary purpose of producing heat or power by indirect heating in which the products of combustion do not come into direct contact with process materials.
 - (b) The burning of refuse.
 - (c) The processing of salvageable material by burning.
 - (d) The loading of ships and the drying of grain at grain elevator operations.
 - (e) Salt glazing in a gas-fired periodic brick or tile kiln, for a period of not more than two hours during any twenty-one consecutive days of operation of said kiln.
 - (f) The generation of fugitive dust which the director has determined is subject to rule 3745-17-08 of the Administrative Code.
 - (g) Any such operation, process, or activity which is subject to a particulate emission limitation contained in rule 3745-17-12 or 3745-17-13 of the Administrative Code.
 - (h) Surface coating processes that apply only dip coatings, roll coatings, flow coatings, or brush coatings.
 - (i) Surface coating processes that use less than five gallons of coatings per day that are not exempt under paragraphs (A)(1)(h), and (A)(1)(j) to (A)(1)(l) of this rule, provided the owner or operator maintains coating usage and application method records, coating purchase records, or production records that clearly demonstrate the actual coating usage is less than five gallons per day.
 - (j) Surface coating processes (e.g., for sealers, adhesives, and deadeners) that employ airless spray and bead-type (extrusion) application methods.
 - (k) Surface coating processes that employ hand-held cup spray guns.
 - (l) Surface coating processes for which the owner or operator demonstrates to the satisfaction of the director that, due to the large size of the item

being coated, it is technically infeasible or economically unreasonable (in terms of cost-effectiveness) to employ an enclosure (or hooding) and control device for the control of the particulate emissions (any such exemption approved by the director shall be approved by the United States environmental protection agency as a revision of the state implementation plan).

(m) Jet engine test cells and stands.

(n) Residential wood burning appliances and pellet stoves.

- (2) Emission restriction requirements for sources, which are not subject to paragraph (B)(4), (B)(5), (B)(6) or (C) of this rule or which are not exempted under paragraph (A)(1) of this rule, are specified in "Figure II" and in "Table I" in the appendix to this rule. "Figure II" in the appendix to this rule relates uncontrolled mass rate of emission (abscissa) to maximum allowable mass rate of emission (ordinate). A source complies with "Figure II" in the appendix to this rule if its particulate emission rate, even during operation at the maximum capacity of the source, is always equal to or less than the allowable mass rate of emission of particulate matter (A) based upon the uncontrolled mass rate of emission (U). "Table I" in the appendix to this rule relates process weight of materials introduced into any specific process (at its maximum capacity) that may result in particulate emissions to maximum allowable mass rate of emission. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels when they are used solely as fuels and combustion air will not. A source complies with "Table I" in the appendix to this rule if its rate of particulate emission, even during operation at the process weight rate (P) which reflects the maximum capacity of the source, is always equal to or less than the allowable rate of particulate emission specified by the appropriate equation appearing at the bottom of "Table I" in the appendix to this rule and incorporating the process weight rate (P) which reflects the maximum capacity of the source. Except as otherwise indicated in paragraphs (A)(2)(a) to (A)(2)(c) of this rule, the more stringent of the two requirements shall apply.

(a) "Figure II" in the appendix to this rule shall not apply to any of the following:

- (i) Any source where the uncontrolled mass rate of emission cannot be ascertained.
- (ii) Any source with an uncontrolled mass rate of emission of less than ten pounds per hour.
- (iii) Any fluid catalytic cracking unit at a petroleum refinery.

- (b) "Table I" in the appendix to this rule shall not apply to any of the following:
- (i) Any source where the process weight rate cannot be ascertained.
 - (ii) Any source which is located within the counties specified in paragraphs (B)(2) and (B)(3) of this rule, except as provided in paragraph (A)(2)(c) of this rule.
- (c) "Table I" in the appendix to this rule shall apply to any fluid catalytic cracking unit at a petroleum refinery.
- (3) For purposes of "Figure II" in the appendix to this rule, the total uncontrolled mass rate of emission from all similar process units at a plant, such units being united either physically or operationally, or otherwise located in close proximity to each other, shall be used for determining the maximum allowable mass rate of particulate emissions that pass through a stack or stacks from all such units.
- (4) For purposes of "Table I" in the appendix to this rule, process weight per hour is the total weight of all materials introduced into any single, specific process (at its maximum capacity) that may cause any emission of particulate matter. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels when they are used solely as fuels and combustion air will not. For a cyclical or batch operation, the process weight per hour will be derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle. For a continuous operation, the process weight per hour will be derived by dividing the process weight for a given period of time by the number of hours in that period. For fluid catalytic cracking units at petroleum refineries, "process weight" shall mean the total weight of recirculated catalyst and cold catalyst introduced into the catalyst regenerator.
- (5) An air contaminant source can be subject to both rule 3745-17-08 of the Administrative Code and this rule if it is a fugitive dust source, as defined in paragraph ~~(B)~~ (F)(5) of 3745-17-01 of the Administrative Code, and also emits, by means of one or more stacks, particulate matter that is subject to a limitation in rule 3745-17-08 of the Administrative Code.

(B) Emission limitations:

- (1) Except as specified in paragraph (B)(4), (B)(5), (B) (6) or (C) of this rule, any owner or operator of a source of particulate emissions which is located within the following counties shall operate said source so that the particulate

emissions do not exceed the allowable emission rate specified by "curve P-1" of "Figure II" or by "Table I" in the appendix to this rule, whichever is applicable under paragraph (A)(2) of this rule: Adams, Allen, Ashtabula, Athens, Belmont, Brown, Butler, Clark, Clermont, Clinton, Columbiana, Coshocton, Cuyahoga, Darke, Defiance, Delaware, Fairfield, Franklin, Gallia, Geauga, Greene, Hamilton, Henry, Jackson, Jefferson, Lake, Lawrence, Licking, Lorain, Lucas, Madison, Mahoning, Medina, Meigs, Miami, Monroe, Montgomery, Morgan, Muskingum, Noble, Perry, Pickaway, Portage, Preble, Richland, Ross, Sandusky, Scioto, Seneca, Shelby, Stark, Summit, Trumbull, Union, Warren, Washington, Wyandot and Wood.

- (2) Except as otherwise provided in paragraph (B)(4), (B)(5) or (C) of this rule, any owner or operator of a source of emissions which is located within the following counties shall operate said source so that the particulate emissions do not exceed the allowable emission rate specified by "curve P-2" of "Figure II" in the appendix to this rule: Ashland, Auglaize, Carroll, Champaign, Crawford, Fulton, Guernsey, Hancock, Hardin, Harrison, Holmes, Knox, Logan, Marion, Mercer, Morrow, Paulding, Putnam, Tuscarawas, Van Wert, Wayne and Williams.
- (3) Except as otherwise provided in paragraph (B)(4), (B)(5) or (C) of this rule, any owner or operator of a source of particulate emissions which is located within the following counties shall operate said source so that the particulate emissions do not exceed the allowable emission rate specified by "curve P-3" of "Figure II" in the appendix to this rule: Erie, Fayette, Highland, Hocking, Huron, Ottawa, Pike and Vinton.
- (4) Any owner or operator of a stationary gas turbine shall not cause or permit the particulate emissions from the turbine's exhaust to exceed 0.040 pound per million Btu of actual heat input.
- (5) Any owner or operator of a stationary internal combustion engine shall not cause or permit the particulate emissions from the engine's exhaust to exceed the following:
 - (a) 0.310 pound per million Btu of actual heat input for a stationary small internal combustion engine.
 - (b) 0.062 pound per million Btu of actual heat input for a stationary large internal combustion engine.
- (6) The ~~"ArcelorMittal Cleveland LLC"~~"Cleveland-Cliffs Cleveland Works LLC" (OEPA premise number 1318001613) or any subsequent owner or operator of

the "~~ArcelorMittal Cleveland LLC~~" "Cleveland-Cliffs Cleveland Works LLC" facility located at 3060 Eggers avenue, Cleveland, Ohio shall not cause or permit the particulate emissions from the 84-inch hot strip mill reheat furnaces (OEPA source numbers P046 to P048) to exceed 19.8 pounds per hour per furnace.

(C) Requirements for surface coating processes:

- (1) Any surface coating process not exempt under paragraphs (A)(1)(h) to (A)(1)(l) of this rule shall be controlled by a dry particulate filter, waterwash, or equivalent control device or devices.
- (2) Any surface coating process not exempt under paragraphs (A)(1)(h) to (A)(1)(l) of this rule shall follow all of the following work practices:
 - (a) The owner or operator shall maintain documentation of the manufacturer's recommendations, instructions, or operating manuals for the control devices with any modifications deemed necessary by the owner or operator during the time period in which the control devices are utilized.
 - (b) The owner or operator shall operate the control devices in accordance with the manufacturer's recommendations, instructions, or operating manuals with any modifications deemed necessary by the owner or operator.
 - (c) The owner or operator shall conduct periodic inspections of the control devices to determine whether the devices are operating in accordance with the manufacturer's recommendations, instructions, or operating manuals with any modifications deemed necessary by the owner or operator. The periodic inspections of each control device shall be performed at a frequency that is based upon the recommendation of the manufacturer of the control device, and the owner or operator shall maintain a copy of the manufacturer's recommended inspection frequency. In addition to these periodic inspections, not less than once each calendar year the owner or operator shall conduct a comprehensive inspection of the control device while the emissions unit is shut down and perform any needed maintenance and repair for the control device to ensure that it is able to routinely operate in accordance with the manufacturer's recommendations.
 - (d) The owner or operator shall document each inspection of a control device by maintaining a record that includes the date of the inspection, a description of each problem identified and the date it was corrected, a description of

the maintenance and repairs performed, and the name of the person who performed the inspection.

- (e) In the event that the control devices are not operating in accordance with the manufacturer's recommendations, instructions, or operating manuals with any modifications deemed necessary by the owner or operator, the control devices shall be expeditiously repaired or otherwise returned to operation in accordance with such requirements. The owner or operator shall maintain documentation of those periods when the control devices are not operating in accordance with such requirements.
 - (f) Any documentation required under paragraphs (C)(2)(d) and (C)(2)(e) of this rule shall be maintained for not less than five years.
 - (g) Any documentation required under paragraphs (C)(2)(a) to (C)(2)(e) of this rule shall be maintained at the facility and ~~shall be~~ made available to Ohio EPA upon request.
- (3) Any surface coating process with a permit-to-install or permit-to-install and operate issued after January 1, 1990 that identifies particulate emission limitations and control measures based on best available technology, best available control technology, or the lowest achievable emission rate shall comply with such limitations and measures instead of paragraphs (C)(1) and (C)(2) of this rule.

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Prior Effective Dates: 02/17/1972, 06/18/1980, 06/14/1991, 01/31/1998,
04/14/2003, 02/01/2008, 12/23/2011, 01/20/2018

3745-17-12

Additional restrictions on particulate emissions from specific air contaminant sources in Cuyahoga county.

[Comment: For dates and availability of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see paragraph ~~(C)~~ (AA) of rule 3745-17-01 of the Administrative Code titled "referenced materials."]

(A) Compliance with the emission limitations and control requirements specified in this rule shall be achieved in accordance with the time schedules contained in rule 3745-17-04 of the Administrative Code.

(B) [Reserved.]

(C) The "Cuyahoga Materials" (OEPA premise number 1318006023) or any subsequent owner or operator of the "Cuyahoga Materials" facility located at 2929 Rockefeller avenue, Cleveland, Ohio shall comply with all the following:

(1) For the unpaved roadways and parking areas (OEPA source number F001), there shall be no visible particulate emissions except for a period of time not to exceed three minutes during any sixty-minute observation period.

(2) For the crushed concrete storage piles (OEPA source number F002), there shall be no visible particulate emissions except for a period of time not to exceed one minute during any sixty-minute observation period.

(3) For the concrete processing operations (OEPA source numbers F003 and F004), the following:

(a) All of the particulate emissions from source F004 shall either be vented to a baghouse or controlled by a wet suppression system.

(b) If a baghouse is employed to control source F004, the total combined particulate emissions from all stacks associated with source F004 shall not exceed 2.4 pounds per hour.

(c) Visible particulate emissions of fugitive dust from source F003, and from source F004 if a wet suppression system is employed, shall not exceed the following:

(i) For the screening and conveying operations subject to permit to install number 13-1430, as issued on September 11, 1985, five per cent opacity as a six-minute average.

(ii) For all other operations, ten per cent capacity as a six-minute average.

- (D) The "Boyas Excavating, ~~Incorporated Inc.~~" (OEPA premise number 1318007300) or any subsequent owner or operator of the "Boyas Excavating, ~~Incorporated Inc.~~" facility located at 2929 Broadway avenue, Cleveland, Ohio shall comply with all the following control requirements for particulate matter from the sand and gravel processing operation (OEPA source number F001):
- (1) All of the particulate emissions from this operation shall either be vented to a baghouse or controlled by a wet suppression system.
 - (2) If a baghouse is employed, the total combined particulate emissions from all stacks shall not exceed 1.2 pounds per hour.
 - (3) If a wet suppression system is employed, visible particulate emissions of fugitive dust shall not exceed ten per cent opacity as a six-minute average.
- (E) The "Boyas Excavating, ~~Incorporated Inc.~~" (OEPA premise number 1318578710) or any subsequent owner or operator of the "Boyas Excavating, ~~Incorporated Inc.~~" facility located at 11311 Rockside road, Valley View, Ohio shall not cause or permit any visible particulate emissions, except for a period of time not to exceed three minutes during any sixty-minute observation period, from the unpaved roadways and parking areas (OEPA source number F001).
- (F) The "Cuyahoga Concrete Hummell Rd Plant" (OEPA premise number 1318122676) or any subsequent owner or operator of the facility located at 17251 Hummel road, Brook Park, Ohio shall comply with all the following:
- (1) For the unpaved roadways and parking areas (OEPA source number F001), there shall be no visible particulate emissions except for a period of time not to exceed three minutes during any sixty-minute observation period.
 - (2) For the paved roadways and parking areas (OEPA source number F001), there shall be no visible particulate emissions except for a period of time not to exceed one minute during any sixty-minute observation period.
 - (3) For the cement transfer system associated with the concrete block manufacturing plant (OEPA source number F003), there shall be no visible particulate emissions.
 - (4) For the aggregate handling operation associated with the concrete block manufacturing plant (OEPA source number F003):
 - (a) All of the particulate emissions from this operation shall either be vented to a baghouse or controlled by a wet suppression system.

- (b) If a baghouse is employed, the total combined particulate emissions from all stacks shall not exceed 0.12 pound per hour.
- (c) If a wet suppression system is employed, visible particulate emissions of fugitive dust shall not exceed ten per cent opacity as a six-minute average.
- (5) For the wet concrete batching operation (OEPA source number F004), the particulate emissions shall not exceed 0.17 pound per hour.
- (G) ~~[Reserved.]The "Cleveland Trinidad Paving Company" (OEPA premise number 1318001799) or any subsequent owner or operator of the "Cleveland Trinidad Paving Company" facility located at 3601 Trumbull avenue, Cleveland, Ohio shall comply with all the following emission limitations for particulate matter:~~
 - ~~(1) For asphalt plant number 1 (OEPA source number P901), the particulate emissions shall not exceed 26.3 pounds per hour.~~
 - ~~(2) For asphalt plant number 2 (OEPA source number P902), the particulate emissions shall not exceed 9.3 pounds per hour.~~
- (H) ~~[Reserved.]The "Cuyahoga Foundry Company" (OEPA premise number 1318171954) or any subsequent owner or operator of the "Cuyahoga Foundry Company" facility located at 4530 East 71st street, Cuyahoga Heights, Ohio shall not cause or permit the particulate emissions from the casting shakeout operation (OEPA source number F002) to exceed 0.32 pound per hour.~~
- (I) [Reserved.]
- (J) [Reserved.]
- (K) ~~[Reserved.]The "Harval, Incorporated" (OEPA premise number 1318005960) or any subsequent owner or operator of the "Harval, Incorporated" facility located at 1971 Carter road, Cleveland, Ohio shall not cause or permit any visible particulate emissions except for a period of time not to exceed three minutes during any sixty-minute observation period, from the unpaved roadways and parking areas (OEPA source number F001):~~
- (L) ~~[Reserved.]The "Independence Excavating Incorporated" (OEPA premise number 1318225730) or any subsequent owner or operator of the "Independence Excavating Incorporated" facility located at 4905 Warner road, Garfield Heights, Ohio shall comply with all the following control requirements for particulate matter from the concrete processing operation (OEPA source number F003):~~

- ~~(1) All of the particulate emissions from this operation shall either be vented to a baghouse or controlled by a wet suppression system.~~
 - ~~(2) If a baghouse is employed, the total combined particulate emissions from all stacks shall not exceed 0.87 pound per hour.~~
 - ~~(3) If a wet suppression system is employed, visible particulate emissions of fugitive dust shall not exceed ten per cent opacity as a six-minute average.~~
- (M) The "~~Lake Erie Asphalt Products Company~~Allied Corporation Plant #151" (OEPA premise number 1318220278) or any subsequent owner or operator of the "~~Lake Erie Asphalt Products Company~~Allied Corporation Plant #151" facility located at 8200 Old Granger road, Garfield Heights, Ohio shall comply with all the following emission limitations for particulate matter:
- (1) For the unpaved roadways and parking areas (OEPA source number F001), there shall be no visible particulate emissions except for a period of time not to exceed three minutes during any sixty-minute observation period.
 - (2) For the paved roadways and parking areas (OEPA source number F001), there shall be no visible particulate emissions except for a period of time not to exceed one minute during any sixty-minute observation period.
 - (3) For the asphaltic concrete plant (OEPA source number P901), the particulate emissions shall not exceed 6.0 pounds per hour.
- (N) The "The Lincoln Electric Company" (OEPA premise number 1318202137) or any subsequent owner or operator of the "The Lincoln Electric Company" facility located at 22801 St. Clair Avenue, Cleveland, Ohio shall comply with all the of following:
- (1) [Reserved.]
 - (2) [Reserved.]
 - (3) [Reserved.]
 - (4) For the rotary flux kilns A ~~to~~ and C (OEPA source numbers P902 ~~to~~ and P904), the particulate emissions shall not exceed 2.4 pounds per hour from each kiln.
- (O) The "~~AreclorMittal Cleveland~~Cleveland-Cliffs Cleveland Works LLC" (OEPA premise number 1318001613) or any subsequent owner or operator of the "~~AreclorMittal Cleveland~~Cleveland-Cliffs Cleveland Works LLC" facility located at 3060 Eggers avenue, Cleveland, Ohio shall comply with all the following:

- (1) [Reserved.]
 - (2) [Reserved.]
 - (3) For the hot metal reladling, desulfurization, slag raking, and ladle transfer operations (OEPA source number F209), the total particulate emissions from the baghouse serving this source shall not exceed 21.0 pounds per hour.
 - (4) [Reserved.]
 - (5) [Reserved.]
 - (6) [Reserved.]
 - (7) [Reserved.]
 - (8) [Reserved.]
 - (9) [Reserved.]
 - (10) For the numbers 94 and 95 basic oxygen furnace vessels at the number 2 shop (OEPA source numbers P925 and P926), the total particulate emissions from all of the stacks of the electrostatic precipitator serving such sources shall not exceed 39.8 pounds per hour.
 - (11) [Reserved.]
- (P) The ~~"ArcelorMittal Cleveland"~~"Cleveland-Cliffs Cleveland Works LLC" (OEPA premise number 1318001613) or any subsequent owner or operator of the ~~"ArcelorMittal Cleveland"~~"Cleveland-Cliffs Cleveland Works LLC" facility located at 3060 Eggers avenue, Cleveland, Ohio shall comply with all the following:
- (1) For boilers A to C (OEPA source numbers B001 to B003), the particulate emissions shall not exceed 0.086 pound per million Btu of actual heat input from each boiler.
 - (2) For the paved and unpaved roadways and parking areas - east and west side (OEPA source number F001), visible particulate emissions shall not exceed five per cent opacity, as determined in accordance with paragraph (B)(3) of rule 3745-17-03 of the Administrative Code.
 - (3) [Reserved.]
 - (4) [Reserved.]

- (5) For the stove stacks associated with blast furnaces C-5 and C-6 (OEPA source numbers P903 and P904), the particulate emissions shall not exceed 11.7 pounds per hour from each source.
- (6) For the charging and tapping operations associated with the numbers 1 and 2 basic oxygen furnace vessels at the number 1 shop (OEPA source numbers P905 and P906) and the hot metal desulfurization and hot metal transfer station (OEPA source number F011), the particulate emissions from the stack of the secondary emission control baghouse serving such sources shall not exceed 10.3 pounds per hour.
- (7) [Reserved.]
- (8) [Reserved.]
- (9) [Reserved.]
- (10) For the number 1 and 2 basic oxygen furnace vessels at the number 1 shop (OEPA source numbers P905 and P906), the particulate emissions from the suppressed combustion systems serving these sources shall not exceed 15.0 pounds per hour from each system.
- (11) [Reserved.]
- (12) [Reserved.]
- (13) [Reserved.]
- (Q) [Reserved.]
- (R) ~~[Reserved.] The "Meech Foundry, Incorporated" (OEPA premise number 1318224005) or any subsequent owner or operator of the "Meech Foundry, Incorporated" facility located at 4730 Warner road, Garfield Heights, Ohio shall comply with all the following control requirements for particulate matter and recordkeeping requirements:~~
 - ~~(1) For the cupola furnace (OEPA source number P901), the particulate emissions shall not exceed 10.8 pounds per hour.~~
 - ~~(2) For the inoculation operation associated with the cupola furnace (OEPA source number P901), the operating hours shall not exceed 0.1 hour during any calendar day.~~

- ~~(3) For the iron pouring and cooling operation associated with the cupola furnace (OEPA source number P901), the operating hours shall not exceed 3.0 hours during any calendar day.~~
- ~~(4) Daily records shall be maintained for the operations identified in paragraphs (R)(2) and (R)(3) of this rule to document compliance with the specified hourly operating restrictions.~~
- (S) The "Ohio Aluminum Industries, ~~Incorporated~~ Inc." (OEPA premise number 1318226416) or any subsequent owner or operator of the "Ohio Aluminum Industries; ~~Incorporated~~ Inc." facility located at 4840 Warner road, Garfield Heights, Ohio shall comply with all the following:
- (1) For the sand handling operation associated with the sand reclamation process (OEPA source number F001), the particulate emissions shall not exceed 0.90 pound per hour.
 - (2) For the mold making operation associated with the sand reclamation process (OEPA source number F001), the particulate emissions shall not exceed 0.0055 pound per hour.
 - (3) For the casting shakeout operation associated with the sand reclamation process (OEPA source number F001), the particulate emissions shall not exceed 0.016 pound per hour.
 - (4) For the cleaning and finishing process (OEPA source number P901), the following:
 - (a) The total combined particulate emissions from the control equipment shall not exceed 0.11 pound per hour.
 - (b) There shall be no visible particulate emissions from the cleaning room.
- (T) [Reserved.]
- (U) The ~~"Kokosing Materials Plant 519"~~ "Kokosing Materials Inc Plant 519" (OEPA premise number 0142000095) or any subsequent owner or operator of the ~~"Kokosing Materials Plant 519"~~ "Kokosing Materials Inc Plant 519" facility located at 13700 McCracken road, Cleveland, Ohio shall comply with all the following:
- (1) For the unpaved roadways and parking areas (OEPA source number F001), there shall be no visible particulate emissions except for a period of time not to exceed three minutes during any sixty-minute observation period.

- (2) For the paved roadways and parking areas (OEPA source number F001), there shall be no visible particulate emissions except for a period of time not to exceed one minute during any sixty-minute observation period.
 - (3) For the asphaltic concrete plant (OEPA source number P901), the particulate emissions shall not exceed 6.0 pounds per hour.
- (V) The "~~Standard Slag Company~~Allega Slag Recovery, Inc." (OEPA premise number 1318002662) or any subsequent owner or operator of the "~~Standard Slag Company~~Allega Slag Recovery, Inc." facility located at Campbell road and Harvard avenue, Cleveland, Ohio shall comply with all the following control requirements for particulate matter:
- (1) For the unpaved roadways and parking areas (OEPA source number F001), there shall be no visible particulate emissions except for a period of time not to exceed three minutes during any sixty-minute observation period.
 - (2) For the paved roadways and parking areas (OEPA source number F001), there shall be no visible particulate emissions except for a period of time not to exceed one minute during any sixty-minute observation period.
 - (3) For the slag storage piles (OEPA source number F002), there shall be no visible particulate emissions except for a period of time not to exceed one minute during any sixty-minute observation period.
 - (4) For the slag processing operations (OEPA source number F005):
 - (a) All of the particulate emissions from this operation shall either be vented to a baghouse or controlled by a wet suppression system.
 - (b) If a baghouse is employed, the total combined particulate emissions from all stacks shall not exceed 4.9 pounds per hour.
 - (c) If a wet suppression system is employed, visible particulate emissions of fugitive dust shall not exceed ten per cent opacity as a six-minute average.
- (W) The "~~Stein, Incorporated Inc.~~" (OEPA premise number 1318003929) or any subsequent owner or operator of the "~~Stein, Incorporated Inc.~~" facility located at 3100 East 45th street, Cleveland, Ohio shall comply with ~~both~~ the following:
- (1) For the slag storage piles (OEPA source number F005), there shall be no visible particulate emissions except for a period of time not to exceed one minute during any sixty-minute observation period.

(2) For the slag processing operations (OEPA source numbers F006 and F007), visible particulate emissions of fugitive dust shall not exceed ten per cent opacity as a six-minute average.

~~(X) The "Stein, Incorporated" (OEPA premise number 1318005076) or any subsequent owner or operator of the "Stein, Incorporated" facility located at 3341 Jennings road, Cleveland, Ohio shall comply with all the following emission limitations for particulate matter:~~

~~(1) For the unpaved roadways and parking areas (OEPA source number F001), there shall be no visible particulate emissions except for a period of time not to exceed three minutes during any sixty-minute observation period.~~

~~(2)~~(3) For the slag unloading operation (OEPA source number ~~F002~~F008), visible particulate emissions of fugitive dust shall not exceed ten per cent opacity as a six-minute average.

~~(3)~~(4) For the slag processing operation (OEPA source number ~~F003~~F009), visible particulate emissions of fugitive dust shall not exceed ten per cent opacity as a six-minute average.

~~(4)~~(5) For the slag storage piles (OEPA source number ~~F004~~F010), there shall be no visible particulate emissions except for a period of time not to exceed one minute during any sixty-minute observation period.

(X) [Reserved.]

(Y) [Reserved.]

(Z) If any unpaved roadways and parking areas, or portions thereof, identified in paragraphs (C)(1); and (E), ~~(K)~~, and ~~(X)~~(1) of this rule are paved, the paved portions of the roadways and parking areas shall be subject to a limitation of no visible particulate emissions except for a period of time not to exceed one minute during any sixty-minute observation period.

Effective: 8/25/2023

Five Year Review (FYR) Dates: 5/24/2023 and 08/25/2028

CERTIFIED ELECTRONICALLY

Certification

08/15/2023

Date

Promulgated Under: 119.03

Statutory Authority: 3704.03(E)

Rule Amplifies: 3704.03(A), 3704.03(E)

Prior Effective Dates: 06/14/1991, 12/06/1991, 11/15/1995, 01/31/1998,
02/01/2008, 01/20/2018

3745-17-13

Additional restrictions on particulate emissions from specific air contaminant sources in Jefferson county.

[Comment: For dates and availability of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see paragraph ~~(C)~~(AA) of rule 3745-17-01 of the Administrative Code titled "referenced materials."]

(A) Compliance with the emission limitations and control requirements specified in this rule shall be achieved in accordance with the time schedules contained in rule 3745-17-04 of the Administrative Code.

(B) The "Cyprus Amax Minerals Company" (OEPA premise number 0641000060) or any subsequent owner or operator of the "Cyprus Amax Minerals Company" facility located at 4243 County road 74, Cross Creek township, Jefferson county, Ohio shall comply with the following:

(1) For the unpaved roadways and parking areas (OEPA source number F001), there shall be no visible particulate emissions except for a period of time not to exceed three minutes during any sixty-minute observation period.

(2) For the paved roadways and parking areas (OEPA source number F001), there shall be no visible particulate emissions except for a period of time not to exceed one minute during any sixty-minute observation period.

(C) [Reserved.]

(D) The ~~"Mingo Junction Steel Works LLC"~~ "JSW Steel USA Ohio" (OEPA premise number 0641090010) or any subsequent owner or operator of the "JSW Steel USA Ohio" ~~"Mingo Junction Steel Works LLC"~~ south facility located at 540 Commercial avenue, Mingo Junction, Ohio shall comply with all the following:

(1) For the roadways and parking areas (OEPA source number F001), ~~this facility shall~~ comply with the work practice plan in the appendix to this rule for the control of fugitive dust.

(2) ~~For the hot metal transfer operation from railcar to charge ladle (OEPA source number F009), the particulate emissions from the baghouse serving this source shall not exceed 3.5 pounds per hour.~~ [Reserved.]

(3) ~~For the particulate emissions from~~ reheat furnaces number 2 through 4 (OEPA source numbers P006 to P008), ~~the particulate emissions from each furnace shall do~~ not exceed 6.0 pounds per hour.

~~(4)~~ [Reserved.]

- ~~(5) For the basic oxygen furnaces (OEPA source numbers P904 and P905), the total particulate emissions from the scrubbers serving these sources shall not exceed 8.86 pounds per hour.~~
- ~~(6) For the desulfurization station (OEPA source number P907), the particulate emissions from the baghouse serving this source shall not exceed 3.71 pounds per hour.~~

Effective: 8/25/2023

Five Year Review (FYR) Dates: 5/24/2023 and 08/25/2028

CERTIFIED ELECTRONICALLY

Certification

08/15/2023

Date

Promulgated Under: 119.03
Statutory Authority: 3704.03(E)
Rule Amplifies: 3704.03(A), 3704.03(E)
Prior Effective Dates: 06/14/1991, 12/06/1991, 11/15/1995, 01/31/1998,
02/01/2008, 01/20/2018

3745-17-14

Contingency plan requirements for Cuyahoga and Jefferson counties.

(A) By not later than April 1, 1992, the owner or operator of each facility identified below shall submit to the Ohio EPA approvable control strategies and compliance schedules which meet the following:

- (1) ~~The~~Contain control strategies ~~shall be~~ capable of reducing the particulate emissions from each of the facilities identified in this paragraph by each of the two levels specified in this paragraph for each facility:

Facility Name (premise number)	Total, required particulate emission reductions for the facility (in pounds per hour at the maximum operating rates)	
	Fifteen per cent reduction level	Twenty-five per cent reduction level
United Ready Mix (1318005960)	1.1	1.1
International Mill Service, Incorporated (1741090068)	0.8	0.8

- (2) Except as otherwise provided in this paragraph, the particulate emission reductions specified in paragraph (A)(1) of this rule shall be obtained from the sources identified for each affected facility in rules 3745-17-12 and 3745-17-13 of the Administrative Code. If the required reductions cannot reasonably be obtained from those sources, control strategies may be developed for other sources at the facility in order to meet the required reductions for the facility.
- (3) In calculating the control strategy, hourly particulate emission rate for a source, the maximum operating rate for the source shall be used. In addition, for a source identified in rule 3745-17-12 or 3745-17-13 of the Administrative Code, the baseline, hourly particulate emission rate shall be based upon the allowable emission rate specified in those rules and the maximum operating rate; and the control strategy shall be designed to reduce the particulate emissions below that baseline, hourly particulate emission rate. For a source which is not identified in rule 3745-17-12 or 3745-17-13 of the Administrative Code, the baseline, hourly particulate emission rate shall be based upon the actual or allowable emission rate, whichever is lower, and the maximum operating rate; and the control strategy shall be designed to reduce the particulate emissions below that baseline, hourly particulate emission rate.

- (4) The following information shall be submitted for each source for which a control strategy is developed:
- (a) A description of the source and the existing control equipment or control measures.
 - (b) The Ohio EPA application number.
 - (c) The hourly, baseline particulate emission rate, and the assumptions and calculations which were used to derive the emission rate.
 - (d) A description of the type of control equipment or control measures which will be employed to reduce the hourly emission rate, including the general design specifications or operating parameters.
 - (e) The hourly particulate emission rate that will be achieved by employing the proposed control equipment or control measures, and the assumptions and calculations which were used to derive the emission rate.
 - (f) The approximate total installed cost and annual operating cost for the proposed control equipment or control measures, and the assumptions and calculations which were used to derive the costs.
- (5) The schedule for implementing each control strategy shall commence upon a formal determination and notification by the Ohio EPA or the United States environmental protection agency that the county where the facility is located is not in compliance with the ambient air quality standards for PM_{10} , as specified in rule 3745-25-02 of the Administrative Code. The schedule shall include dates for the following milestones:
- (a) Award contracts for emission control systems or process modifications, or issue orders for the purchase of component parts to accomplish emission control or process modification.
 - (b) Initiate on-site construction or installation of emission control equipment or process change.
 - (c) Complete on-site construction or installation of emission control equipment or process change.
 - (d) Achieve final compliance.

The owner or operator shall demonstrate to the satisfaction of the director that the schedule is as expeditious as practicable.

- (B) The control strategies and compliance schedules submitted in accordance with paragraph (A) of this rule shall be approved by the director through the issuance, pursuant to division (R) of section 3704.03 of the Revised Code, of administrative findings and orders. The findings and orders shall be submitted to and approved by the United States environmental protection agency as a revision to the Ohio state implementation plan for particulates.
- (C) Upon a formal determination and notification by the Ohio EPA or the United States environmental protection agency that Cuyahoga county or Jefferson county is not in compliance with the ambient air quality standards for PM_{10} , as specified in rule 3745-25-02 of the Administrative Code, the owner or operator of each facility identified in paragraph (A)(1) of this rule shall implement the control strategies and schedules which have been approved by the director. (Such formal determination and notification of nonattainment shall not occur prior to January 1, 1994.) If the determination and notification of nonattainment are based upon a twenty-four-hour average ambient air concentration of PM_{10} of greater than one hundred fifty micrograms per cubic meter and less than or equal to one hundred seventy-two and one half micrograms per cubic meter, the owner or operator of each affected facility shall implement the set of approved control strategies and compliance schedules which are designed to reduce the hourly particulate emission rate by fifteen per cent or more. If the determination and notification of nonattainment are based upon a twenty-four-hour average ambient air concentration of PM_{10} of greater than one hundred seventy-two and one half micrograms per cubic meter, the owner or operator of each affected facility shall implement the approved control strategies and compliance schedules which are designed to reduce the hourly particulate emission rate by twenty-five per cent or more.
- (D) Notwithstanding paragraph (C) of this rule, if the determination and notification of nonattainment referenced in paragraph (C) of this rule reflects continued nonattainment in only a portion of the county, the director may limit the requirement for implementation of contingency measures to those facilities which are identified in paragraph (A)(1) of this rule and which are located either in that portion of Jefferson county within a two-kilometer radius from the ambient air quality monitor showing continued nonattainment or in that portion of Cuyahoga county within a three-kilometer radius from the ambient air quality monitor showing continued nonattainment.
- (E) For purposes of this rule, PM_{10} ~~shall be~~ is defined and determined in accordance with paragraph ~~(B)(2)~~ (P)(7) of rule 3745-17-01 of the Administrative Code.

Effective: 8/25/2023

Five Year Review (FYR) Dates: 5/24/2023 and 08/25/2028

CERTIFIED ELECTRONICALLY

Certification

08/15/2023

Date

Promulgated Under: 119.03

Statutory Authority: 3704.03(E)

Rule Amplifies: 3704.03(A), 3704.03(E)

Prior Effective Dates: 06/14/1991, 12/06/1991, 11/15/1995, 01/31/1998,
02/01/2008, 04/18/2009, 01/20/2018

Article II

**Copy of Public Notice and
Director's Findings & Orders**

BEFORE THE

OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

**The Adoption of Amended
Rules 3745-17-01, 3745-17-03
3745-17-04, and 3745-17-07 to
3745-117-14 of the Ohio Administrative
Code**

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**Director's Final Findings and
Orders**

FINDINGS AND ORDERS

The Director of Environmental Protection, having considered in compliance with the Administrative Procedure Act the adoption, in final form, of the proposed amended rules of the Ohio Administrative Code cited above, finds:

1. That due notice of a public hearing in this matter pursuant to the Administrative Procedure Act was given, that a public hearing was held on June 27, 2023 in Columbus, Ohio and virtually, and that all interested persons were afforded the opportunity to be heard; and
2. That upon due consideration, the adoption in final form of the proposed amended rules of the Ohio Administrative Code cited above, is reasonable and lawful and within the purview of authority provided by law.

It is therefore

ORDERED that above mentioned amended rules in Chapter 3745-17 of the Ohio Administrative Code be adopted in final form.

It is further

ORDERED that the effective date of said amended rules shall be August 25, 2023.

It is further

ORDERED that copies of these Findings and Orders and certified copies of said amended rules, in final form, shall be filed with the Secretary of State, the Joint Committee on

Agency Rule Review, the Legislative Services Commission, and the Department of Development's Office of Small and Developing Business, as required by law.

APPEAL RIGHTS

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within thirty (30) days after notice of the Director's action. The appeal must be accompanied by a filing fee of \$70.00, made payable to "Treasurer, State of Ohio," which the Commission, in its discretion, may reduce if by affidavit you demonstrate that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the Director within three (3) days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission
30 East Broad Street, 4th Floor
Columbus, OH 43215

A handwritten signature in black ink that reads "Anne M Vogel". The signature is written in a cursive, flowing style. Below the signature is a solid horizontal line.

Anne M. Vogel, Director
Ohio Environmental Protection Agency

Issued at Columbus, Ohio this 15th day of August, 2023.

**NOTICE OF ADOPTION OF RULES
OHIO ENVIRONMENTAL PROTECTION AGENCY**

**Rules Governing
Five-Year Rule Review of Rules in Ohio Administrative Code (OAC)
Chapter 3745-17, "Particulate Matter Rules"**

Notice is hereby given that the Director of the Ohio Environmental Protection Agency (Ohio EPA) has adopted the following amended rules of the Ohio Administrative Code:

<u>Rule #</u>	<u>Title:</u>
3745-17-01	Definitions
3745-17-03	Measurement methods and procedures
3745-17-04	Compliance time schedules
3745-17-07	Control of visible particulate emissions from stationary sources
3745-17-08	Restriction of emission of fugitive dust
3745-17-09	Restrictions on particulate emissions and odors from incinerators
3745-17-10	Restrictions on particulate emissions from fuel burning equipment
3745-17-11	Restrictions on particulate emissions from industrial processes
3745-17-12	Additional restrictions on particulate emissions from specific air contaminant sources in Cuyahoga County
3745-17-13	Additional restrictions on particulate emissions from specific air contaminant sources in Jefferson County
3745-17-14	Contingency Plan Requirements for Cuyahoga and Jefferson Counties

The Director's order of adoption was issued on August 15, 2023. These amended rules will become effective on **August 25, 2023**.

The Director's action in this matter is pursuant to the procedural requirements of Ohio Revised Code Chapter 119 and is based upon the record of the public hearing conducted by Ohio EPA on June 27, 2023 in Columbus, Ohio and virtually.

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within thirty (30) days after notice of the Director's action. The appeal must be accompanied by a filing fee of \$70.00, made payable to "Treasurer, State of Ohio," which the Commission, in its discretion, may reduce if by affidavit you demonstrate that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the Director within three (3) days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission
30 East Broad Street, 4th floor
Columbus, Ohio 43215

Article III

Evidence Ohio EPA
Followed Rule Adoption
Procedures

Evidence Ohio EPA Followed Rule Adoption Procedures

Ohio Revised Code (ORC) 119.03, Procedures for adoption, amendment, or rescission of rules; finding that fiscal analysis is incomplete or inaccurate, outlines the requirements Ohio EPA must follow during the rule-making process. A copy of ORC 119.03 can be provided upon request. Ohio EPA fully complied with the requirements of this law and has provided evidence on the major requirements below:

1. ORC 119.03(A): Reasonable public notice shall be given in the register of Ohio at least 30 days prior to the date set for a hearing.

Ohio's electronic rule filing system automatically posts public notices in the Register of Ohio when rules are proposed. A copy of the Public Hearing notice is included (Attachment A to Article III). The Public Hearing notice was placed in the Ohio Register on May 24, 2023. Ohio EPA held a public hearing on June 27, 2023 in Columbus, Ohio and virtually. This hearing was held more than 30 days after the notice was placed in the register. The ORC 119.03 requirements for public notice contents were met as evidenced by comparing the public notice and ORC 119.03 (A)(1)-(4).

2. ORC 119.03(B): The required materials must be filed with the secretary of state and the director of the legislative service commission (LSC).

Ohio's electronic filing system automatically generates a letter when all the required elements have been uploaded on the system and the package is proposed. This letter is included (Attachment B to Article III).

Ohio EPA also complied with all requirements for incorporated materials. In addition, the answers to questions nine and ten of the Rule Summary and Fiscal Analysis (RSFA) document is provided (Attachment C to Article III).

3. ORC 119.03(C): Conduct public hearings as advertised.

Ohio EPA conducted the public hearing on June 27, 2023 as identified in the Public Hearing notice. A copy of the hearing summary is provided in Article IV.

4. ORC 119.03(D): After the period of time when legislative review and invalidation may occur expires, the agency may issue an order adopting the rule.

The Joint Committee on Agency Rule Review (JCARR) oversees agency rulemaking in Ohio. A hearing was held with JCARR on July 20, 2023 where these rules were placed on the consent agenda as item 26 (Attachment D to Article III). No testimony, questions or invalidation of the rules occurred during this hearing. JCARR jurisdiction expired on July 28, 2023 as evidenced by the JCARR consent agenda.

Ohio EPA issued the order to adopt the rules on August 15, 2023 as evidenced by the Director's Findings & Orders and the Public Notice (both contained in Article

II). The Secretary of the State and Director of the LSC once again received a letter of notice (Attachment E to Article III).

5. ORC 119.03(E): Provide notice to public prior to effective date of rules.

Ohio EPA provided an update of the adoption of the rules through the Ohio EPA website, in the Register of Ohio, in the director's Weekly review, and through an e-mail notice to all interested parties on August 15, 2023. A copy of these notifications can be provided upon request.

ORC 121.39, Provisions applicable to proposed legislation or administrative rules concerning environmental protection, imposes further requirements for interested party review specific to environmental rule adoption. Ohio EPA fully complied with the requirements of this law and has provided evidence on the major requirements below:

1. ORC 121.39(B): Legislation dealing with the environment must be accompanied by a statement identifying if it is necessary to comply with a federal requirement. It must also include information on the estimated cost of compliance.

The RSFA and Environmental Rule Adoption/Amendment Form (ERAF) documents are automatically generated questions that are part of the States electronic rule filing system (Attachment B to Article III). The questions are intended to address the items in ORC 121.39. As evidenced in Question 6 of the RSFA documents and item (C) of the ERAF for the rule, Ohio EPA stated the adoption of this rule, or a version as stringent as, is required by U.S. EPA. The RSFA documents also contain a section entitled Fiscal Analysis which addresses potential costs. Our responses met the requirements of this law as evidenced in the consent by JCARR who reviews these documents.

2. ORC 121.39(D): Prior to adopting any environmental rule, the agency must consult with interested parties, consider all documentation relevant to the need for the rule making, identify any need to adopt in order to maintain approval to administer a federal environmental law, and it must include an RSFA.

On January 19, 2023, Ohio EPA notified interested parties via e-mail of the draft rule language. A copy of the notification may be provided upon request. We provided a 30-day comment period closing February 21, 2023. The interested parties list included Ohio EPA, DAPC's general rule making list. A copy of the e-mail and interested party list will be provided upon request.

As evidenced in item (C) of the ERAF for this rule, Ohio EPA stated the adoption of this rule is required in order to maintain approval to administer a federal environmental law.

As evidenced in item (A) of the ERAF for this rule, Ohio EPA identified that it considered all documentation relevant to the need for the rule making and identified those documents in list form.

Article III

Attachment A

Public Hearing Notice

OHIO ENVIRONMENTAL PROTECTION AGENCY

**Public Hearing Notice
Proposed Rulemaking Governing
Amendments to Ohio Administrative Code (OAC) Chapter 3745-17, Particulate Matter Standards
Updates and Five-Year Rule Review**

Notice is hereby given that the Director of Environmental Protection, under the authority of Section 3704.03(E) of the Ohio Revised Code and in accordance with Chapter 119, the Ohio EPA proposes to amend rules in Ohio Administrative Code (OAC) Chapter 3745-17, "Particulate Matter Standards". These rules set limits, testing and recordkeeping requirements for emissions of particulate matter in the state of Ohio.

Changes made to the rules in this chapter include updates to facilities mentioned, minor corrections, such as typos and fixes to formatting to conform with LSC conventions and updating referenced materials to the most current version. Additionally, an exemption from method 9 testing was added for facilities that burn only natural gas.

Pursuant to Section 121.39 of the Ohio Revised Code, Ohio EPA was required to consult with interested parties affected by the rules before the agency formally adopts them. On January 19, 2023, these rules went out for a 30-day review by interested parties. Please see the rule synopsis, available electronically at the web address below, for a complete summary of the proposed rule amendments.

Pursuant to Part D of Title I of the Clean Air Act, Ohio EPA is required to establish a state implementation plan (SIP) for the attainment and maintenance of the national ambient air quality standards (NAAQS). The above-mentioned rule is a part of Ohio's SIP for the attainment and maintenance of the particulate matter NAAQS and the proposed amendments will be submitted to United States Environmental Protection Agency (U.S. EPA) as a modification of the SIP. The below hearing will also serve as the hearing for the SIP submittal.

Ohio EPA will be accepting comments on the proposed amended rules until **Tuesday, June 27, 2023**. A public hearing on this proposed rulemaking will be held to consider public comments in accordance with Section 119.03 of the Ohio Revised Code. Ohio EPA will be holding an in-person and virtual public hearing on the rules on **June 27, 2023**. The in-person hearing will be at the same time and date and will be located at Ohio EPA, Suite 700, 50 W. Town Street, Columbus, Ohio 43215. During the hearing, the public may submit written comments on the record about the proposed rules if participating virtually and verbally if participating in person.

Citizens who want to participate virtually must register in advance for the meeting at: <https://attendee.gotowebinar.com/register/6654723090164768088>.

Registration for the in-person hearing is not required. Citizens intending to give testimony at the hearing should notify the Ohio EPA Public Interest Center, P.O. Box 1049, Columbus, Ohio 43216-1049, (614) 644-2160 or by emailing mary.mccarron@epa.ohio.gov. Prior registration will ensure that registrants are heard ahead of those individuals who register at the hearing. Oral testimony may be limited to five minutes, depending on the number of persons testifying. All interested persons are entitled to attend or be represented and to present oral and/or written comments concerning the proposed rulemaking.

Written testimony should be sent to the attention of Paul Braun in the Division of Air Pollution Control (DAPC), P.O. Box 1049, Columbus Ohio 43216-1049 or can be emailed to DAPC-Comments@epa.ohio.gov. Written comments may also be submitted to the Hearing Officer at the public hearing. Written testimony will receive the same consideration as oral testimony. All testimony received at the hearing or by close of business on January 4, 2023 will be considered by Ohio EPA prior to final action on this rulemaking proposal. Written comments submitted after this date may be considered as time and circumstances permit.

Questions regarding this rule package should be directed to Paul Braun in DAPC at the above email address or at 614-644-3734.

Full copies of all proposed rules are available for review at any Ohio EPA district office and at the Ohio EPA central office. The proposed rules are also accessible on the DAPC web page at <https://epa.ohio.gov/divisions-and-offices/air-pollution-control/regulations/proposed-rules>.

To request a reasonable accommodation due to a disability, visit <https://epa.ohio.gov/ada>

Article III

Attachment B

Letter to Secretary of State
and Director of LSC



ELECTRONIC RULE-FILING SYSTEM

FILING OF OHIO ADMINISTRATIVE RULES AND RULE-RELATED DOCUMENTS

The Honorable Frank LaRose
Secretary of State
180 E. Broad St., 16th Floor
Columbus, OH 43215

Wendy Zhan, Director
Legislative Service Commission
77 South High St., 9th Floor
Columbus, OH 43215

Ian Dollenmayer, Executive Director
Joint Committee on Agency Rule Review
77 South High St., Concourse Level
Columbus, OH 43215

It is hereby confirmed that the Ohio Environmental Protection Agency **original filed** the following rule(s) pursuant to section 119.03 of the Ohio Revised Code.

Package Number: 197227
File Date and Time: 05/24/2023 9:14 AM
Confirmation Number: 9b4b0ae3d30dc562a2037d9ed385

ORIGINAL FILE

Rule Number	Type	FYR	CSI	JE Date	Eff Date	Next FYR	Tagline
3745-17-01	Amendment	Y	Y	07/28/2023			Definitions.
3745-17-03	Amendment	Y	Y	07/28/2023			Measurement methods and procedures.
3745-17-04	Amendment	Y	Y	07/28/2023			Compliance time schedules.
3745-17-07	Amendment	Y	Y	07/28/2023			Control of visible particulate emissions from stationary sources.
3745-17-08	Amendment	Y	Y	07/28/2023			Restriction of emission of fugitive dust.
3745-17-09	Amendment	Y	Y	07/28/2023			Restrictions on particulate emissions and odors from incinerators.
3745-17-10	Amendment	Y	Y	07/28/2023			Restrictions on particulate emissions from fuel burning equipment.
3745-17-11	Amendment	Y	Y	07/28/2023			Restrictions on particulate emissions from industrial processes.
3745-17-12	Amendment	Y	Y	07/28/2023			Additional restrictions on particulate emissions from specific air contaminant sources in Cuyahoga county.
3745-17-13	Amendment	Y	Y	07/28/2023			Additional restrictions on particulate emissions from specific air contaminant sources in Jefferson county.
3745-17-14	Amendment	Y	Y	07/28/2023			Contingency plan requirements for Cuyahoga and Jefferson counties.

Article III

Attachment C

RSFAs

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 3745-17-01

Rule Type: Amendment

Rule Title/Tagline: Definitions.

Agency Name: Ohio Environmental Protection Agency

Division: Division of Air Pollution Control (DAPC)

Address: 50 West Town Street, Suite 700 PO Box 1049 Columbus OH 43216-1049

Contact: Paul J. Braun **Phone:** 614-644-2270

Email: Paul.Braun@epa.ohio.gov

I. Rule Summary

1. Is this a five year rule review? Yes
 - A. What is the rule's five year review date? 5/24/2023
2. Is this rule the result of recent legislation? No
3. What statute is this rule being promulgated under? 119.03
4. What statute(s) grant rule writing authority? 3704.03(E)
5. What statute(s) does the rule implement or amplify? 3704.03(A), 3704.03(E)
6. Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires? No
 - A. If so, what is the citation to the federal law or rule? Not Applicable
7. What are the reasons for proposing the rule?

This rule is being proposed after a review to fulfill ORC 106.03 (5-year review).
8. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

This rule contains definitions and information on referenced materials that are applicable to OAC Chapter 3745-17.

The changes are minor, primarily for clarification and to remove unnecessary and duplicative restriction language.

9. **Does the rule incorporate material by reference? Yes**
10. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

This rule contains references to the Ohio Administrative Code (OAC). While copies of these rules and statutes are generally available to the public through libraries and on-line sources, including the Ohio EPA website, ORC 121.76 (A) exempts such references from the provisions of ORC 121.71 through 121.75.

This rule also contains references to the Code of Federal Regulations (CFR). These rules are generally available through libraries, Ohio EPA and U.S. EPA websites. CFR references have also been dated to reference the specific version of the rules. ORC 121.75 (D) exempts such references from the requirements of ORC 121.71 through 121.74.

This rule also contains references to the United States Code (USC), the Federal Insecticide, Rodenticide, and Fungicide Act, and the Clean Air Act. These rules and Acts are generally available through libraries, Ohio EPA and Government Printing Office's websites. USC references have also been dated to reference the specific version of the rules. ORC 121.75(D) exempts such references from the requirements of ORC 121.71 through 121.74.

The rule also contains references to analytical test methods used to determine parameters for materials subject to this rule or other materials utilized by regulators and impacted parties to determine or achieve compliance with these rules. These test methods and materials are commonly known and utilized by laboratories performing this type of analytical work. Copies of these test methods are available in libraries and the websites of the method's supporting organization (ASTM, ANSI, NFPA, NACE, etc.).

Referenced materials are cited, dated and availability noted in paragraph (AA) of rule 3745-17-01 of the Administrative Code.

11. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Not Applicable

II. Fiscal Analysis

- 12. Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

\$0.00

Not Applicable

- 13. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

This rule contains definitions and information on referenced materials used throughout this chapter. There is no cost of compliance associated with this rule.

- 14. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**

- 15. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). Yes**

- 16. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

Not Applicable

III. Common Sense Initiative (CSI) Questions

- 17. Was this rule filed with the Common Sense Initiative Office? Yes**

- 18. Does this rule have an adverse impact on business? No**

- A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No**
- B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No**

- C. Does this rule require specific expenditures or the report of information as a condition of compliance? No
- D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No

IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).

19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes

- A. How many new regulatory restrictions do you propose adding to this rule? 0
- B. How many existing regulatory restrictions do you propose removing from this rule? 2

Intro Paragraph, formerly (A), (Shall): "...the definitions in rule 3745-15-01 of the Administrative Code (shall) apply to this..."

Paragraph (F)(1), formerly (B)(5), (shall): "...the definition of facility (shall) does not include..."

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.
- D. Please justify the adoption of the new regulatory restriction(s).

Not Applicable

Rule Summary and Fiscal Analysis

Part C - Environmental Rule Questions

Pursuant to Am. Sub. H.B. 106 of the 121st General Assembly, prior to adopting a rule or an amendment to a rule dealing with environmental protection, or containing a component dealing with environmental protection, a state agency shall:

- (1) Consult with organizations that represent political subdivisions, environmental interests, business interests, and other persons affected by the proposed rule or amendment.
- (2) Consider documentation relevant to the need for, the environmental benefits or consequences of, other benefits of, and the technological feasibility of the proposed rule or rule amendment.
- (3) Specifically identify whether the proposed rule or rule amendment is being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal environmental law or to participate in a federal environmental program, whether the proposed rule or rule amendment is more stringent than its federal counterpart, and, if the proposed rule or rule amendment is more stringent, the rationale for not incorporating its federal counterpart.
- (4) Include with the proposed rule or rule amendment and rule summary and fiscal analysis required to be filed with the Joint Committee on Agency Rule Review information relevant to the previously listed requirements.

-
- (A) Were organizations that represent political subdivisions, environmental interests, business interests, and other persons affected by the proposed rule or amendment consulted? Yes**

Please list each contact.

Ohio EPA invited interested parties to comment on these rules and a draft business impact analysis document during the period of January 19, 2023 to February 21, 2023. The rules were made available on Ohio EPA's website, announced to Ohio EPA's electronic interested parties list and Ohio's e-notification system. One comment was received in support of the proposed amendments. A list of interested parties will be furnished upon request.

- (B) Was documentation that is relevant to the need for, the environmental benefits or consequences of, other benefits of, and the technological feasibility of the proposed rule or amendment considered? Yes**

Please list the information provided and attach a copy of each piece of documentation to this form. (A SUMMARY OR INDEX MAY BE ATTACHED IN LIEU OF THE ACTUAL DOCUMENTATION.)

Clean Air Act, Comments from interested parties, LSC Style and Formatting Manual.

- (C) Is the proposed rule or rule amendment being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal environmental law or to participate in a federal environmental program? Yes

Is the proposed rule or rule amendment more stringent than its federal counterpart?
No *Not Applicable*

- (D) If this is a rule amendment that is being adopted under a state statute that establishes standards with which the amendment is to comply, is the proposed rule amendment more stringent than the rule that it is proposing to amend? No

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 3745-17-03

Rule Type: Amendment

Rule Title/Tagline: Measurement methods and procedures.

Agency Name: Ohio Environmental Protection Agency

Division: Division of Air Pollution Control (DAPC)

Address: 50 West Town Street, Suite 700 PO Box 1049 Columbus OH 43216-1049

Contact: Paul J. Braun **Phone:** 614-644-2270

Email: Paul.Braun@epa.ohio.gov

I. Rule Summary

1. Is this a five year rule review? Yes
 - A. What is the rule's five year review date? 5/24/2023
2. Is this rule the result of recent legislation? No
3. What statute is this rule being promulgated under? 119.03
4. What statute(s) grant rule writing authority? 3704.03(E)
5. What statute(s) does the rule implement or amplify? 3704.03(A), 3704.03(E)
6. Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires? No
 - A. If so, what is the citation to the federal law or rule? Not Applicable
7. What are the reasons for proposing the rule?

This rule is being proposed after a review to fulfill ORC 106.03 (5-year review).
8. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

This rule specifies all the test methods and procedures that must be used in determining compliance with the emission limitations and control requirements contained in rules 3745-17-07 through -14.

The amendments to OAC rule 3745-17-03 are minor for clarification, to fix references and citations, and to remove unnecessary restriction language.

- 9. Does the rule incorporate material by reference? Yes**
- 10. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

This rule contains references to the Ohio Administrative Code (OAC). While copies of these rules and statutes are generally available to the public through libraries and on-line sources, including the Ohio EPA website, ORC 121.76 (A) exempts such references from the provisions of ORC 121.71 through 121.75.

This rule also contains references to the Code of Federal Regulations (CFR). These rules are generally available through libraries, Ohio EPA and U.S. EPA websites. CFR references have also been dated to reference the specific version of the rules. ORC 121.75 (D) exempts such references from the requirements of ORC 121.71 through 121.74.

This rule also contains references to the United States Code (USC), the Federal Insecticide, Rodenticide, and Fungicide Act, and the Clean Air Act. These rules and Acts are generally available through libraries, Ohio EPA and Government Printing Office's websites. USC references have also been dated to reference the specific version of the rules. ORC 121.75(D) exempts such references from the requirements of ORC 121.71 through 121.74.

The rule also contains references to analytical test methods used to determine parameters for materials subject to this rule or other materials utilized by regulators and impacted parties to determine or achieve compliance with these rules. These test methods and materials are commonly known and utilized by laboratories performing this type of analytical work. Copies of these test methods are available in libraries and the websites of the method's supporting organization (ASTM, ANSI, NFPA, NACE, etc.).

Referenced materials are cited, dated and availability noted in paragraph (AA) of rule 3745-17-01 of the Administrative Code.

- 11. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Not Applicable

II. Fiscal Analysis

- 12. Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

\$0.00

Not Applicable

- 13. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

This rule contains the requirements for demonstrating compliance with the emission limits in the chapter. Facilities which are required to comply with this rule must perform testing according to the methods listed in this rule. An emissions test under the methods listed in this rule would cost approximately \$10,000 to 15,000 and would be performed once every 5 to 10 years to demonstrate compliance with the emission limits in this chapter when the facility renews their operating permit.

- 14. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**

- 15. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). Yes**

- 16. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

Not Applicable

III. Common Sense Initiative (CSI) Questions

- 17. Was this rule filed with the Common Sense Initiative Office? Yes**

- 18. Does this rule have an adverse impact on business? Yes**

- A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No
- B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No
- C. Does this rule require specific expenditures or the report of information as a condition of compliance? Yes

This rule contains the requirements for demonstrating compliance with the emission limits in the chapter. Facilities which are required to comply with this rule must perform testing according to the methods listed in this rule. An emissions test under the methods listed in this rule would cost approximately \$10,000 to \$15,000 and would be performed once every 5 to 10 years to demonstrate compliance with the emission limits in this chapter when the facility renews their operating permit.

- D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No

IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).

19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes

- A. How many new regulatory restrictions do you propose adding to this rule? 0
- B. How many existing regulatory restrictions do you propose removing from this rule? 4

Paragraph (B)(1)(b) (shall): "... with the requirements specified in 40 CFR 60.13 and (shall) be certified in accordance with ...)

Paragraph (B)(2)(a)(i) (shall): "...to enter the oven and (shall) end when the last charge..."

Paragraph (B)(2)(a)(ii) (shall): "...the visible particulate emission stops and (shall) be restarted when..."

Paragraph (B)(2)(b)(i) (shall): "...the length of the top of the battery and (shall) complete the inspection..."

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**
- D. Please justify the adoption of the new regulatory restriction(s).**

Not Applicable

Rule Summary and Fiscal Analysis

Part C - Environmental Rule Questions

Pursuant to Am. Sub. H.B. 106 of the 121st General Assembly, prior to adopting a rule or an amendment to a rule dealing with environmental protection, or containing a component dealing with environmental protection, a state agency shall:

- (1) Consult with organizations that represent political subdivisions, environmental interests, business interests, and other persons affected by the proposed rule or amendment.
- (2) Consider documentation relevant to the need for, the environmental benefits or consequences of, other benefits of, and the technological feasibility of the proposed rule or rule amendment.
- (3) Specifically identify whether the proposed rule or rule amendment is being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal environmental law or to participate in a federal environmental program, whether the proposed rule or rule amendment is more stringent than its federal counterpart, and, if the proposed rule or rule amendment is more stringent, the rationale for not incorporating its federal counterpart.
- (4) Include with the proposed rule or rule amendment and rule summary and fiscal analysis required to be filed with the Joint Committee on Agency Rule Review information relevant to the previously listed requirements.

-
- (A) Were organizations that represent political subdivisions, environmental interests, business interests, and other persons affected by the proposed rule or amendment consulted? Yes**

Please list each contact.

Ohio EPA invited interested parties to comment on these rules and a draft business impact analysis document during the period of January 19, 2023 to February 21, 2023. The rules were made available on Ohio EPA's website, announced to Ohio EPA's electronic interested parties list and Ohio's e-notification system. One comment was received in support of the proposed amendments. A list of interested parties will be furnished upon request.

- (B) Was documentation that is relevant to the need for, the environmental benefits or consequences of, other benefits of, and the technological feasibility of the proposed rule or amendment considered? Yes**

Please list the information provided and attach a copy of each piece of documentation to this form. (A SUMMARY OR INDEX MAY BE ATTACHED IN LIEU OF THE ACTUAL DOCUMENTATION.)

Clean Air Act, Comments from interested parties, LSC Style and Formatting Manual.

- (C) Is the proposed rule or rule amendment being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal environmental law or to participate in a federal environmental program? Yes

Is the proposed rule or rule amendment more stringent than its federal counterpart?
No *Not Applicable*

- (D) If this is a rule amendment that is being adopted under a state statute that establishes standards with which the amendment is to comply, is the proposed rule amendment more stringent than the rule that it is proposing to amend? No

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 3745-17-04

Rule Type: Amendment

Rule Title/Tagline: Compliance time schedules.

Agency Name: Ohio Environmental Protection Agency

Division: Division of Air Pollution Control (DAPC)

Address: 50 West Town Street, Suite 700 PO Box 1049 Columbus OH 43216-1049

Contact: Paul J. Braun **Phone:** 614-644-2270

Email: Paul.Braun@epa.ohio.gov

I. Rule Summary

1. Is this a five year rule review? Yes
 - A. What is the rule's five year review date? 5/24/2023
2. Is this rule the result of recent legislation? No
3. What statute is this rule being promulgated under? 119.03
4. What statute(s) grant rule writing authority? 3704.03(E)
5. What statute(s) does the rule implement or amplify? 3704.03(A), 3704.03(E)
6. Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires? No
 - A. If so, what is the citation to the federal law or rule? Not Applicable
7. What are the reasons for proposing the rule?

This rule is being proposed after a review to fulfill ORC 106.03 (5-year review).
8. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

This rule specifies the dates by which compliance with the emission limitations and control requirements contained in rules 3745-17-07 through -13 must be achieved.

Ohio EPA is removing facility specific requirements for facilities that have been permanently shut down.

9. **Does the rule incorporate material by reference?** No
10. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

Not Applicable

11. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Not Applicable

II. Fiscal Analysis

12. **Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

\$0.00

Not Applicable

13. **What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

This rule contains attainment dates, time schedules and requirements for compliance with the emission limits in the rules of this chapter. These rules were originally promulgated in the late 1970's and have been around for 30+ years. The rules in this chapter are intended to assist Ohio in attaining and maintaining the National Ambient Air Quality Standard (NAAQS) for particulate matter and are part of Ohio's State Implementation Plan (SIP). The facilities named in the rules of this chapter have already installed controls and/or made process changes to comply with these rules and would not have any new costs of compliance.

If a new facility were required to comply with the rules in this chapter, the cost of compliance varies widely and is facility specific. Costs would range from "no cost" for an option such as work practice standards (for example lower speed limit on plant roads) to several million dollars to install scrubbing equipment on the process exhaust stack.

14. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**
15. **Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). Yes**
16. **If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

Not Applicable

III. Common Sense Initiative (CSI) Questions

17. **Was this rule filed with the Common Sense Initiative Office? Yes**
18. **Does this rule have an adverse impact on business? No**

- A. **Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No**

The permit application requirements in this rule applied to existing facilities that became subject to certain paragraphs in Chapter 3745-17 of the Administrative Code after promulgation. The permit application requirements in this rule do not apply to new facilities.

- B. **Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No**

- C. **Does this rule require specific expenditures or the report of information as a condition of compliance? No**

The permit application (reporting) requirements in this rule applied to existing facilities that became subject to certain paragraphs in Chapter 3745-17 of the Administrative Code after promulgation. The permit application requirements in this rule do not apply to new facilities.

- D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No

IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).

19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes

- A. How many new regulatory restrictions do you propose adding to this rule? 0
- B. How many existing regulatory restrictions do you propose removing from this rule? 3

Paragraph (A)(6) (Shall): "...Conesville, Ohio (shall) submit an application for..."

Paragraph (A)(6) (Shall): "Such application (shall) include a final control plan and..."

Paragraph (B)(4) (Shall): "... Conesville, Ohio (shall) achieve compliance with..."

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.
- D. Please justify the adoption of the new regulatory restriction(s).

Not Applicable

Rule Summary and Fiscal Analysis

Part C - Environmental Rule Questions

Pursuant to Am. Sub. H.B. 106 of the 121st General Assembly, prior to adopting a rule or an amendment to a rule dealing with environmental protection, or containing a component dealing with environmental protection, a state agency shall:

- (1) Consult with organizations that represent political subdivisions, environmental interests, business interests, and other persons affected by the proposed rule or amendment.
- (2) Consider documentation relevant to the need for, the environmental benefits or consequences of, other benefits of, and the technological feasibility of the proposed rule or rule amendment.
- (3) Specifically identify whether the proposed rule or rule amendment is being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal environmental law or to participate in a federal environmental program, whether the proposed rule or rule amendment is more stringent than its federal counterpart, and, if the proposed rule or rule amendment is more stringent, the rationale for not incorporating its federal counterpart.
- (4) Include with the proposed rule or rule amendment and rule summary and fiscal analysis required to be filed with the Joint Committee on Agency Rule Review information relevant to the previously listed requirements.

-
- (A) Were organizations that represent political subdivisions, environmental interests, business interests, and other persons affected by the proposed rule or amendment consulted? Yes**

Please list each contact.

Ohio EPA invited interested parties to comment on these rules and a draft business impact analysis document during the period of January 19, 2023 to February 21, 2023. The rules were made available on Ohio EPA's website, announced to Ohio EPA's electronic interested parties list and Ohio's e-notification system. One comment was received in support of the proposed amendments. A list of interested parties will be furnished upon request.

- (B) Was documentation that is relevant to the need for, the environmental benefits or consequences of, other benefits of, and the technological feasibility of the proposed rule or amendment considered? Yes**

Please list the information provided and attach a copy of each piece of documentation to this form. (A SUMMARY OR INDEX MAY BE ATTACHED IN LIEU OF THE ACTUAL DOCUMENTATION.)

Clean Air Act, Comments from interested parties, LSC Style and Formatting Manual.

- (C) Is the proposed rule or rule amendment being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal environmental law or to participate in a federal environmental program? Yes

Is the proposed rule or rule amendment more stringent than its federal counterpart?
No *Not Applicable*

- (D) If this is a rule amendment that is being adopted under a state statute that establishes standards with which the amendment is to comply, is the proposed rule amendment more stringent than the rule that it is proposing to amend? No

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 3745-17-07

Rule Type: Amendment

Rule Title/Tagline: Control of visible particulate emissions from stationary sources.

Agency Name: Ohio Environmental Protection Agency

Division: Division of Air Pollution Control (DAPC)

Address: 50 West Town Street, Suite 700 PO Box 1049 Columbus OH 43216-1049

Contact: Paul J. Braun **Phone:** 614-644-2270

Email: Paul.Braun@epa.ohio.gov

I. Rule Summary

1. Is this a five year rule review? Yes
 - A. What is the rule's five year review date? 5/24/2023
2. Is this rule the result of recent legislation? No
3. What statute is this rule being promulgated under? 119.03
4. What statute(s) grant rule writing authority? 3704.03(E)
5. What statute(s) does the rule implement or amplify? 3704.03(A), 3704.03(E)
6. Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires? No
 - A. If so, what is the citation to the federal law or rule? Not Applicable
7. What are the reasons for proposing the rule?

This rule is being proposed after a review to fulfill ORC 106.03 (5-year review).
8. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

This rule identifies and sets visible emission limitations for stationary sources.

Minor changes are being made for clarification and to upgrade citations within the rule.

9. **Does the rule incorporate material by reference? Yes**
10. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

This rule contains references to the Ohio Administrative Code (OAC). While copies of these rules and statutes are generally available to the public through libraries and on-line sources, including the Ohio EPA website, ORC 121.76 (A) exempts such references from the provisions of ORC 121.71 through 121.75.

11. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Not Applicable

II. Fiscal Analysis

12. **Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

\$0.00

Not Applicable

13. **What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

This rule contains visible emission requirements for emission sources. These rules were originally promulgated in the late 1970's and have been around for 30+ years. The rules in this chapter are intended to assist Ohio in attaining and maintaining the National Ambient Air Quality Standard (NAAQS) for particulate matter and are part of Ohio's State Implementation Plan (SIP). Facilities subject to this rule have already installed controls and/or made process changes to comply with these rules and would not have any new costs of compliance.

If a new facility were required to comply with the rules in this chapter, the cost of compliance varies widely and is facility specific. Costs would range from "no cost" for an option such as work practice standards (lower speed limit on plant roads) to several million dollars to install scrubbing equipment on the process exhaust stack.

14. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No
15. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). Yes
16. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.

Not Applicable

III. Common Sense Initiative (CSI) Questions

17. Was this rule filed with the Common Sense Initiative Office? Yes
18. Does this rule have an adverse impact on business? No
 - A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No
 - B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No
 - C. Does this rule require specific expenditures or the report of information as a condition of compliance? No
 - D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No

IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).

19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? No

A. How many new regulatory restrictions do you propose adding to this rule?

Not Applicable

B. How many existing regulatory restrictions do you propose removing from this rule?

Not Applicable

C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.

Not Applicable

D. Please justify the adoption of the new regulatory restriction(s).

Not Applicable

Rule Summary and Fiscal Analysis

Part C - Environmental Rule Questions

Pursuant to Am. Sub. H.B. 106 of the 121st General Assembly, prior to adopting a rule or an amendment to a rule dealing with environmental protection, or containing a component dealing with environmental protection, a state agency shall:

- (1) Consult with organizations that represent political subdivisions, environmental interests, business interests, and other persons affected by the proposed rule or amendment.
- (2) Consider documentation relevant to the need for, the environmental benefits or consequences of, other benefits of, and the technological feasibility of the proposed rule or rule amendment.
- (3) Specifically identify whether the proposed rule or rule amendment is being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal environmental law or to participate in a federal environmental program, whether the proposed rule or rule amendment is more stringent than its federal counterpart, and, if the proposed rule or rule amendment is more stringent, the rationale for not incorporating its federal counterpart.
- (4) Include with the proposed rule or rule amendment and rule summary and fiscal analysis required to be filed with the Joint Committee on Agency Rule Review information relevant to the previously listed requirements.

-
- (A) Were organizations that represent political subdivisions, environmental interests, business interests, and other persons affected by the proposed rule or amendment consulted? Yes**

Please list each contact.

Ohio EPA invited interested parties to comment on these rules and a draft business impact analysis document during the period of January 19, 2023 to February 21, 2023. The rules were made available on Ohio EPA's website, announced to Ohio EPA's electronic interested parties list and Ohio's e-notification system. One comment was received in support of the proposed amendments. A list of interested parties will be furnished upon request.

- (B) Was documentation that is relevant to the need for, the environmental benefits or consequences of, other benefits of, and the technological feasibility of the proposed rule or amendment considered? Yes**

Please list the information provided and attach a copy of each piece of documentation to this form. (A SUMMARY OR INDEX MAY BE ATTACHED IN LIEU OF THE ACTUAL DOCUMENTATION.)

Clean Air Act, Comments from interested parties, LSC Style and Formatting Manual.

- (C) Is the proposed rule or rule amendment being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal environmental law or to participate in a federal environmental program? Yes

Is the proposed rule or rule amendment more stringent than its federal counterpart?
No *Not Applicable*

- (D) If this is a rule amendment that is being adopted under a state statute that establishes standards with which the amendment is to comply, is the proposed rule amendment more stringent than the rule that it is proposing to amend? No

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 3745-17-08

Rule Type: Amendment

Rule Title/Tagline: Restriction of emission of fugitive dust.

Agency Name: Ohio Environmental Protection Agency

Division: Division of Air Pollution Control (DAPC)

Address: 50 West Town Street, Suite 700 PO Box 1049 Columbus OH 43216-1049

Contact: Paul J. Braun **Phone:** 614-644-2270

Email: Paul.Braun@epa.ohio.gov

I. Rule Summary

1. Is this a five year rule review? Yes
 - A. What is the rule's five year review date? 5/24/2023
2. Is this rule the result of recent legislation? No
3. What statute is this rule being promulgated under? 119.03
4. What statute(s) grant rule writing authority? 3704.03(E)
5. What statute(s) does the rule implement or amplify? 3704.03(A), 3704.03(E)
6. Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires? No
 - A. If so, what is the citation to the federal law or rule? Not Applicable
7. What are the reasons for proposing the rule?

This rule is being proposed after a review to fulfill ORC 106.03 (5-year review).
8. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

This rule identifies fugitive dust emission and control requirements for stationary sources.

Minor changes are being made for clarification and to upgrade citations and facility information within the rule.

9. **Does the rule incorporate material by reference?** Yes
10. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

This rule contains references to the Ohio Administrative Code (OAC). While copies of these rules and statutes are generally available to the public through libraries and on-line sources, including the Ohio EPA website, ORC 121.76 (A) exempts such references from the provisions of ORC 121.71 through 121.75.

11. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Not Applicable

II. Fiscal Analysis

12. **Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

\$0.00

Not Applicable

13. **What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

This rule contains visible emission requirements for emission sources. These rules were originally promulgated in the late 1970's and have been around for 30+ years. The rules in this chapter are intended to assist Ohio in attaining and maintaining the National Ambient Air Quality Standard (NAAQS) for particulate matter and are part of Ohio's State Implementation Plan (SIP). Facilities subject to this rule have already installed controls and/or made process changes to comply with these rules and would not have any new costs of compliance.

If a new facility were required to comply with the rules in this chapter, the cost of compliance varies widely and is facility specific. Costs would range from "no cost" for an option such as work practice standards (lower speed limit on plant roads) to several thousand dollars to install capture and control systems.

14. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No
15. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). Yes
16. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.

Not Applicable

III. Common Sense Initiative (CSI) Questions

17. Was this rule filed with the Common Sense Initiative Office? Yes
18. Does this rule have an adverse impact on business? Yes
 - A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? Yes

An affected facility is required to submit an application for a permit.
 - B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No
 - C. Does this rule require specific expenditures or the report of information as a condition of compliance? No
 - D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No

IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).

19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? No

A. How many new regulatory restrictions do you propose adding to this rule?

Not Applicable

B. How many existing regulatory restrictions do you propose removing from this rule?

Not Applicable

C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.

Not Applicable

D. Please justify the adoption of the new regulatory restriction(s).

Not Applicable

Rule Summary and Fiscal Analysis

Part C - Environmental Rule Questions

Pursuant to Am. Sub. H.B. 106 of the 121st General Assembly, prior to adopting a rule or an amendment to a rule dealing with environmental protection, or containing a component dealing with environmental protection, a state agency shall:

- (1) Consult with organizations that represent political subdivisions, environmental interests, business interests, and other persons affected by the proposed rule or amendment.
- (2) Consider documentation relevant to the need for, the environmental benefits or consequences of, other benefits of, and the technological feasibility of the proposed rule or rule amendment.
- (3) Specifically identify whether the proposed rule or rule amendment is being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal environmental law or to participate in a federal environmental program, whether the proposed rule or rule amendment is more stringent than its federal counterpart, and, if the proposed rule or rule amendment is more stringent, the rationale for not incorporating its federal counterpart.
- (4) Include with the proposed rule or rule amendment and rule summary and fiscal analysis required to be filed with the Joint Committee on Agency Rule Review information relevant to the previously listed requirements.

-
- (A) Were organizations that represent political subdivisions, environmental interests, business interests, and other persons affected by the proposed rule or amendment consulted? Yes**

Please list each contact.

Ohio EPA invited interested parties to comment on these rules and a draft business impact analysis document during the period of January 19, 2023 to February 21, 2023. The rules were made available on Ohio EPA's website, announced to Ohio EPA's electronic interested parties list and Ohio's e-notification system. One comment was received in support of the proposed amendments. A list of interested parties will be furnished upon request.

- (B) Was documentation that is relevant to the need for, the environmental benefits or consequences of, other benefits of, and the technological feasibility of the proposed rule or amendment considered? Yes**

Please list the information provided and attach a copy of each piece of documentation to this form. (A SUMMARY OR INDEX MAY BE ATTACHED IN LIEU OF THE ACTUAL DOCUMENTATION.)

Clean Air Act, Comments from interested parties, LSC Style and Formatting Manual.

- (C) Is the proposed rule or rule amendment being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal environmental law or to participate in a federal environmental program? Yes

Is the proposed rule or rule amendment more stringent than its federal counterpart?
No *Not Applicable*

- (D) If this is a rule amendment that is being adopted under a state statute that establishes standards with which the amendment is to comply, is the proposed rule amendment more stringent than the rule that it is proposing to amend? No

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 3745-17-09

Rule Type: Amendment

Rule Title/Tagline: Restrictions on particulate emissions and odors from incinerators.

Agency Name: Ohio Environmental Protection Agency

Division: Division of Air Pollution Control (DAPC)

Address: 50 West Town Street, Suite 700 PO Box 1049 Columbus OH 43216-1049

Contact: Paul J. Braun **Phone:** 614-644-2270

Email: Paul.Braun@epa.ohio.gov

I. Rule Summary

1. Is this a five year rule review? Yes
 - A. What is the rule's five year review date? 5/24/2023
2. Is this rule the result of recent legislation? No
3. What statute is this rule being promulgated under? 119.03
4. What statute(s) grant rule writing authority? 3704.03(E)
5. What statute(s) does the rule implement or amplify? 3704.03(A), 3704.03(E)
6. Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires? No
 - A. If so, what is the citation to the federal law or rule? Not Applicable
7. What are the reasons for proposing the rule?

This rule is being proposed after a review to fulfill ORC 106.03 (5-year review).
8. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

This rule establishes limitations on particulate emissions and odors from incinerators.

One minor change is being made to remove unnecessary restriction language.

9. **Does the rule incorporate material by reference? Yes**
10. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

This rule contains references to the Ohio Administrative Code (OAC). While copies of these rules and statutes are generally available to the public through libraries and on-line sources, including the Ohio EPA website, ORC 121.76 (A) exempts such references from the provisions of ORC 121.71 through 121.75.

11. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Not Applicable

II. Fiscal Analysis

12. **Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

\$0.00

Not Applicable

13. **What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

This rule contains visible emission requirements for emission sources. These rules were originally promulgated in the late 1970's and have been around for 30+ years. The rules in this chapter are intended to assist Ohio in attaining and maintaining the National Ambient Air Quality Standard (NAAQS) for particulate matter and are part of Ohio's State Implementation Plan (SIP). Facilities subject to this rule have already installed controls and/or made process changes to comply with these rules and would not have any new costs of compliance.

If a new incinerator were required to comply with the rules in this chapter, the cost of compliance varies widely and is facility specific. Costs would range from "no cost"

for an afterburner inherently included with the incinerator to several million dollars to install scrubbing equipment on the incinerator.

14. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No
15. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). Yes
16. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.

Not Applicable

III. Common Sense Initiative (CSI) Questions

17. Was this rule filed with the Common Sense Initiative Office? Yes
18. Does this rule have an adverse impact on business? No
 - A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No
 - B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No
 - C. Does this rule require specific expenditures or the report of information as a condition of compliance? No
 - D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No

IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).

19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes
 - A. How many new regulatory restrictions do you propose adding to this rule? 0

- B. How many existing regulatory restrictions do you propose removing from this rule? 1**

Paragraph (A)(1) (Shall): "This rule (shall apply) applies to any incinerator except those..."

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**

- D. Please justify the adoption of the new regulatory restriction(s).**

Not Applicable

Rule Summary and Fiscal Analysis

Part C - Environmental Rule Questions

Pursuant to Am. Sub. H.B. 106 of the 121st General Assembly, prior to adopting a rule or an amendment to a rule dealing with environmental protection, or containing a component dealing with environmental protection, a state agency shall:

- (1) Consult with organizations that represent political subdivisions, environmental interests, business interests, and other persons affected by the proposed rule or amendment.
- (2) Consider documentation relevant to the need for, the environmental benefits or consequences of, other benefits of, and the technological feasibility of the proposed rule or rule amendment.
- (3) Specifically identify whether the proposed rule or rule amendment is being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal environmental law or to participate in a federal environmental program, whether the proposed rule or rule amendment is more stringent than its federal counterpart, and, if the proposed rule or rule amendment is more stringent, the rationale for not incorporating its federal counterpart.
- (4) Include with the proposed rule or rule amendment and rule summary and fiscal analysis required to be filed with the Joint Committee on Agency Rule Review information relevant to the previously listed requirements.

-
- (A) Were organizations that represent political subdivisions, environmental interests, business interests, and other persons affected by the proposed rule or amendment consulted? Yes**

Please list each contact.

Ohio EPA invited interested parties to comment on these rules and a draft business impact analysis document during the period of January 19, 2023 to February 21, 2023. The rules were made available on Ohio EPA's website, announced to Ohio EPA's electronic interested parties list and Ohio's e-notification system. One comment was received in support of the proposed amendments. A list of interested parties will be furnished upon request.

- (B) Was documentation that is relevant to the need for, the environmental benefits or consequences of, other benefits of, and the technological feasibility of the proposed rule or amendment considered? Yes**

Please list the information provided and attach a copy of each piece of documentation to this form. (A SUMMARY OR INDEX MAY BE ATTACHED IN LIEU OF THE ACTUAL DOCUMENTATION.)

Clean Air Act, Comments from interested parties, LSC Style and Formatting Manual.

- (C) Is the proposed rule or rule amendment being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal environmental law or to participate in a federal environmental program? Yes

Is the proposed rule or rule amendment more stringent than its federal counterpart?
No *Not Applicable*

- (D) If this is a rule amendment that is being adopted under a state statute that establishes standards with which the amendment is to comply, is the proposed rule amendment more stringent than the rule that it is proposing to amend? No

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 3745-17-10

Rule Type: Amendment

Rule Title/Tagline: Restrictions on particulate emissions from fuel burning equipment.

Agency Name: Ohio Environmental Protection Agency

Division: Division of Air Pollution Control (DAPC)

Address: 50 West Town Street, Suite 700 PO Box 1049 Columbus OH 43216-1049

Contact: Paul J. Braun **Phone:** 614-644-2270

Email: Paul.Braun@epa.ohio.gov

I. Rule Summary

1. Is this a five year rule review? Yes
 - A. What is the rule's five year review date? 5/24/2023
2. Is this rule the result of recent legislation? No
3. What statute is this rule being promulgated under? 119.03
4. What statute(s) grant rule writing authority? 3704.03(E)
5. What statute(s) does the rule implement or amplify? 3704.03(A), 3704.03(E)
6. Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires? No
 - A. If so, what is the citation to the federal law or rule? Not Applicable
7. What are the reasons for proposing the rule?

This rule is being proposed after a review to fulfill ORC 106.03 (5-year review).
8. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

This rule establishes emission limitations on particulate emissions from fuel burning equipment.

One minor change is being made to update citations and remove facility specific information for a permanently shutdown facility.

9. **Does the rule incorporate material by reference?** Yes
10. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

This rule contains references to the Ohio Administrative Code (OAC). While copies of these rules and statutes are generally available to the public through libraries and on-line sources, including the Ohio EPA website, ORC 121.76 (A) exempts such references from the provisions of ORC 121.71 through 121.75.

11. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Not Applicable

II. Fiscal Analysis

12. **Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

\$0.00

Not Applicable

13. **What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

This rule contains visible emission requirements for emission sources. These rules were originally promulgated in the late 1970's and have been around for 40+ years. The rules in this chapter are intended to assist Ohio in attaining and maintaining the National Ambient Air Quality Standard (NAAQS) for particulate matter and are part of Ohio's State Implementation Plan (SIP). Facilities subject to this rule have already installed controls and/or made process changes to comply with these rules and would not have any new costs of compliance.

If a new facility were required to comply with the rules in this chapter, the cost of compliance varies widely and is facility specific. Costs would range from "no cost" for an option such as using natural gas as a fuel to several million dollars to install scrubbing equipment on the process exhaust stack.

14. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No
15. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). Yes
16. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.

Not Applicable

III. Common Sense Initiative (CSI) Questions

17. Was this rule filed with the Common Sense Initiative Office? Yes
18. Does this rule have an adverse impact on business? No
 - A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No
 - B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No
 - C. Does this rule require specific expenditures or the report of information as a condition of compliance? No
 - D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No

IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).

19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes

- A. How many new regulatory restrictions do you propose adding to this rule? 0**
- B. How many existing regulatory restrictions do you propose removing from this rule? 2**

Paragraph (C)(6)(a) (Shall): "...47201 County road 273, Conesville, Ohio" (shall not) cause or permit..."

Paragraph (C)(6)(b) (Shall): "...47201 County road 273, Conesville, Ohio" (shall not) cause or permit..."

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**
- D. Please justify the adoption of the new regulatory restriction(s).**

Not Applicable

Rule Summary and Fiscal Analysis

Part C - Environmental Rule Questions

Pursuant to Am. Sub. H.B. 106 of the 121st General Assembly, prior to adopting a rule or an amendment to a rule dealing with environmental protection, or containing a component dealing with environmental protection, a state agency shall:

- (1) Consult with organizations that represent political subdivisions, environmental interests, business interests, and other persons affected by the proposed rule or amendment.
- (2) Consider documentation relevant to the need for, the environmental benefits or consequences of, other benefits of, and the technological feasibility of the proposed rule or rule amendment.
- (3) Specifically identify whether the proposed rule or rule amendment is being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal environmental law or to participate in a federal environmental program, whether the proposed rule or rule amendment is more stringent than its federal counterpart, and, if the proposed rule or rule amendment is more stringent, the rationale for not incorporating its federal counterpart.
- (4) Include with the proposed rule or rule amendment and rule summary and fiscal analysis required to be filed with the Joint Committee on Agency Rule Review information relevant to the previously listed requirements.

-
- (A) Were organizations that represent political subdivisions, environmental interests, business interests, and other persons affected by the proposed rule or amendment consulted? Yes**

Please list each contact.

Ohio EPA invited interested parties to comment on these rules and a draft business impact analysis document during the period of January 19, 2023 to February 21, 2023. The rules were made available on Ohio EPA's website, announced to Ohio EPA's electronic interested parties list and Ohio's e-notification system. One comment was received in support of the proposed amendments. A list of interested parties will be furnished upon request.

- (B) Was documentation that is relevant to the need for, the environmental benefits or consequences of, other benefits of, and the technological feasibility of the proposed rule or amendment considered? Yes**

Please list the information provided and attach a copy of each piece of documentation to this form. (A SUMMARY OR INDEX MAY BE ATTACHED IN LIEU OF THE ACTUAL DOCUMENTATION.)

Clean Air Act, Comments from interested parties, LSC Style and Formatting Manual.

- (C) Is the proposed rule or rule amendment being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal environmental law or to participate in a federal environmental program? Yes

Is the proposed rule or rule amendment more stringent than its federal counterpart?
No *Not Applicable*

- (D) If this is a rule amendment that is being adopted under a state statute that establishes standards with which the amendment is to comply, is the proposed rule amendment more stringent than the rule that it is proposing to amend? No

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 3745-17-11

Rule Type: Amendment

Rule Title/Tagline: Restrictions on particulate emissions from industrial processes.

Agency Name: Ohio Environmental Protection Agency

Division: Division of Air Pollution Control (DAPC)

Address: 50 West Town Street, Suite 700 PO Box 1049 Columbus OH 43216-1049

Contact: Paul J. Braun **Phone:** 614-644-2270

Email: Paul.Braun@epa.ohio.gov

I. Rule Summary

1. Is this a five year rule review? Yes
 - A. What is the rule's five year review date? 5/24/2023
2. Is this rule the result of recent legislation? No
3. What statute is this rule being promulgated under? 119.03
4. What statute(s) grant rule writing authority? 3704.03(E)
5. What statute(s) does the rule implement or amplify? 3704.03(A), 3704.03(E)
6. Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires? No
 - A. If so, what is the citation to the federal law or rule? Not Applicable
7. What are the reasons for proposing the rule?

This rule is being proposed after a review to fulfill ORC 106.03 (5-year review).
8. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

This rule establishes emission limitations on particulate emissions from industrial processes.

Minor changes are being made for clarification, to upgrade citations and facility specific information, and to remove unnecessary restriction language within the rule.

9. **Does the rule incorporate material by reference?** Yes
10. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

This rule contains references to the Ohio Administrative Code (OAC). While copies of these rules and statutes are generally available to the public through libraries and on-line sources, including the Ohio EPA website, ORC 121.76 (A) exempts such references from the provisions of ORC 121.71 through 121.75.

11. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Not Applicable

II. Fiscal Analysis

12. **Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

\$0.00

Not Applicable

13. **What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

This rule contains visible emission requirements for emission sources. These rules were originally promulgated in the late 1970's and have been around for 40+ years. The rules in this chapter are intended to assist Ohio in attaining and maintaining the National Ambient Air Quality Standard (NAAQS) for particulate matter and are part of Ohio's State Implementation Plan (SIP). Facilities subject to this rule have already installed controls and/or made process changes to comply with these rules and would not have any new costs of compliance.

If a new facility were required to comply with the rules in this chapter, the cost of compliance varies widely and is facility specific. Costs would range from \$100 for an airless paint spraying gun to several million dollars to install scrubbing equipment on the process exhaust stack.

14. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No
15. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). Yes
16. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.

Not Applicable

III. Common Sense Initiative (CSI) Questions

17. Was this rule filed with the Common Sense Initiative Office? Yes
18. Does this rule have an adverse impact on business? No
 - A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No
 - B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No
 - C. Does this rule require specific expenditures or the report of information as a condition of compliance? No
 - D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No

IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).

19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes

- A. How many new regulatory restrictions do you propose adding to this rule? 0
- B. How many existing regulatory restrictions do you propose removing from this rule? 1

Paragraph (C)(2)(g) (Shall): "...maintained at the facility and (shall) be made available..."

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.
- D. Please justify the adoption of the new regulatory restriction(s).

Not Applicable

Rule Summary and Fiscal Analysis

Part C - Environmental Rule Questions

Pursuant to Am. Sub. H.B. 106 of the 121st General Assembly, prior to adopting a rule or an amendment to a rule dealing with environmental protection, or containing a component dealing with environmental protection, a state agency shall:

- (1) Consult with organizations that represent political subdivisions, environmental interests, business interests, and other persons affected by the proposed rule or amendment.
- (2) Consider documentation relevant to the need for, the environmental benefits or consequences of, other benefits of, and the technological feasibility of the proposed rule or rule amendment.
- (3) Specifically identify whether the proposed rule or rule amendment is being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal environmental law or to participate in a federal environmental program, whether the proposed rule or rule amendment is more stringent than its federal counterpart, and, if the proposed rule or rule amendment is more stringent, the rationale for not incorporating its federal counterpart.
- (4) Include with the proposed rule or rule amendment and rule summary and fiscal analysis required to be filed with the Joint Committee on Agency Rule Review information relevant to the previously listed requirements.

-
- (A) Were organizations that represent political subdivisions, environmental interests, business interests, and other persons affected by the proposed rule or amendment consulted? Yes**

Please list each contact.

Ohio EPA invited interested parties to comment on these rules and a draft business impact analysis document during the period of January 19, 2023 to February 21, 2023. The rules were made available on Ohio EPA's website, announced to Ohio EPA's electronic interested parties list and Ohio's e-notification system. One comment was received in support of the proposed amendments. A list of interested parties will be furnished upon request.

- (B) Was documentation that is relevant to the need for, the environmental benefits or consequences of, other benefits of, and the technological feasibility of the proposed rule or amendment considered? Yes**

Please list the information provided and attach a copy of each piece of documentation to this form. (A SUMMARY OR INDEX MAY BE ATTACHED IN LIEU OF THE ACTUAL DOCUMENTATION.)

Clean Air Act, Comments from interested parties, LSC Style and Formatting Manual.

- (C) Is the proposed rule or rule amendment being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal environmental law or to participate in a federal environmental program? Yes

Is the proposed rule or rule amendment more stringent than its federal counterpart?
No *Not Applicable*

- (D) If this is a rule amendment that is being adopted under a state statute that establishes standards with which the amendment is to comply, is the proposed rule amendment more stringent than the rule that it is proposing to amend? No

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 3745-17-12

Rule Type: Amendment

Rule Title/Tagline: Additional restrictions on particulate emissions from specific air contaminant sources in Cuyahoga county.

Agency Name: Ohio Environmental Protection Agency

Division: Division of Air Pollution Control (DAPC)

Address: 50 West Town Street, Suite 700 PO Box 1049 Columbus OH 43216-1049

Contact: Paul J. Braun **Phone:** 614-644-2270

Email: Paul.Braun@epa.ohio.gov

I. Rule Summary

1. Is this a five year rule review? Yes
 - A. What is the rule's five year review date? 5/24/2023
2. Is this rule the result of recent legislation? No
3. What statute is this rule being promulgated under? 119.03
4. What statute(s) grant rule writing authority? 3704.03(E)
5. What statute(s) does the rule implement or amplify? 3704.03(A), 3704.03(E)
6. Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires? No
 - A. If so, what is the citation to the federal law or rule? Not Applicable
7. What are the reasons for proposing the rule?

This rule is being proposed after a review to fulfill ORC 106.03 (5-year review).
8. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

This rule establishes emission limitations on particulate emissions from specific air contaminant sources in Cuyahoga county.

Minor changes are being made for clarification, to upgrade citations and facility specific information, remove facility specific information for permanently shut down facilities, and to remove unnecessary restriction language within the rule.

9. **Does the rule incorporate material by reference? Yes**
10. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

This rule contains references to the Ohio Administrative Code (OAC). While copies of these rules and statutes are generally available to the public through libraries and on-line sources, including the Ohio EPA website, ORC 121.76 (A) exempts such references from the provisions of ORC 121.71 through 121.75.

11. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Not Applicable

II. Fiscal Analysis

12. **Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

\$0.00

Not Applicable

13. **What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

This rule contains visible emission requirements for emission sources. These rules were originally promulgated in the late 1970's and have been around for 30+ years. The rules in this chapter are intended to assist Ohio in attaining and maintaining the National Ambient Air Quality Standard (NAAQS) for particulate matter and are part of Ohio's State Implementation Plan (SIP). Facilities subject to this rule have already

installed controls and/or made process changes to comply with these rules and would not have any new costs of compliance.

If a new facility were required to comply with the rules in this chapter, the cost of compliance varies widely and is facility specific. Costs would range from "no cost" for an option such as work practice standards (lower speed limit on plant roads) to several million dollars to install scrubbing equipment on the process exhaust stack.

14. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**
15. **Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). Yes**
16. **If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

This rule contains visible emission requirements for emission sources. These rules were originally promulgated in the late 1970's and have been around for 30+ years. The rules in this chapter are intended to assist Ohio in attaining and maintaining the National Ambient Air Quality Standard (NAAQS) for particulate matter and are part of Ohio's State Implementation Plan (SIP). Facilities subject to this rule have already installed controls and/or made process changes to comply with these rules and would not have any new costs of compliance.

If a new facility were required to comply with the rules in this chapter, the cost of compliance varies widely and is facility specific. Costs would range from "no cost" for an option such as work practice standards (lower speed limit on plant roads) to several million dollars to install scrubbing equipment on the process exhaust stack.

III. Common Sense Initiative (CSI) Questions

17. **Was this rule filed with the Common Sense Initiative Office? Yes**
18. **Does this rule have an adverse impact on business? No**
 - A. **Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No**
 - B. **Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No**

- C. Does this rule require specific expenditures or the report of information as a condition of compliance? No
- D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No

IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).

19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes

- A. How many new regulatory restrictions do you propose adding to this rule? 0
- B. How many existing regulatory restrictions do you propose removing from this rule? 14

Paragraph (G) (Shall): "...3601 Trumbull avenue, Cleveland, Ohio (shall) comply with all ..."

Paragraph (H) (Shall): "...4530 East 71st street, Cuyahoga Heights, Ohio (shall not) cause ..."

Paragraph (K) (Shall): "...1971 Carter road, Cleveland, Ohio (shall not) cause or ..."

Paragraph (L) (Shall): "...4905 Warner road, Garfield Heights, Ohio (shall) comply with all the..."

Paragraph (L)(1) (Shall): "... from this operation (shall) either be ..."

Paragraph (L)(2) (Shall): "...emissions from all stacks (shall not) exceed..."

Paragraph (L)(3) (Shall): "... particulate emissions of fugitivedust (shall not) exceed..."

Paragraph (R) (Shall): "...4730 Warner road, Garfield Heights, Ohio (shall) comply with all the following..."

Paragraph (R)(1) (Shall): "...the particulate emissions (shall not) exceed..."

Paragraph (R)(2) (Shall): "...operating hours (shall not) exceed 0.1 hour ..."

Paragraph (R)(3) (Shall): "...the operating hours (shall not) exceed 3.0 hours..."

Paragraph (R)(4) (Shall): "Daily records (shall) be maintained for the operations ..."

Paragraph (X) (Shall): "...3341 Jennings road, Cleveland, Ohio (shall) comply with all ..."

Paragraph (X)(1) (Shall): "...there (shall) be no visible particulate emissions..."

C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.

D. Please justify the adoption of the new regulatory restriction(s).

Not Applicable

Rule Summary and Fiscal Analysis

Part C - Environmental Rule Questions

Pursuant to Am. Sub. H.B. 106 of the 121st General Assembly, prior to adopting a rule or an amendment to a rule dealing with environmental protection, or containing a component dealing with environmental protection, a state agency shall:

- (1) Consult with organizations that represent political subdivisions, environmental interests, business interests, and other persons affected by the proposed rule or amendment.
- (2) Consider documentation relevant to the need for, the environmental benefits or consequences of, other benefits of, and the technological feasibility of the proposed rule or rule amendment.
- (3) Specifically identify whether the proposed rule or rule amendment is being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal environmental law or to participate in a federal environmental program, whether the proposed rule or rule amendment is more stringent than its federal counterpart, and, if the proposed rule or rule amendment is more stringent, the rationale for not incorporating its federal counterpart.
- (4) Include with the proposed rule or rule amendment and rule summary and fiscal analysis required to be filed with the Joint Committee on Agency Rule Review information relevant to the previously listed requirements.

-
- (A) Were organizations that represent political subdivisions, environmental interests, business interests, and other persons affected by the proposed rule or amendment consulted? Yes**

Please list each contact.

Ohio EPA invited interested parties to comment on these rules and a draft business impact analysis document during the period of January 19, 2023 to February 21, 2023. The rules were made available on Ohio EPA's website, announced to Ohio EPA's electronic interested parties list and Ohio's e-notification system. One comment was received in support of the proposed amendments. A list of interested parties will be furnished upon request.

- (B) Was documentation that is relevant to the need for, the environmental benefits or consequences of, other benefits of, and the technological feasibility of the proposed rule or amendment considered? Yes**

Please list the information provided and attach a copy of each piece of documentation to this form. (A SUMMARY OR INDEX MAY BE ATTACHED IN LIEU OF THE ACTUAL DOCUMENTATION.)

Clean Air Act, Comments from interested parties, LSC Style and Formatting Manual.

- (C) Is the proposed rule or rule amendment being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal environmental law or to participate in a federal environmental program? Yes

Is the proposed rule or rule amendment more stringent than its federal counterpart?
No *Not Applicable*

- (D) If this is a rule amendment that is being adopted under a state statute that establishes standards with which the amendment is to comply, is the proposed rule amendment more stringent than the rule that it is proposing to amend? No

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 3745-17-13

Rule Type: Amendment

Rule Title/Tagline: Additional restrictions on particulate emissions from specific air contaminant sources in Jefferson county.

Agency Name: Ohio Environmental Protection Agency

Division: Division of Air Pollution Control (DAPC)

Address: 50 West Town Street, Suite 700 PO Box 1049 Columbus OH 43216-1049

Contact: Paul J. Braun **Phone:** 614-644-2270

Email: Paul.Braun@epa.ohio.gov

I. Rule Summary

1. Is this a five year rule review? Yes
 - A. What is the rule's five year review date? 5/24/2023
2. Is this rule the result of recent legislation? No
3. What statute is this rule being promulgated under? 119.03
4. What statute(s) grant rule writing authority? 3704.03(E)
5. What statute(s) does the rule implement or amplify? 3704.03(A), 3704.03(E)
6. Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires? No
 - A. If so, what is the citation to the federal law or rule? Not Applicable
7. What are the reasons for proposing the rule?

This rule is being proposed after a review to fulfill ORC 106.03 (5-year review).
8. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

This rule establishes emission limitations on particulate emissions from specific air contaminant sources in Jefferson county.

Minor changes are being made for clarification, to upgrade citations and facility specific information, and to remove unnecessary restriction language within the rule.

9. **Does the rule incorporate material by reference?** Yes
10. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

This rule contains references to the Ohio Administrative Code (OAC). While copies of these rules and statutes are generally available to the public through libraries and on-line sources, including the Ohio EPA website, ORC 121.76 (A) exempts such references from the provisions of ORC 121.71 through 121.75.

11. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Not Applicable

II. Fiscal Analysis

12. **Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

\$0.00

Not Applicable

13. **What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

This rule contains visible emission requirements for emission sources. These rules were originally promulgated in the late 1970's and have been around for 40+ years. The rules in this chapter are intended to assist Ohio in attaining and maintaining the National Ambient Air Quality Standard (NAAQS) for particulate matter and are part of Ohio's State Implementation Plan (SIP). Facilities subject to this rule have already installed controls and/or made process changes to comply with these rules and would not have any new costs of compliance.

If a new facility were required to comply with the rules in this chapter, the cost of compliance varies widely and is facility specific. Costs would range from "no cost" for an option such as work practice standards (lower speed limit on plant roads) to several million dollars to install scrubbing equipment on the process exhaust stack.

14. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No
15. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). Yes
16. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.

Not Applicable

III. Common Sense Initiative (CSI) Questions

17. Was this rule filed with the Common Sense Initiative Office? Yes
18. Does this rule have an adverse impact on business? No
 - A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No
 - B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No
 - C. Does this rule require specific expenditures or the report of information as a condition of compliance? No
 - D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No

IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).

19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes

A. How many new regulatory restrictions do you propose adding to this rule? 0

B. How many existing regulatory restrictions do you propose removing from this rule? 3

Paragraph (D)(2) (Shall): "...serving this source (shall not) exceed 3.5 pounds..."

Paragraph (D)(5) (Shall): "...from the scrubbers serving these sources (shall not) exceed
..."

Paragraph (D)(6) (Shall): "...from the baghouse serving this source (shall not) exceed 3.71 pounds..."

C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.

D. Please justify the adoption of the new regulatory restriction(s).

Not Applicable

Rule Summary and Fiscal Analysis

Part C - Environmental Rule Questions

Pursuant to Am. Sub. H.B. 106 of the 121st General Assembly, prior to adopting a rule or an amendment to a rule dealing with environmental protection, or containing a component dealing with environmental protection, a state agency shall:

- (1) Consult with organizations that represent political subdivisions, environmental interests, business interests, and other persons affected by the proposed rule or amendment.
- (2) Consider documentation relevant to the need for, the environmental benefits or consequences of, other benefits of, and the technological feasibility of the proposed rule or rule amendment.
- (3) Specifically identify whether the proposed rule or rule amendment is being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal environmental law or to participate in a federal environmental program, whether the proposed rule or rule amendment is more stringent than its federal counterpart, and, if the proposed rule or rule amendment is more stringent, the rationale for not incorporating its federal counterpart.
- (4) Include with the proposed rule or rule amendment and rule summary and fiscal analysis required to be filed with the Joint Committee on Agency Rule Review information relevant to the previously listed requirements.

(A) Were organizations that represent political subdivisions, environmental interests, business interests, and other persons affected by the proposed rule or amendment consulted? Yes

Please list each contact.

Ohio EPA invited interested parties to comment on these rules and a draft business impact analysis document during the period of January 19, 2023 to February 21, 2023. The rules were made available on Ohio EPA's website, announced to Ohio EPA's electronic interested parties list and Ohio's e-notification system. One comment was received in support of the proposed amendments. A list of interested parties will be furnished upon request.

(B) Was documentation that is relevant to the need for, the environmental benefits or consequences of, other benefits of, and the technological feasibility of the proposed rule or amendment considered? Yes

Please list the information provided and attach a copy of each piece of documentation to this form. (A SUMMARY OR INDEX MAY BE ATTACHED IN LIEU OF THE ACTUAL DOCUMENTATION.)

Clean Air Act, Comments from interested parties, LSC Style and Formatting Manual.

- (C) Is the proposed rule or rule amendment being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal environmental law or to participate in a federal environmental program? Yes

Is the proposed rule or rule amendment more stringent than its federal counterpart?
No *Not Applicable*

- (D) If this is a rule amendment that is being adopted under a state statute that establishes standards with which the amendment is to comply, is the proposed rule amendment more stringent than the rule that it is proposing to amend? No

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 3745-17-14

Rule Type: Amendment

Rule Title/Tagline: Contingency plan requirements for Cuyahoga and Jefferson counties.

Agency Name: Ohio Environmental Protection Agency

Division: Division of Air Pollution Control (DAPC)

Address: 50 West Town Street, Suite 700 PO Box 1049 Columbus OH 43216-1049

Contact: Paul J. Braun **Phone:** 614-644-2270

Email: Paul.Braun@epa.ohio.gov

I. Rule Summary

1. Is this a five year rule review? Yes
 - A. What is the rule's five year review date? 5/24/2023
2. Is this rule the result of recent legislation? No
3. What statute is this rule being promulgated under? 119.03
4. What statute(s) grant rule writing authority? 3704.03(E)
5. What statute(s) does the rule implement or amplify? 3704.03(A), 3704.03(E)
6. Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires? No
 - A. If so, what is the citation to the federal law or rule? Not Applicable
7. What are the reasons for proposing the rule?

This rule is being proposed after a review to fulfill ORC 106.03 (5-year review).
8. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

This rule establishes contingency plan requirements for Cuyahoga and Jefferson counties.

Minor changes are being made for clarification, to upgrade citations and facility specific information, and to remove unnecessary restriction language within the rule.

9. **Does the rule incorporate material by reference?** Yes
10. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

This rule contains references to the Ohio Administrative Code (OAC). While copies of these rules and statutes are generally available to the public through libraries and on-line sources, including the Ohio EPA website, ORC 121.76 (A) exempts such references from the provisions of ORC 121.71 through 121.75.

11. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Not Applicable

II. Fiscal Analysis

12. **Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

\$0.00

Not Applicable

13. **What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

This rule contains visible emission requirements for emission sources. These rules were originally promulgated in the late 1970's and have been around for 40+ years. The rules in this chapter are intended to assist Ohio in attaining and maintaining the National Ambient Air Quality Standard (NAAQS) for particulate matter and are part of Ohio's State Implementation Plan (SIP). Facilities subject to this rule have already installed controls and/or made process changes to comply with these rules and would not have any new costs of compliance.

If a new facility were required to comply with the rules in this chapter, the cost of compliance varies widely and is facility specific. Costs would range from "no cost" for an option such as work practice standards (lower speed limit on plant roads) to several million dollars to install scrubbing equipment on the process exhaust stack.

14. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No
15. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). Yes
16. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.

Not Applicable

III. Common Sense Initiative (CSI) Questions

17. Was this rule filed with the Common Sense Initiative Office? Yes
18. Does this rule have an adverse impact on business? No
 - A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No
 - B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No
 - C. Does this rule require specific expenditures or the report of information as a condition of compliance? No
 - D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No

IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).

19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes

- A. How many new regulatory restrictions do you propose adding to this rule? 0**
- B. How many existing regulatory restrictions do you propose removing from this rule? 2**

Paragraph (A)(1) (Shall): "Contain control strategies (shall be) capable of reducing the ..."

Paragraph (E) (Shall): "For purposes of this rule, PM10 (shall be) is defined and..."

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**
- D. Please justify the adoption of the new regulatory restriction(s).**

Not Applicable

Rule Summary and Fiscal Analysis

Part C - Environmental Rule Questions

Pursuant to Am. Sub. H.B. 106 of the 121st General Assembly, prior to adopting a rule or an amendment to a rule dealing with environmental protection, or containing a component dealing with environmental protection, a state agency shall:

- (1) Consult with organizations that represent political subdivisions, environmental interests, business interests, and other persons affected by the proposed rule or amendment.
- (2) Consider documentation relevant to the need for, the environmental benefits or consequences of, other benefits of, and the technological feasibility of the proposed rule or rule amendment.
- (3) Specifically identify whether the proposed rule or rule amendment is being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal environmental law or to participate in a federal environmental program, whether the proposed rule or rule amendment is more stringent than its federal counterpart, and, if the proposed rule or rule amendment is more stringent, the rationale for not incorporating its federal counterpart.
- (4) Include with the proposed rule or rule amendment and rule summary and fiscal analysis required to be filed with the Joint Committee on Agency Rule Review information relevant to the previously listed requirements.

-
- (A) Were organizations that represent political subdivisions, environmental interests, business interests, and other persons affected by the proposed rule or amendment consulted? Yes**

Please list each contact.

Ohio EPA invited interested parties to comment on these rules and a draft business impact analysis document during the period of January 19, 2023 to February 21, 2023. The rules were made available on Ohio EPA's website, announced to Ohio EPA's electronic interested parties list and Ohio's e-notification system. One comment was received in support of the proposed amendments. A list of interested parties will be furnished upon request.

- (B) Was documentation that is relevant to the need for, the environmental benefits or consequences of, other benefits of, and the technological feasibility of the proposed rule or amendment considered? Yes**

Please list the information provided and attach a copy of each piece of documentation to this form. (A SUMMARY OR INDEX MAY BE ATTACHED IN LIEU OF THE ACTUAL DOCUMENTATION.)

Clean Air Act, Comments from interested parties, LSC Style and Formatting Manual.

Article III
Attachment D
JCARR Agenda

JOINT COMMITTEE ON AGENCY RULE REVIEW
Agenda - 7/20/2023 - 1:30 PM
Statehouse Hearing Room 121(William McKinley Room)



FINAL REGULAR AGENDA

FINAL REGULAR AGENDA

1 Bureau of Workers' Compensation •

Total Rules: 1 Original Filing Date: 6/2/2023

Jurisdiction Ends: 8/6/2023

Public Hearing: 7/6/2023

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	Yes	No	4123-6-37.2	Payment of hospital outpatient services.

2 Department of Commerce • Board of Building Standards: Ohio Building Code

Total Rules: 20 Original Filing Date: 5/19/2023

Jurisdiction Ends: 7/23/2023

Public Hearing: 6/23/2023

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Rescission	Original Filing	Yes	Yes	4101:1-1-01	Administration.
Rescission	Original Filing	Yes	Yes	4101:1-2-01	Definitions.
Rescission	Original Filing	Yes	Yes	4101:1-3-01	Use and occupancy classification.
Rescission	Original Filing	Yes	Yes	4101:1-4-01	Special detailed requirements based on use and occupancy.
Rescission	Original Filing	Yes	Yes	4101:1-5-01	General building heights and areas.
Rescission	Original Filing	Yes	Yes	4101:1-6-01	Types of construction.
Rescission	Original Filing	Yes	Yes	4101:1-7-01	Fire and smoke protection features.
Rescission	Original Filing	Yes	Yes	4101:1-8-01	Interior finishes.
Rescission	Original Filing	Yes	Yes	4101:1-9-01	Fire protection systems.
Rescission	Original Filing	Yes	Yes	4101:1-10-01	Means of egress.
Rescission	Original Filing	Yes	Yes	4101:1-11-01	Accessibility.
Rescission	Original Filing	Yes	Yes	4101:1-12-01	Interior environment.
Rescission	Original Filing	Yes	Yes	4101:1-13-01	Energy efficiency.
Rescission	Original Filing	Yes	Yes	4101:1-14-01	Exterior walls.
Rescission	Original Filing	Yes	Yes	4101:1-15-01	Roof assemblies and rooftop structures.
Rescission	Original Filing	Yes	Yes	4101:1-16-01	Structural design.
Rescission	Original Filing	Yes	Yes	4101:1-17-01	Special inspections and tests.

Click on the rule number in blue above to view the rule in its entirety on the *Register of Ohio* website.

FINAL REGULAR AGENDA

JOINT COMMITTEE ON AGENCY RULE REVIEW
7/20/2023 - 1:30 PM
Statehouse Hearing Room 121(William McKinley Room)

FINAL REGULAR AGENDA

Rescission	Original Filing	Yes	Yes	4101:1-18-01	Soils and foundations.
Rescission	Original Filing	Yes	Yes	4101:1-19-01	Concrete.
Rescission	Original Filing	Yes	Yes	4101:1-20-01	Aluminum.

3 Department of Commerce • Board of Building Standards: Ohio Building Code

Total Rules: 15 Original Filing Date: 5/19/2023

Jurisdiction Ends: 7/23/2023

Public Hearing: 6/23/2023

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Rescission	Original Filing	Yes	Yes	4101:1-21-01	Masonry.
Rescission	Original Filing	Yes	Yes	4101:1-22-01	Steel.
Rescission	Original Filing	Yes	Yes	4101:1-23-01	Wood.
Rescission	Original Filing	Yes	Yes	4101:1-24-01	Glass and glazing.
Rescission	Original Filing	Yes	Yes	4101:1-25-01	Gypsum board, gypsum panel products and plaster.
Rescission	Original Filing	Yes	Yes	4101:1-26-01	Plastic.
Rescission	Original Filing	Yes	Yes	4101:1-27-01	Electrical.
Rescission	Original Filing	Yes	Yes	4101:1-28-01	Mechanical systems.
Rescission	Original Filing	Yes	Yes	4101:1-29-01	Plumbing systems.
Rescission	Original Filing	Yes	Yes	4101:1-30-01	Elevators and conveying systems.
Rescission	Original Filing	Yes	Yes	4101:1-31-01	Special construction.
Rescission	Original Filing	Yes	Yes	4101:1-32-01	Encroachments into the public right-of-way.
Rescission	Original Filing	Yes	Yes	4101:1-33-01	Safeguards during construction.
Rescission	Original Filing	Yes	Yes	4101:1-34-01	Existing buildings and structures.
Rescission	Original Filing	Yes	Yes	4101:1-35-01	Referenced standards.

4 Department of Commerce • Board of Building Standards: Ohio Building Code

Total Rules: 13 Original Filing Date: 5/19/2023

Jurisdiction Ends: 7/23/2023

Public Hearing: 6/23/2023

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
New Rule	Original Filing	Yes	No	4101:1-21-01	Masonry.
New Rule	Original Filing	Yes	No	4101:1-22-01	Steel.
New Rule	Original Filing	Yes	No	4101:1-23-01	Wood.
New Rule	Original Filing	Yes	No	4101:1-24-01	Glass and glazing.
New Rule	Original Filing	Yes	No	4101:1-25-01	Gypsum board, gypsum panel products and plaster.
New Rule	Original Filing	Yes	No	4101:1-26-01	Plastic.

Click on the rule number in blue above to view the rule in its entirety on the *Register of Ohio* website.

New Rule	Original Filing	Yes	No	4101:1-27-01	Electrical.	
New Rule	Original Filing	Yes	No	4101:1-28-01	Mechanical systems.	
New Rule	Original Filing	Yes	No	4101:1-29-01	Plumbing systems.	
New Rule	Original Filing	Yes	No	4101:1-31-01	Special construction.	
New Rule	Original Filing	Yes	No	4101:1-32-01	Encroachments into the public right-of-way.	
New Rule	Original Filing	Yes	No	4101:1-33-01	Safeguards during construction.	
New Rule	Original Filing	Yes	No	4101:1-34-01	Existing buildings.	
Total Rules: 1		Original Filing Date: 5/19/2023		Date of Revised Filing: 6/14/2023	Jurisdiction Ends: 7/23/2023	Public Hearing: 6/23/2023
<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>	
New Rule	Revised Filing	Yes	No	4101:1-30-01	Elevators and conveying systems.	
Total Rules: 1		Original Filing Date: 5/19/2023		Date of Revised Filing: 6/22/2023	Jurisdiction Ends: 7/23/2023	Public Hearing: 6/23/2023
<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>	
New Rule	Revised Filing	Yes	No	4101:1-35-01	Referenced standards.	

5 Department of Commerce • Board of Building Standards: Ohio Building Code

Total Rules: 18		Original Filing Date: 5/19/2023			Jurisdiction Ends: 7/23/2023	Public Hearing: 6/23/2023
<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>	
New Rule	Original Filing	Yes	No	4101:1-2-01	Definitions.	
New Rule	Original Filing	Yes	No	4101:1-3-01	Occupancy classification and use.	
New Rule	Original Filing	Yes	No	4101:1-4-01	Special detailed requirements based on occupancy and use.	
New Rule	Original Filing	Yes	No	4101:1-5-01	General building heights and areas.	
New Rule	Original Filing	Yes	No	4101:1-6-01	Types of construction.	
New Rule	Original Filing	Yes	No	4101:1-7-01	Fire and smoke protection features.	
New Rule	Original Filing	Yes	No	4101:1-8-01	Interior finishes.	
New Rule	Original Filing	Yes	No	4101:1-9-01	Fire protection and life safety systems.	
New Rule	Original Filing	Yes	No	4101:1-10-01	Means of egress.	
New Rule	Original Filing	Yes	No	4101:1-11-01	Accessibility.	
New Rule	Original Filing	Yes	No	4101:1-12-01	Interior environment.	
New Rule	Original Filing	Yes	No	4101:1-13-01	Energy efficiency.	
New Rule	Original Filing	Yes	No	4101:1-14-01	Exterior walls.	

Click on the rule number in blue above to view the rule in its entirety on the *Register of Ohio* website.

New Rule	Original Filing	Yes	No	4101:1-15-01	Roof assemblies and rooftop structures.	
New Rule	Original Filing	Yes	No	4101:1-16-01	Structural design.	
New Rule	Original Filing	Yes	No	4101:1-17-01	Special inspections and tests.	
New Rule	Original Filing	Yes	No	4101:1-18-01	Soils and foundations.	
New Rule	Original Filing	Yes	No	4101:1-20-01	Aluminum.	
Total Rules: 2		Original Filing Date: 5/19/2023		Date of Revised Filing: 6/22/2023	Jurisdiction Ends: 7/23/2023	Public Hearing: 6/23/2023
<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>	
New Rule	Revised Filing	Yes	No	4101:1-1-01	Administration.	
New Rule	Revised Filing	Yes	No	4101:1-19-01	Concrete.	

6 Department of Commerce • Board of Building Standards: Ohio Mechanical Code

Total Rules: 15		Original Filing Date: 5/19/2023		Jurisdiction Ends: 7/23/2023		Public Hearing: 6/23/2023
<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>	
Rescission	Original Filing	Yes	Yes	4101:2-1-01	Administration.	
Rescission	Original Filing	Yes	Yes	4101:2-2-01	Definitions.	
Rescission	Original Filing	Yes	Yes	4101:2-3-01	General regulations.	
Rescission	Original Filing	Yes	Yes	4101:2-4-01	Ventilation.	
Rescission	Original Filing	Yes	Yes	4101:2-5-01	Exhaust systems.	
Rescission	Original Filing	Yes	Yes	4101:2-6-01	Duct systems.	
Rescission	Original Filing	Yes	Yes	4101:2-7-01	Combustion air.	
Rescission	Original Filing	Yes	Yes	4101:2-8-01	Chimneys and vents.	
Rescission	Original Filing	Yes	Yes	4101:2-9-01	Specific appliances, fireplaces and solid fuel-burning equipment.	
Rescission	Original Filing	Yes	Yes	4101:2-10-01	Boilers, water heaters and pressure vessels.	
Rescission	Original Filing	Yes	Yes	4101:2-11-01	Refrigeration.	
Rescission	Original Filing	Yes	Yes	4101:2-12-01	Hydronic piping.	
Rescission	Original Filing	Yes	Yes	4101:2-13-01	Fuel oil piping and storage.	
Rescission	Original Filing	Yes	Yes	4101:2-14-01	Solar systems.	
Rescission	Original Filing	Yes	Yes	4101:2-15-01	Referenced standards.	

7 Department of Commerce • Board of Building Standards: Ohio Mechanical Code

Total Rules: 15		Original Filing Date: 5/19/2023		Jurisdiction Ends: 7/23/2023		Public Hearing: 6/23/2023
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<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
New Rule	Original Filing	Yes	No	4101:2-1-01	Administration.
New Rule	Original Filing	Yes	No	4101:2-2-01	Definitions.
New Rule	Original Filing	Yes	No	4101:2-3-01	General regulations.
New Rule	Original Filing	Yes	No	4101:2-4-01	Ventilation.
New Rule	Original Filing	Yes	No	4101:2-5-01	Exhaust systems.
New Rule	Original Filing	Yes	No	4101:2-6-01	Duct systems.
New Rule	Original Filing	Yes	No	4101:2-7-01	Combustion air.
New Rule	Original Filing	Yes	No	4101:2-8-01	Chimneys and vents.
New Rule	Original Filing	Yes	No	4101:2-9-01	Specific appliances, fireplaces and solid fuel-burning equipment.
New Rule	Original Filing	Yes	No	4101:2-10-01	Boilers, water heaters and pressure vessels.
New Rule	Original Filing	Yes	No	4101:2-11-01	Refrigeration.
New Rule	Original Filing	Yes	No	4101:2-12-01	Hydronic piping.
New Rule	Original Filing	Yes	No	4101:2-13-01	Fuel oil piping and storage.
New Rule	Original Filing	Yes	No	4101:2-14-01	Solar thermal systems.
New Rule	Original Filing	Yes	No	4101:2-15-01	Referenced standards.

8 Department of Commerce • Board of Building Standards: Ohio Plumbing Code

Total Rules: 15 Original Filing Date: 5/19/2023

Jurisdiction Ends: 7/23/2023

Public Hearing: 6/23/2023

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Rescission	Original Filing	Yes	Yes	4101:3-1-01	Administration.
Rescission	Original Filing	Yes	Yes	4101:3-2-01	Definitions.
Rescission	Original Filing	Yes	Yes	4101:3-3-01	General regulations.
Rescission	Original Filing	Yes	Yes	4101:3-4-01	Fixtures, faucets and fixture fittings.
Rescission	Original Filing	Yes	Yes	4101:3-5-01	Water heaters.
Rescission	Original Filing	Yes	Yes	4101:3-6-01	Water supply and distribution.
Rescission	Original Filing	Yes	Yes	4101:3-7-01	Sanitary drainage.
Rescission	Original Filing	Yes	Yes	4101:3-8-01	Indirect/special waste.
Rescission	Original Filing	Yes	Yes	4101:3-9-01	Vents.
Rescission	Original Filing	Yes	Yes	4101:3-10-01	Traps, interceptors and separators.
Rescission	Original Filing	Yes	Yes	4101:3-11-01	Storm drainage.

Click on the rule number in blue above to view the rule in its entirety on the *Register of Ohio* website.

Rescission	Original Filing	Yes	Yes	4101:3-12-01	Special piping and storage systems.
Rescission	Original Filing	Yes	Yes	4101:3-13-01	Nonpotable water systems.
Rescission	Original Filing	Yes	Yes	4101:3-14-01	Subsurface landscape irrigation systems.
Rescission	Original Filing	Yes	Yes	4101:3-15-01	Referenced standards.

9 Department of Commerce • Board of Building Standards: Ohio Plumbing Code

Total Rules: 15 Original Filing Date: 5/19/2023

Jurisdiction Ends: 7/23/2023

Public Hearing: 6/23/2023

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
New Rule	Original Filing	Yes	No	4101:3-1-01	Administration.
New Rule	Original Filing	Yes	No	4101:3-2-01	Definitions.
New Rule	Original Filing	Yes	No	4101:3-3-01	General regulations.
New Rule	Original Filing	Yes	No	4101:3-4-01	Fixtures, faucets and fixture fittings.
New Rule	Original Filing	Yes	No	4101:3-5-01	Water heaters.
New Rule	Original Filing	Yes	No	4101:3-6-01	Water supply and distribution.
New Rule	Original Filing	Yes	No	4101:3-7-01	Sanitary drainage.
New Rule	Original Filing	Yes	No	4101:3-8-01	Indirect/special waste.
New Rule	Original Filing	Yes	No	4101:3-9-01	Vents.
New Rule	Original Filing	Yes	No	4101:3-10-01	Traps, interceptors and separators.
New Rule	Original Filing	Yes	No	4101:3-11-01	Storm drainage.
New Rule	Original Filing	Yes	No	4101:3-12-01	Special piping and storage systems.
New Rule	Original Filing	Yes	No	4101:3-13-01	Nonpotable water systems.
New Rule	Original Filing	Yes	No	4101:3-14-01	Subsurface graywater soil absorption systems.
New Rule	Original Filing	Yes	No	4101:3-15-01	Referenced standards.

10 Department of Developmental Disabilities • Community Services

Total Rules: 1 Original Filing Date: 2/8/2023

Date of Refiled Filing: 7/3/2023

Jurisdiction Ends: 8/2/2023

Public Hearing: 3/16/2023

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Rescission	Refiled Filing	Yes	Yes	5123:2-7-29	Intermediate care facilities for individuals with intellectual disabilities - ventilator services.

11 Department of Developmental Disabilities •

Total Rules: 1 Original Filing Date: 2/8/2023

Date of Refiled Filing: 7/3/2023

Jurisdiction Ends: 8/2/2023

Public Hearing: 3/16/2023

FINAL REGULAR AGENDA

JOINT COMMITTEE ON AGENCY RULE REVIEW
7/20/2023 - 1:30 PM
Statehouse Hearing Room 121(William McKinley Room)

FINAL REGULAR AGENDA

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
New Rule	Refiled Filing	Yes	No	5123-7-29	Intermediate care facilities for individuals with intellectual disabilities - ventilator services.

12 Department of Education •

Total Rules: 1 Original Filing Date: 6/2/2023

Jurisdiction Ends: 8/6/2023

Public Hearing: 7/11/2023

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	No	Yes	3301-24-06	Professional development.

13 Department of Health • Radiation Control

Total Rules: 1 Original Filing Date: 5/26/2023

Jurisdiction Ends: 7/30/2023

Public Hearing: 6/29/2023

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	Yes	No	3701:1-43-15	Unrestricted use and conditional release.

14 Department of Job and Family Services • Division of Social Services

Total Rules: 2 Original Filing Date: 5/19/2023

Jurisdiction Ends: 7/23/2023

Public Hearing: 6/27/2023

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	No	Yes	5101:2-40-04	Kinship permanency incentive (KPI) program.

New Rule	Original Filing	No	No	5101:2-44-15	Administration and eligibility for the Ohio adoption grant program.
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Total Rules: 2 Original Filing Date: 5/19/2023 Date of Revised Filing: 6/6/2023 Jurisdiction Ends: 7/23/2023 Public Hearing: 6/27/2023

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Revised Filing	Yes	Yes	5101:2-44-06	Eligibility for the state adoption maintenance subsidy program.
Amendment	Revised Filing	No	Yes	5101:2-44-08	Redetermination and amendment of a state adoption maintenance subsidy.

15 Department of Job and Family Services • Division of Social Services

Total Rules: 1 Original Filing Date: 5/22/2023

Jurisdiction Ends: 7/26/2023

Public Hearing: 6/27/2023

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	Yes	Yes	5101:2-42-65.1	Exit interviews when a child in custody leaves an out of home placement.

16 Department of Job and Family Services • Division of Social Services

Total Rules: 1 Original Filing Date: 5/19/2023

Date of Revised Filing: 6/6/2023

Jurisdiction Ends: 7/23/2023

Public Hearing: 6/27/2023

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Revised Filing	Yes	Yes	5101:2-42-88	Requirements when a child in substitute care disrupts from placement or is absent without leave (AWOL).

Click on the rule number in blue above to view the rule in its entirety on the *Register of Ohio* website.

17 Department of Job and Family Services - Unemployment Compensation •

Total Rules: 3 Original Filing Date: 5/19/2023

Jurisdiction Ends: 7/23/2023 Public Hearing: 6/22/2023

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Rescission	Original Filing	Yes	Yes	4141-9-06	Reporting of weeks by institutions of higher education and educational institutions.
New Rule	Original Filing	Yes	No	4141-9-06	Reporting of weeks by employers.
Rescission	Original Filing	Yes	Yes	4141-9-07	Weeks to be reported.

18 Department of Mental Health and Addiction Services •

Total Rules: 3 Original Filing Date: 5/17/2023

Jurisdiction Ends: 7/21/2023 Public Hearing: 6/22/2023

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	No	Yes	5122-2-04	Client complaint and grievance procedure for regional psychiatric hospital inpatient services.
Amendment	Original Filing	No	Yes	5122-7-02	Client rights within regional psychiatric hospitals.
Amendment	Original Filing	No	Yes	5122-22-01	Trusts for supplemental services.

19 Department of Natural Resources • Division of Wildlife

Total Rules: 1 Original Filing Date: 6/2/2023

Date of Revised Filing: 6/2/2023

Jurisdiction Ends: 8/6/2023

Public Hearing: 7/5/2023

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Revised Filing	No	Yes	1501:31-15-17	Seasons for game birds, game quadrupeds and furbearing animals.

20 Department of Public Safety •

Total Rules: 1 Original Filing Date: 6/7/2023

Jurisdiction Ends: 8/11/2023

Public Hearing: 7/17/2023

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	No	Yes	4501-31-01	Reports of motor vehicle accidents.

21 Ohio Department of Medicaid • Eligibility

Total Rules: 1 Original Filing Date: 6/8/2023

Jurisdiction Ends: 8/12/2023

Public Hearing:

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	Yes	Yes	5160:1-2-13	Medicaid: presumptive eligibility.

22 Ohio Department of Medicaid •

Total Rules: 1 Original Filing Date: 6/5/2023

Jurisdiction Ends: 8/9/2023

Public Hearing: 7/6/2023

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
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Click on the rule number in blue above to view the rule in its entirety on the *Register of Ohio* website.

Amendment Original Filing No Yes [5160-2-01](#) Eligible providers.

23 Ohio Department of Medicaid •

Total Rules: 3 Original Filing Date: 6/5/2023

Jurisdiction Ends: 8/9/2023 Public Hearing: 7/6/2023

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	No	Yes	5160-31-03	Eligibility for enrollment in the PASSPORT HCBS waiver program.
Amendment	Original Filing	No	Yes	5160-33-03	Eligibility for the medicaid funded component of the assisted living program.
Amendment	Original Filing	No	Yes	5160-46-02	Ohio home care waiver program: eligibility and enrollment.

24 Ohio Environmental Protection Agency •

Total Rules: 3 Original Filing Date: 5/25/2023

Jurisdiction Ends: 7/29/2023 Public Hearing: 6/29/2023

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Rescission	Original Filing	Yes	Yes	3745-49-53	Definitions - alternative fuel vehicles.
Rescission	Original Filing	Yes	Yes	3745-49-54	Permitted uses, eligibility, and prioritization.
Rescission	Original Filing	Yes	Yes	3745-49-55	Grant administration.

25 Ohio Environmental Protection Agency •

Total Rules: 28 Original Filing Date: 5/26/2023

Jurisdiction Ends: 7/30/2023 Public Hearing: 6/29/2023

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	Yes	Yes	3745-103-01	Definitions and reference to materials.
Amendment	Original Filing	Yes	Yes	3745-103-02	Applicability.
Amendment	Original Filing	Yes	Yes	3745-103-03	New units exemption.
Amendment	Original Filing	Yes	Yes	3745-103-04	Retired units exemption.
Amendment	Original Filing	Yes	Yes	3745-103-05	Standard requirements.
Amendment	Original Filing	Yes	Yes	3745-103-06	Designated representative.
Amendment	Original Filing	Yes	Yes	3745-103-07	Acid rain permit applications.
Amendment	Original Filing	Yes	Yes	3745-103-08	Permit application shield and binding effect of permit application.
Amendment	Original Filing	Yes	Yes	3745-103-15	Permit revisions.
Amendment	Original Filing	Yes	Yes	3745-103-17	Fast-track modifications.
Amendment	Original Filing	Yes	Yes	3745-103-20	Permit reopenings.
Amendment	Original Filing	Yes	Yes	3745-103-24	Opt-in relationship to the acid rain program requirements.
Amendment	Original Filing	Yes	Yes	3745-103-25	Opt-in designated representative.

FINAL REGULAR AGENDA

JOINT COMMITTEE ON AGENCY RULE REVIEW
7/20/2023 - 1:30 PM
Statehouse Hearing Room 121(William McKinley Room)

FINAL REGULAR AGENDA

Amendment	Original Filing	Yes	Yes	3745-103-27	Opt-in permit contents.
Amendment	Original Filing	Yes	Yes	3745-103-28	Opt-in permit process.
Amendment	Original Filing	Yes	Yes	3745-103-31	Opt-in withdrawal.
Amendment	Original Filing	Yes	Yes	3745-103-32	Revision and renewal of opt-in permit.
Amendment	Original Filing	Yes	Yes	3745-103-33	Opt-in data for baseline and alternative baseline.
Amendment	Original Filing	Yes	Yes	3745-103-34	Actual SO2 emissions rate.
Amendment	Original Filing	Yes	Yes	3745-103-35	1985 allowable SO2 emissions rate.
Amendment	Original Filing	Yes	Yes	3745-103-38	Opt-in allocation formula.
Amendment	Original Filing	Yes	Yes	3745-103-39	Allowance allocation for combustion sources becoming opt-in sources on a date other than January first.
Amendment	Original Filing	Yes	Yes	3745-103-41	Establishment of opt-in source allowance accounts.
Amendment	Original Filing	Yes	Yes	3745-103-45	Reduced utilization for combustion sources.
Amendment	Original Filing	Yes	Yes	3745-103-48	Transfer of allowances from the replacement of thermal energy; combustion sources.
Amendment	Original Filing	Yes	Yes	3745-103-56	General acid rain program provisions.
Amendment	Original Filing	Yes	Yes	3745-103-60	Early election for group one, phase II boilers.
Amendment	Original Filing	Yes	Yes	3745-103-62	Alternative emission limitations.

26 Ohio Environmental Protection Agency •

Total Rules: 11 Original Filing Date: 5/24/2023

Jurisdiction Ends: 7/28/2023 Public Hearing: 6/27/2023

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	Yes	Yes	3745-17-01	Definitions.
Amendment	Original Filing	Yes	Yes	3745-17-03	Measurement methods and procedures.
Amendment	Original Filing	Yes	Yes	3745-17-04	Compliance time schedules.
Amendment	Original Filing	Yes	Yes	3745-17-07	Control of visible particulate emissions from stationary sources.
Amendment	Original Filing	Yes	Yes	3745-17-08	Restriction of emission of fugitive dust.
Amendment	Original Filing	Yes	Yes	3745-17-09	Restrictions on particulate emissions and odors from incinerators.
Amendment	Original Filing	Yes	Yes	3745-17-10	Restrictions on particulate emissions from fuel burning equipment.
Amendment	Original Filing	Yes	Yes	3745-17-11	Restrictions on particulate emissions from industrial processes.
Amendment	Original Filing	Yes	Yes	3745-17-12	Additional restrictions on particulate emissions from specific air contaminant sources in Cuyahoga county.

Click on the rule number in blue above to view the rule in its entirety on the *Register of Ohio* website.

Amendment	Original Filing	Yes	Yes	3745-17-13	Additional restrictions on particulate emissions from specific air contaminant sources in Jefferson county.
Amendment	Original Filing	Yes	Yes	3745-17-14	Contingency plan requirements for Cuyahoga and Jefferson counties.
27 <u>Ohio Environmental Protection Agency •</u>					
Total Rules:	2	Original Filing Date: 5/24/2023		Jurisdiction Ends: 7/28/2023 Public Hearing: 6/27/2023	
<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	Yes	No	3745-21-09	Control of emissions of volatile organic compounds from stationary sources and perchloroethylene from dry cleaning facilities.
Amendment	Original Filing	Yes	No	3745-21-26	Surface coating of miscellaneous metal and plastic parts.
28 <u>Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board • Athletic Trainers</u>					
Total Rules:	1	Original Filing Date: 5/1/2023		Date of Refiled Filing: 6/22/2023	Jurisdiction Ends: 7/22/2023 Public Hearing: 6/6/2023
<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
New Rule	Refiled Filing	Yes	No	4755:3-3-01	Continuing education.
29 <u>Ohio Public Defender Commission •</u>					
Total Rules:	1	Original Filing Date: 5/31/2023		Jurisdiction Ends: 8/4/2023 Public Hearing:	
<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	No	No	120-1-10	Appointment systems and attorney qualifications.
30 <u>Opportunities for Ohioans with Disabilities •</u>					
Total Rules:	1	Original Filing Date: 6/2/2023		Date of Revised Filing: 7/7/2023	Jurisdiction Ends: 8/6/2023 Public Hearing: 7/5/2023
<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Revised Filing	No	No	3304-2-52	Least cost, use of comparable benefits, participant contribution, and fees for services.
31 <u>Opportunities for Ohioans with Disabilities •</u>					
Total Rules:	1	Original Filing Date: 6/2/2023		Jurisdiction Ends: 8/6/2023 Public Hearing: 7/5/2023	
<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	No	No	3304-2-58	College, occupational, and vocational training.
32 <u>State Board of Pharmacy • Pharmacy Technicians</u>					
Total Rules:	1	Original Filing Date: 3/8/2023		Date of Refiled Filing: 6/30/2023	Jurisdiction Ends: 7/30/2023 Public Hearing: 4/11/2023
<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>

Click on the rule number in blue above to view the rule in its entirety on the *Register of Ohio* website.

New Rule Refiled Filing Yes No [4729:3-3-06](#) Immunization administration.

33 State Chiropractic Board •

Total Rules: 1 Original Filing Date: 4/24/2023 Date of Refiled Filing: 6/28/2023 Jurisdiction Ends: 7/28/2023 Public Hearing: 5/31/2023

Rule Type Action CSI FYR Rule Number Rule Title

New Rule Refiled Filing Yes No [4734-8-10](#) Telehealth.

34 Treasurer of State •

Total Rules: 11 Original Filing Date: 2/2/2023 Date of Refiled Filing: 6/28/2023 Jurisdiction Ends: 7/28/2023 Public Hearing: 3/9/2023

Rule Type Action CSI FYR Rule Number Rule Title

Amendment Refiled Filing No Yes [113-40-01](#) Definitionsand public records.

Amendment Refiled Filing No Yes [113-40-02](#) Requirements for a financial institution.

Rescission Refiled Filing No Yes [113-40-03](#) Reduced collateral floor application.

New Rule Refiled Filing No No [113-40-03](#) Reduced collateral floor application and maintenance criteria.

Rescission Refiled Filing No Yes [113-40-04](#) Reduced collateral floor criteria.

New Rule Refiled Filing No No [113-40-04](#) Bank monitoring and economic monitoring.

Rescission Refiled Filing No Yes [113-40-05](#) Bank monitoring and economic monitoring.

New Rule Refiled Filing No No [113-40-05](#) Collateral sufficiency.

Rescission Refiled Filing No Yes [113-40-06](#) Collateral sufficiency.

New Rule Refiled Filing No No [113-40-06](#) Fees.

Rescission Refiled Filing No Yes [113-40-07](#) Fees.

Withdrawn**35 Department of Commerce • Division of Securities**

Total Rules: 1 Original Filing Date: 6/13/2023 Date of Withdrawn Filing: 6/29/2023 Jurisdiction Ends: Public Hearing: 7/19/2023

Rule Type Action CSI FYR Rule Number Rule Title

Amendment Withdrawn Filing Yes No [1301:6-3-09](#) Registration by qualification.

36 Department of Commerce • Division of Securities

Total Rules: 1 Original Filing Date: 6/26/2023 Date of Withdrawn Filing: 6/29/2023 Jurisdiction Ends: Public Hearing: 8/3/2023

JOINT COMMITTEE ON AGENCY RULE REVIEW
7/20/2023 - 1:30 PM
Statehouse Hearing Room 121(William McKinley Room)

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Withdrawn Filing	Yes	No	1301:6-3-09	Registration by qualification.

37 Ohio Police and Fire Pension Fund •

Total Rules: 1 Original Filing Date: 7/12/2023 Date of Withdrawn Filing: 7/12/2023 Jurisdiction Ends: Public Hearing:

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Withdrawn Filing	No	Yes	742-9-11	Penalties for employer's failure to file the report of employee deductions in a format approved by OP&F.

Article III

Attachment E

Final Adoption Notice to LSC Director and Secretary of State



ELECTRONIC RULE-FILING SYSTEM

FILING OF OHIO ADMINISTRATIVE RULES AND RULE-RELATED DOCUMENTS

The Honorable Frank LaRose
Secretary of State
180 E. Broad St., 16th Floor
Columbus, OH 43215

Wendy Zhan, Director
Legislative Service Commission
77 South High St., 9th Floor
Columbus, OH 43215

Ian Dollenmayer, Executive Director
Joint Committee on Agency Rule Review
77 South High St., Concourse Level
Columbus, OH 43215

It is hereby confirmed that the Ohio Environmental Protection Agency **final filed** the following rule(s) pursuant to section 119.04 of the Ohio Revised Code.

Package Number: 197227
File Date and Time: 08/15/2023 8:40 AM
Confirmation Number: e2ddc8a58a9eaadce8920ea64060

FINAL FILE

Rule Number	Type	FYR	CSI	JE Date	Eff Date	Next FYR	Tagline
3745-17-01	Amendment	Y	Y	07/28/2023	08/25/2023	08/25/2028	Definitions.
3745-17-03	Amendment	Y	Y	07/28/2023	08/25/2023	08/25/2028	Measurement methods and procedures.
3745-17-04	Amendment	Y	Y	07/28/2023	08/25/2023	08/25/2028	Compliance time schedules.
3745-17-07	Amendment	Y	Y	07/28/2023	08/25/2023	08/25/2028	Control of visible particulate emissions from stationary sources.
3745-17-08	Amendment	Y	Y	07/28/2023	08/25/2023	08/25/2028	Restriction of emission of fugitive dust.
3745-17-09	Amendment	Y	Y	07/28/2023	08/25/2023	08/25/2028	Restrictions on particulate emissions and odors from incinerators.
3745-17-10	Amendment	Y	Y	07/28/2023	08/25/2023	08/25/2028	Restrictions on particulate emissions from fuel burning equipment.
3745-17-11	Amendment	Y	Y	07/28/2023	08/25/2023	08/25/2028	Restrictions on particulate emissions from industrial processes.
3745-17-12	Amendment	Y	Y	07/28/2023	08/25/2023	08/25/2028	Additional restrictions on particulate emissions from specific air contaminant sources in Cuyahoga county.
3745-17-13	Amendment	Y	Y	07/28/2023	08/25/2023	08/25/2028	Additional restrictions on particulate emissions from specific air contaminant sources in Jefferson county.
3745-17-14	Amendment	Y	Y	07/28/2023	08/25/2023	08/25/2028	Contingency plan requirements for Cuyahoga and Jefferson counties.

Article IV

Hearing Summary



**Environmental
Protection
Agency**

Hearing Summary

Rule Package: OAC Ch 3745-17, "PM Standards Rules", 5-year review

Original filing date: May 24, 2023

Public comment start date: May 24, 2023

Public comment end date: June 27, 2023

Public hearing date: June 27, 2023

List of Rules: OAC Rules 3745-17-(01, 03, 04 and -07 to -14)

Were there any participants in this public hearing beyond Ohio EPA staff or JCARR staff?

☐ Yes

☒ No

Were there comments received during the public comment period outside of those presented at this hearing?

☒ Yes

☐ No

This hearing summary has been compiled to meet the requirements of Section 119.03 of the Revised Code.

This hearing summary includes this cover sheet and the following attachments:

1. **Attachment A** - A copy of the public notice for this hearing.
2. **Attachment B** - A copy of the script read into the record to begin and end the hearing.
3. **Attachment C** - A copy of the response to comments.

Ohio EPA's response to comments document includes the comments received, who commented, the agency response to comments, and a statement of whether or not the rule was changed due to the comments.

Ohio EPA digitally records all public hearings for rules. The digital recordings are available upon request. These recordings may be sent out for transcription if necessary.

OHIO ENVIRONMENTAL PROTECTION AGENCY

**Public Hearing Notice
Proposed Rulemaking Governing
Amendments to Ohio Administrative Code (OAC) Chapter 3745-17, Particulate Matter Standards
Updates and Five-Year Rule Review**

Notice is hereby given that the Director of Environmental Protection, under the authority of Section 3704.03(E) of the Ohio Revised Code and in accordance with Chapter 119, the Ohio EPA proposes to amend rules in Ohio Administrative Code (OAC) Chapter 3745-17, "Particulate Matter Standards". These rules set limits, testing and recordkeeping requirements for emissions of particulate matter in the state of Ohio.

Changes made to the rules in this chapter include updates to facilities mentioned, minor corrections, such as typos and fixes to formatting to conform with LSC conventions and updating referenced materials to the most current version. Additionally, an exemption from method 9 testing was added for facilities that burn only natural gas.

Pursuant to Section 121.39 of the Ohio Revised Code, Ohio EPA was required to consult with interested parties affected by the rules before the agency formally adopts them. On January 19, 2023, these rules went out for a 30-day review by interested parties. Please see the rule synopsis, available electronically at the web address below, for a complete summary of the proposed rule amendments.

Pursuant to Part D of Title I of the Clean Air Act, Ohio EPA is required to establish a state implementation plan (SIP) for the attainment and maintenance of the national ambient air quality standards (NAAQS). The above-mentioned rule is a part of Ohio's SIP for the attainment and maintenance of the particulate matter NAAQS and the proposed amendments will be submitted to United States Environmental Protection Agency (U.S. EPA) as a modification of the SIP. The below hearing will also serve as the hearing for the SIP submittal.

Ohio EPA will be accepting comments on the proposed amended rules until **Tuesday, June 27, 2023**. A public hearing on this proposed rulemaking will be held to consider public comments in accordance with Section 119.03 of the Ohio Revised Code. Ohio EPA will be holding an in-person and virtual public hearing on the rules on **June 27, 2023**. The in-person hearing will be at the same time and date and will be located at Ohio EPA, Suite 700, 50 W. Town Street, Columbus, Ohio 43215. During the hearing, the public may submit written comments on the record about the proposed rules if participating virtually and verbally if participating in person.

Citizens who want to participate virtually must register in advance for the meeting at: <https://attendee.gotowebinar.com/register/6654723090164768088>.

Registration for the in-person hearing is not required. Citizens intending to give testimony at the hearing should notify the Ohio EPA Public Interest Center, P.O. Box 1049, Columbus, Ohio 43216-1049, (614) 644-2160 or by emailing mary.mccarron@epa.ohio.gov. Prior registration will ensure that registrants are heard ahead of those individuals who register at the hearing. Oral testimony may be limited to five minutes, depending on the number of persons testifying. All interested persons are entitled to attend or be represented and to present oral and/or written comments concerning the proposed rulemaking.

Written testimony should be sent to the attention of Paul Braun in the Division of Air Pollution Control (DAPC), P.O. Box 1049, Columbus Ohio 43216-1049 or can be emailed to DAPC-Comments@epa.ohio.gov. Written comments may also be submitted to the Hearing Officer at the public hearing. Written testimony will receive the same consideration as oral testimony. All testimony received at the hearing or by close of business on January 4, 2023 will be considered by Ohio EPA prior to final action on this rulemaking proposal. Written comments submitted after this date may be considered as time and circumstances permit.

Questions regarding this rule package should be directed to Paul Braun in DAPC at the above email address or at 614-644-3734.

Full copies of all proposed rules are available for review at any Ohio EPA district office and at the Ohio EPA central office. The proposed rules are also accessible on the DAPC web page at <https://epa.ohio.gov/divisions-and-offices/air-pollution-control/regulations/proposed-rules>.

To request a reasonable accommodation due to a disability, visit <https://epa.ohio.gov/ada>

DAPC Particulate Standards Proposed Rules

June 27, 2023

Hello and welcome to Ohio EPA's public hearing regarding the Division of Air Pollution Control's proposed rules. My name is Mary McCarron and I'm hosting today's public hearing. With me today from Ohio EPA's Division of Air Pollution Control is Paul Braun and our Rules Manager Mandi Payton. In a moment, we will move to the public hearing where we will take official comments on the proposed rules.

For those attending online, you may submit any comments you have about the proposed rules in the Questions pane at any time.

We will not be responding to any comments submitted during the public hearing today. I will read aloud any comments we receive in the GoTo platform.

Before we get started, I'd like to go over a few items to help our online attendees navigate the GoTo platform.

On this slide you will see an example screenshot of your Attendee interface. You should see something that looks like this on your computer desktop on the right-hand side of your screen. For this public hearing you are listening in using your computer audio. If you are having sound issues or if the slides stop advancing, try refreshing your browser. If that doesn't work, try logging off and logging back in.

Please submit public comments by clicking on the question mark icon and typing them into the Questions pane on your attendee interface. You may send your comments in at any time. All comments submitted will be read aloud for the whole audience to hear.

You can also click on the document icon to view included handouts.

We will now begin the hearing.

PUBLIC HEARING SPEECH

Thank you for taking time to attend this hearing before Ohio EPA. The purpose of the hearing today is to obtain comments from any interested person regarding Ohio EPA's proposed rules.

The director of Ohio Environmental Protection Agency, under the authority of Section 3704.03(E) of the Ohio Revised Code and in accordance with Chapter 119, the Ohio EPA proposes to amend rules in Ohio Administrative Code (OAC) Chapter 3745-17, "Particulate Matter Standards". These rules set limits, testing and recordkeeping requirements for emissions of particulate matter in the state of Ohio.

Changes made to the rules in this chapter include updates to facilities mentioned, minor corrections, such as typos and fixes to formatting to conform with LSC conventions and updating referenced materials to the most current version. Additionally, an exemption from method 9 testing was added for facilities that burn only natural gas.

Pursuant to Section 121.39 of the Ohio Revised Code, Ohio EPA was required to consult with interested parties affected by the rules before the agency formally adopts them. On January 19, 2023, these rules went out for a 30-day review by interested parties. Please see the download the rule synopsis in the handouts section for a complete summary of the proposed rule amendments.

Pursuant to Part D of Title I of the Clean Air Act, Ohio EPA is required to establish a state implementation plan (SIP) for the attainment and maintenance of the national ambient air quality standards (NAAQS). The abovementioned rule is a part of Ohio's SIP for the attainment and maintenance of the particulate matter NAAQS and the proposed amendments will be submitted to United States Environmental Protection Agency (U.S. EPA) as a modification of the SIP. The below hearing will also serve as the hearing for the SIP submittal.

These rules have been filed with the Joint Committee on Agency Rule Review. Copies of the rules are available for public review on our website and in the handouts section in GoTo.

All interested persons are entitled to attend or be represented, and to present written comments concerning the proposed rules. All written comments received as part of the official record will be considered by the director of Ohio EPA.

To be included in the official record, written comments must be received by Ohio EPA by the close of business, today, June 27, 2023. These comments may be typed into the GoTo platform today or emailed to DAPC-Comments@epa.ohio.gov. All emailed comments submitted for the record receive the same consideration as typed comments given today.

Written statements submitted after today may be considered as time and circumstances permit but will not be part of the official record of the hearing.

This hearing affords citizens an opportunity to provide input. Therefore, we will not be able to answer questions today.

YOU MAY NOW SUBMIT COMMENTS IN WRITING. I will read aloud any comments we receive in the Questions pane. For those attending in person that would like to comment, please raise your hand and when we call on you, please state your name and spell it before proceeding with your testimony. I will keep the hearing open until 11:00 a.m. to provide time for participants to type in comments.

CLOSING

After the hearing closes, we will accept written comments through 5:00 p.m. today. You can send those comments to the email address on the screen.

Thank you for your comments, cooperation, and participation in Ohio EPA's decision-making process. The time is now _____ and this hearing is concluded.



Division of Air Pollution Control Response to Comments

Rule: OAC Chapter 3745-17, "Particulate Matter Standards"

Agency Contact for this Package

Division Contact: Paul Braun, 614.644-3734, paul.braun@epa.ohio.gov

Ohio EPA held a public hearing on June 27, 2023 virtually and in Columbus, Ohio with a corresponding comment period ending June 27, 2023 regarding proposed amendments to the above mentioned rules. This document summarizes the comments and questions received during the comment period.

Ohio EPA reviewed and considered all comments received during the public comment period. By law, Ohio EPA has authority to consider specific issues related to protection of the environment and public health.

In an effort to help you review this document, the questions are grouped by topic and organized in a consistent format. The name of the commenter follows the comment in parentheses.

3745-17-03(C)(1), "Measurement Methods and Procedures"

Comment : On May 24, 2023, Ohio EPA noticed its proposal of amended rule, OAC Chapter 3745-17. The following are the comments of the Ohio Utilities Group and its member companies (hereinafter referred to as "OUG"). OUG filed multiple comments on previous iterations of Ohio's particulate matter standards, including the 2013 and 2018 rulemakings, copies of which are attached.

The particulate matter standards proposed then and now suffer from the same flawed approach regarding alternatives to the mandatory requirement for COMs on an Appendix P source. The regulations originally proposed by Ohio EPA in 2016 (but later dropped before final adoption) represented a reasonable and lawful set of alternatives to using a COM on a wet stack that maintained compliance with the SIP limits. The alternatives ultimately adopted by Ohio EPA, however, are unreasonable and unlawful because they are not supported by either legal requirements or a technical basis.

The current proposal is similarly flawed and, thus, similarly unreasonable and unlawful.

OUG encourages Ohio EPA to reconsider its current rule and instead adopt the alternatives contained in the original 2016 proposed rule.

(Michael E. Born on behalf of the Ohio Utilities Group)

Response : Ohio EPA acknowledges that in both the previous 5-year review rulemaking (Adopted January 9, 2018) and in a separate rulemaking (sent out for draft public

comment August 15, 2018 with comment ending September 14, 2018) that draft language meant to offer alternatives to using a COM on a wet stack was prepared. In both cases, Ohio EPA received push back from U.S. EPA on the language, indicating that the language was not federally approvable as presented. In the case of the 5-year review rulemaking, Ohio EPA found it necessary to remove the language and finish the rulemaking to adopt important alternatives necessary for other facilities. In the case of the September 2018 draft rule language, upon receiving comments from U.S. EPA that the language was again not approvable, Ohio EPA attempted to work with the OUG to modify the language so that it would be SIP approvable and address OUG's request. To date, we have not been able to reach a solution that provides for both. Ohio EPA is open to continuing dialogue on the matter.

End of Response to Comments

Article V

Response to Comments



Division of Air Pollution Control Response to Comments

Rule: OAC Ch. 3745-17, "Particulate Matter Rules"

Agency Contact for this package.

Division Contact: Paul Braun, paul.braun@epa.ohio.gov or (614) 644-3734

Ohio EPA held a 30+day public comment period ending on February 21, 2023 regarding these rules. This document summarizes the comments and questions received during the comment period.

Ohio EPA reviewed and considered all comments received during the public comment period. By law, Ohio EPA has authority to consider specific issues related to protection of the environment and public health.

In an effort to help you review this document, the questions are grouped by topic and organized in a consistent format. The name of the commenter follows the comment in parentheses.

General/Overall Concerns

Comment 1: The Ashtabula City Health Department has reviewed and is in full support of the proposed changes to OAC 3745-17 Particulate Matter Standards as they are written.
(Terri J. Collett, Environmental Health Director, Ashtabula City Health Department)

Response 1: Ohio EPA appreciates your comment and thanks the commenter for their support.

End of Response to Comments



Division of Air Pollution Control Response to Comments

Rule: OAC Chapter 3745-17, "Particulate Matter Standards"

Agency Contact for this Package

Division Contact: Paul Braun, 614.644-3734, paul.braun@epa.ohio.gov

Ohio EPA held a public hearing on June 27, 2023 virtually and in Columbus, Ohio with a corresponding comment period ending June 27, 2023 regarding proposed amendments to the above mentioned rules. This document summarizes the comments and questions received during the comment period.

Ohio EPA reviewed and considered all comments received during the public comment period. By law, Ohio EPA has authority to consider specific issues related to protection of the environment and public health.

In an effort to help you review this document, the questions are grouped by topic and organized in a consistent format. The name of the commenter follows the comment in parentheses.

3745-17-03(C)(1), "Measurement Methods and Procedures"

Comment : On May 24, 2023, Ohio EPA noticed its proposal of amended rule, OAC Chapter 3745-17. The following are the comments of the Ohio Utilities Group and its member companies (hereinafter referred to as "OUG"). OUG filed multiple comments on previous iterations of Ohio's particulate matter standards, including the 2013 and 2018 rulemakings, copies of which are attached.

The particulate matter standards proposed then and now suffer from the same flawed approach regarding alternatives to the mandatory requirement for COMs on an Appendix P source. The regulations originally proposed by Ohio EPA in 2016 (but later dropped before final adoption) represented a reasonable and lawful set of alternatives to using a COM on a wet stack that maintained compliance with the SIP limits. The alternatives ultimately adopted by Ohio EPA, however, are unreasonable and unlawful because they are not supported by either legal requirements or a technical basis.

The current proposal is similarly flawed and, thus, similarly unreasonable and unlawful.

OUG encourages Ohio EPA to reconsider its current rule and instead adopt the alternatives contained in the original 2016 proposed rule.

(Michael E. Born on behalf of the Ohio Utilities Group)

Response : Ohio EPA acknowledges that in both the previous 5-year review rulemaking (Adopted January 9, 2018) and in a separate rulemaking (sent out for draft public

comment August 15, 2018 with comment ending September 14, 2018) that draft language meant to offer alternatives to using a COM on a wet stack was prepared. In both cases, Ohio EPA received push back from U.S. EPA on the language, indicating that the language was not federally approvable as presented. In the case of the 5-year review rulemaking, Ohio EPA found it necessary to remove the language and finish the rulemaking to adopt important alternatives necessary for other facilities. In the case of the September 2018 draft rule language, upon receiving comments from U.S. EPA that the language was again not approvable, Ohio EPA attempted to work with the OUG to modify the language so that it would be SIP approvable and address OUG's request. To date, we have not been able to reach a solution that provides for both. Ohio EPA is open to continuing dialogue on the matter.

End of Response to Comments

Article VI

Application to Section 110(I)
of the Clean Air Act

Facility Name/Address Changes and Shutdowns for OAC Chapter 3745-17 – 2022 5-Year Review

Rule #	Paragraph	Premise #	Name	Emission Unit(s)	Rule Language Change ¹
3745-17-04	(A)(6)	0616000000	Conesville Power Plant	B004	Removed and Reserved. Facility permanently shut down in STARS2
	(B)(4)	0616000000	Conesville Power Plant		Removed and Reserved. Facility permanently shut down in STARS2
3745-17-08	(A)(3)(E)	0641090010	JSW Steel USA Ohio		Changed name and address to match STARS2
3745-17-10	(C)(6)	0616000000	Conesville Power Plant		Removed and Reserved. Facility permanently shut down in STARS2
3745-17-11	(B)(6)	1318001613	Cleveland-Cliffs Cleveland Works LLC		Changed name to match STARS2
3745-17-12	(D)	1318007300	Boyas Excavating, Inc.		Changed name to match STARS2
	(E)	1318578710	Boyas Excavating, Inc.		Changed name to match STARS2
	(G)	1318001799	Cleveland Trinidad Paving Company		Removed and Reserved. Facility permanently shut down in STARS2
	(H)	1318171954	Cuyahoga Foundry Company		Removed and Reserved. Facility permanently shut down in STARS2
	(K)	1318005960	Harval, Incorporated		Removed and Reserved. Facility permanently shut down in STARS2
	(L)	1318225730	Independence Excavating Incorporated		Removed and Reserved. Facility permanently shut down in STARS2
	(M)	1318220278	Allied Corporation Plant #151		Changed name to match STARS2
	(N)	1318202137	The Lincoln Electric Company		Changed name to match STARS2
	(N)(4)	1318202137	The Lincoln Electric Company	P903	Removed EU P903, EU permanently shut down in STARS2 as of 10/25/2000

¹ “Removed” means emissions unit has been removed from rule, followed by justification.

Rule #	Paragraph	Premise #	Name	Emission Unit(s)	Rule Language Change ¹
	(O)	1318001613	Cleveland-Cliffs Cleveland Works LLC		Changed name to match STARS2
	(P)	1318001613	Cleveland-Cliffs Cleveland Works LLC		Changed name to match STARS2
	(R)	1318224005	Meech Foundry, Incorporated		Removed and Reserved. Facility permanently shut down in STARS2
	(S)	1318226416	Ohio Aluminum Industries, Inc.		Changed name to match STARS2
	(U)	0142000095	Kokosing Materials Inc Plant 519		Changed name to match STARS2
	(V)	1318002662	Allega Slag Recovery, Inc.		Changed name to match STARS2
	(W)	1318003929	Stein, Inc.		Changed name to match STARS2
	(X)	1318005076	Stein, Incorporated		Stein, Incorporated (1318002662) merged with Stein, Incorporated (1318003929), paragraphs (X) and (W) merged, Paragraph (X) reserved.
	(X)(1)	1318005076	Stein, Incorporated	F001	Removed. Emissions unit listed as permanently shut down in STARS2 as of 1/1/2001.
	(X)(2)/(W)(3)	1318005076	Stein, Incorporated	F002/F008	EU F002 redesignated to F008 and merged with facility 1318003929 under paragraph (W)(3)
	(X)(3)/(W)(4)	1318005076	Stein, Incorporated	F003/F009	EU F003 redesignated to F009 and merged with facility 1318003929 under paragraph (W)(4)
	(X)(4)/(W)(5)	1318005076	Stein, Incorporated	F004/F010	EU F004 redesignated to F010 and merged with facility 1318003929 under paragraph (W)(5)
3745-17-13	(D)	0641090010	JSW Steel USA Ohio		Changed name to match STARS2
	(D)(2)	0641090010	JSW Steel USA Ohio	F009	Removed and Reserved. Emissions unit listed as permanently shut down in STARS2 as of 1/22/2004.
	(D)(5)	0641090010	JSW Steel USA Ohio	P904 & P905	Removed. Emissions unit listed as permanently shut down in STARS2 as of 1/22/2004.
	(D)(6)	0641090010	JSW Steel USA Ohio	P907	Removed. Emissions unit listed as permanently shut down in STARS2 as of 1/22/2004.
	Appendix	0641090010	JSW Steel USA Ohio		Changed name to match STARS2

Rule #	Paragraph	Premise #	Name	Emission Unit(s)	Rule Language Change ¹
3745-17-14	(A)(1)	1318005960	United Ready Mix		Removed. Facility permanently shut down in STARS2