

**Public Notice – Request for Comment**  
**Draft Amended Rules in OAC Chapter 3745-31 and OAC rule 3745-17-08**

Notice is hereby given that the Ohio Environmental Protection Agency, Division of Air Pollution Control (DAPC) has drafted changes to the Ohio Administrative Code (OAC) related to federal changes affecting the implementation of the New Source Review (NSR) program for fine particulate matter (that is, particles with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers, generally referred to as “PM 2.5”). published May 16, 2008 the United States Environmental Protection Agency (U.S. EPA) published final revisions to 40 CFR Parts 51, 52 and Part 51 Appendix S pertaining to NSR implementation for PM 2.5 as a regulated NSR pollutant. [73 FR 96, page 28321]

DAPC is suggesting to amend the following OAC rules as a part of U.S. EPA’s promulgation of the PM 2.5 NSR implementation final rule. OAC rule 3745-31-01, OAC rule 3745-31-11, OAC rule 3745-31-13, OAC rule 3745-31-22, OAC rule 3745-31-24, OAC rule 3745-31-25, OAC rule 3745-31-26

DAPC is also correcting typographical errors in OAC rule 3745-31-02, OAC rule 3745-31-07, OAC rule 3745-31-09, OAC rule 3745-31-14, OAC rule 3745-31-21, OAC rule 3745-31-27,

Lastly DAPC is also amending other language to this chapter;

OAC rule 3745-31-01 Definitions

1. Revising definitions to improve clarity and be consistent with rules within this Chapter and other applicable OAC Chapters.
2. Adding definitions for “publically owned treatment works”, “semi-public disposal system”, “emergency” and “emergency generators”
3. Adding definitions consistent with OAC rule 3745-111-01 pertaining to the federal minimum criteria for creditable emission offsets.
4. Revising incorporation by reference (IBR)section

OAC rule 3745-31-03 Exemptions

1. Updating existing PBRs and exemptions to incorporate references to applicable NSPS and/or MACT requirements.
2. Reorganizing the rule to clearly identify the difference between an exemption and a PBR; rather than having PBRs fall under the exemption category.
3. Adding exemptions for powder coating lines and tanks at a publically operated treated works/semi-public disposal system operating under a valid NPDES permit.

OAC rule 3745-31-05 Criteria for decision by the director

1. Adding VOC BAT/RACT language as required by Senate Bill 265. (Additional interested party rules will be coming out soon to further address Senate Bill 265 requirements.)
2. Amending voluntary limits on allowable emissions language

OAC rule 3745-31-06 Completeness determinations, processing requirements, public participation, public notice, and issuance

1. Adding federal land manager (FLM) notification requirements specifying how Ohio EPA will notify FLMs and respond to their visibility analysis for Class I areas during the permitting process.

OAC rule 3745-31-33

1. Reorganized the acceptable site preparation activity; installation of site drainage systems, so that both major and minor sources may engage in this activity prior to obtaining a final permit-to-install or PTIO.

OAC rule 3745-17-08 Restriction of emission of fugitive dust

1. Incorporating RACT language for fugitive dust sources applicable to new sources.

As part of the rule-making process, DAPC is required by Section 121.39 of the Ohio Revised Code to consult with organizations that represent political subdivisions, environmental interests, business interests, and others affected by the rules. The DAPC is offering your organization the opportunity to comment on these rules before the division formally proposes them.

Attached, please find the draft OAC rules 3745-31-01, 3745-31-02, 3745-31-03, 3745-31-05, OAC rule 3745-31-06, 3745-31-07, 3745-31-09, 3745-31-11, 3745-31-13, 3745-31-14, 3745-31-21, 3745-31-22, 3745-31-24, 3745-31-25, 3745-31-26, 3745-31-27, 3745-31-33, 3745-17-08 along with a synopsis of the suggested amendments. These rules are also available at <http://www.epa.state.oh.us/dapc/regs/regs.html>. **We request that you provide us with any comments you may have to the changes that have been recommended by Wednesday, May 27, 2009.**

Please e-mail or mail your comments or suggestions to the following addresses. Persons submitting comments electronically are encouraged to follow-up with a hard copy via regular mail:

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Thank you,

Robert Hodanbosi, Chief  
Division of Air Pollution Control  
Ohio Environmental Protection Agency