

RULE SYNOPSIS

New rule language for Ohio Administrative Code (OAC) Chapter 3745-107 “Power Plant Efficiency Rules”

The Ohio Environmental Protection Agency, Division of Air Pollution Control (DAPC) has drafted OAC Chapter 3745-107 “Power Plant Efficiency Rules” to comply with the requirements of U.S. EPA’s “Affordable Clean Energy Rule” (ACE rule), found in Federal Register Volume 84, page 32520. The ACE rule mandates that states develop enforceable carbon dioxide emission standards of performance for large coal-fired electric generating units (EGUs) based on the analysis of technologies and methods U.S. EPA has determined to be the Best System of Emission Reduction (BSER) for reducing emissions of carbon dioxide. The rule allows states to consider other factors, such as remaining useful life, cost of compliance, and technical feasibility when establishing standards of performance.

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

Ohio EPA made these rules available to the public for a 30-day draft rule comment period ending April 27, 2020. Several comments were received by DAPC from interested parties. The Response to Comments document includes details of these comments and Ohio EPA’s responses. No changes were made to the rules as a result of the comments received.

Original Draft Changes Proposed to the Rules in OAC Chapter 3745-107.

The following are original draft changes presented to interested parties for comment. The changes discussed below will be proposed to the Joint Committee on Agency Rule Review (JCARR) unless superseded by a change discussed above.

A summary of this rulemaking is as follows:

- OAC rule 3745-107-01 “Applicability, definitions, and reference to materials” This rule contains the following:
 - Definitions of abbreviations, units of measurement, and various technical terms used throughout the chapter.
 - Applicability requirements used to determine which EGUs are subject to the new rules in this chapter. The applicability requirements included in this rule are identical to the federal rule at 40 CFR 60.5775a(b). The rules in OAC Chapter 3745-107 apply only to large coal-fired EGUs with a heat input capacity of 250 MMBtu per hour or greater.

- Information on the version and availability of various applicable federal rules referenced throughout the chapter.
 - OAC rule 3745-107-02 “EGU-specific operational characteristics, heat rate study and standard of performance” details the framework and requirements owners and operators of affected EGUs shall follow to conduct unit-specific analysis of U.S. EPA’s BSER technologies and the potential application of these technologies at a given EGU. The rule also describes how owners and operators can account for other considerations such as financial or technical feasibility and remaining useful life. Lastly, the rule describes the form and manner in which owners and operators of affected EGUs shall use the unit-specific analysis to propose a standard(s) of performance of carbon dioxide emissions.
 - OAC rule 3745-107-03 “Timelines and enforceability” details the final compliance date of July 8, 2024, consistent with the federal ACE rule. The rule also describes the necessary information for owners and operators to supply to Ohio EPA if requesting an extension of the compliance deadline. Paragraph (C) describes the manner in which the Director of the Ohio EPA will make the standard of performance and associated monitoring, record keeping, and reporting enforceable including adoption into the Administrative Code; issuing in a permit under either Chapter 37454-77 or Chapter 3745-31 of the Administrative Code; by Director’s orders; or by an Ohio consent agreement.
 - OAC rule 3745-107-04 “Monitoring, record keeping and reporting” describes the manner in which owners and operators of affected EGUs shall demonstrate continuing compliance with the standard(s) of performance. Owners and operators have two options for demonstrating compliance: Conduct all monitoring, record keeping and reporting in a manner consistent with 40 CFR Part 75 or propose an alternative methodology for demonstrating compliance subject to approval by the Director of Ohio EPA and subsequent inclusion in Ohio’s plan.
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