Rule: OAC Chapter 3745-110, “Nitrogen Oxides - Reasonably Available Control Technology (RACT)"

Agency Contact for this Package
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Ohio EPA held a 30-day comment period which ended on October 2, 2019. This document summarizes the comments and questions received at the public hearing and/or during the associated 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:

OAC rules 3745-110-01, 3745-110-02 and 3745-110-04

BASF Corporation did not request any specific revisions to these rules; however, the company has no objections to any of the draft revisions.

[Jim Orlemann, P.E., Principal Consultant, ERM; On behalf of BASF]

Response 1:

Ohio EPA thanks you for your comment.
Comment 2:

OAC rule 3745-110-03

There is a typo in paragraph (H)(2) of this rule. The reference to “paragraph (B) of rule 3745-110-05” should read “paragraph (A) of rule 3745-110-05.”

Paragraph (H) specifies the following three possible bases for the emission limitations contained in paragraphs (A) to (G) of this rule or developed pursuant to paragraph (J) of this rule: (1) the average of three one-hour stack test runs if stack testing is used to demonstrate compliance; (2) a twenty-four-hour daily heat input-weighted average if a permanent continuous emissions monitor is used to demonstrate compliance; and (3) a thirty-day heat input-weighted average emission rate based on the twenty-four-hour daily heat input-weighted averages if a temporary continuous emissions monitor is used to demonstrate compliance. To be consistent with the draft revisions to paragraph (R) of this rule, a fourth basis should be added that addresses the use of a permanent continuous emissions monitor to measure a daily, twenty-four-hour arithmetic average of the hourly mass emission rates (in pounds per hour) or concentrations (in parts per million by volume) during each calendar day. BASF Corporation recommends the following wording for a new paragraph (4) in paragraph (H) of this rule:

“(4) A daily, twenty-four-hour arithmetic average of all the block hourly mass emission rates (in pounds per hour) or concentrations (in parts per million by volume) during each calendar day, if a permanent continuous emissions monitor is used to demonstrate compliance in accordance with paragraph (A) of rule 3745-110-05 of the Administrative Code. The block hourly mass emission rate or concentration shall be calculated for each one-hour period starting with the period twelve a.m. to one a.m. and continuing through until the last period eleven p.m. to twelve a.m.; or, starting with the period twelve p.m. to one p.m. and continuing through the last period eleven a.m. to twelve p.m.”

With the minor exceptions noted below, BASF Corporation fully supports the draft revisions to paragraph (R) of this rule. These revisions are very important to the Elyria facility. They provide regulatory clarity and certainty for the facility, and also eliminate unnecessary and overly burdensome requirements. BASF Corporation greatly appreciates the Agency’s willingness to make the requested revisions, which in no way will increase NOx emissions from the facility.

There are two minor corrections that need to be made to paragraph (R). The first change concerns the wording of the heading of paragraph (R)(1). Rather than “On and after July 18, 2013,” it should read “On and after July 18, 2013, until the effective date of this rule.” This recommended change is consistent with the intent of the Agency’s draft revisions of paragraph (R). (It appears that this recommended change also should be made to paragraph (P)(1) of this rule.) The second minor correction concerns paragraph (R)(2)(b). Specifically, for purposes of clarification, BASF Corporation recommends that the second sentence of this paragraph be revised to read as follows, where the new wording has been underlined:
“The arithmetic average shall be based upon CEMS data for only those hours during which 
one or more emissions units are operating and, as a result, could be based upon less than the 
twenty-four hours.”

[Jim Orlemann, P.E., Principal Consultant, ERM; On behalf of BASF]

Response 2:

Ohio EPA agrees with the commenter. The suggested revisions to OAC rule 3745-110-03 as 
summarized by the commenter will be made.

Comment 3:

OAC rule 3745-110-05

The proposed wording of paragraphs (A) and (C) of OAC rule 3745-110-05 requires the 
installation of a diluent monitor for carbon dioxide or oxygen; however, Performance 
Specification 2 does not require the installation of a diluent monitor with every continuous 
emission monitoring system for NOx. Performance Specification 2 states the following: “The 
CEMS may include, for certain stationary sources, a diluent (O2 or CO2) monitor.” Therefore, 
for purposes of clarification, BASF Corporation recommends (1) that the wording in paragraph 
(A) be changed from “and a diluent (carbon dioxide or oxygen)” to “and, if necessary, a diluent 
(carbon dioxide or oxygen)” and (2) that the wording in paragraph (C) be changed from “and a 
diluent (carbon dioxide or oxygen) concentration” to “and, if necessary, a diluent (carbon 
dioxide or oxygen) concentration.” (BASF Corporation also recommends that the Agency 
consider adding a definition for “diluent” in OAC rule 3745-110-01, again, for purposes of 
clarification.)

[Jim Orlemann, P.E., Principal Consultant, ERM; On behalf of BASF]

Response 3:

Ohio EPA agrees with the commenter. The suggested revisions to OAC rule 3745-110-05 as 
summarized by the commenter will be made.

Comment 4:

Southwest Ohio Air Quality Agency (SWOAQA) is providing the following comments regarding 
the drafted changes to the OAC Chapter 3745-110 NOx RACT rules:

- SWOAQA had a situation arise in 2018 with a regulated source (large boiler) that was 
subject to continuous NOx emissions monitoring under both the NSPS Subpart Db and 
OAC 3745-110. The regulated source wanted to install and certify a predictive emissions 
monitoring system (PEMS) to replace its continuous emissions monitoring system 
(CEMS). Under the NSPS rules, there is a provision to petition for an alternative monitoring 
method per 40 CFR 60.13(i). The source submitted a petition and was granted permission 
to install a PEMS for NOx compliance for the NSPS Subpart Db. However, under OAC 
rules 3745-110-03(H) and 3745-110-05, including the proposed amendments, there is no
provision for seeking an alternative and/or to employ a PEMS in lieu of a CEMS. Therefore, this regulated source currently has a permit that specifies use of their PEMS for NOx compliance with the NSPS Subpart Db lb/MMBtu standard and performance of routine stack testing to demonstrate compliance with the applicable lb/MMBtu standard in OAC Chapter 3745-110. Since federal rules allow for petitioning/PEMS, and many other sources in Ohio have moved to using PEMS in lieu of CEMS, we would ask Ohio EPA to consider adding language in OAC rule 3745-110-03(H) and OAC rule 3745-110-05 to allow for petitioning for an alternative compliance monitoring method and/or use of a certified PEMS.

- SWOAQA also noted minor errors in the revised citations in OAC 3745-110-03(H) when referring to the revised compliance demonstration methods in OAC 3745-110-05.

[Bonnie L. Pray, Permits & Enforcement Area Supervisor, Southwest Ohio Air Quality Agency, Hamilton County Department of Environmental Services]

Response 4:

Ohio EPA thanks you for this comment, and suggestion. Approval of alternative monitoring would necessitate some pretty significant conversations with U.S. EPA Region 5. As such, Ohio EPA will not make changes in this round of rulemaking. However, we will consider initiating these discussions with U.S. EPA and work towards perhaps accomplishing something like the use of PEMS in the next round of rule changes.

Comment 5:

In reviewing the draft rule language, we have identified one section of the NOx RACT rule that we are requesting Ohio EPA delete. Section OAC 3745-110-03(M) identifies facility-specific emissions limits for two (2) large boilers, B002 and B003, located at the Sewer District’s Southerly Wastewater Treatment Center (“WWTC”). We suggest deleting this emission limit language as both boilers were permanently taken out of service on May 6th, 2019. They were taken out of service by severing the steam supply lines to the heat exchangers. The shutdown of these units is reflected in Southerly WWTC’s Air Services facility profile and we request that OAC rule 3745-110-03(M) language be struck from the updated rule.

[Kyle Dreyfuss-Wells, Chief Executive Officer, Northeast Ohio Regional Sewer District]

Response 5:

Thank you for the updated information regarding the status of these two boilers. Accordingly, Ohio EPA will delete paragraph (M) of OAC rule 3745-110-03, as it relates to the two boilers operated by the Northeast Ohio Regional Sewer District.

End of Response to Comments