

## **Chapter 3745-15**

# **General Provisions on Air Pollution Control**

## **3745-15-01 Definitions.**

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see the last paragraph of this rule titled "Incorporation by reference."]

As used in all air pollution rules, except as may be otherwise specifically provided.

(A) "Act" means Chapters 3704. and 3745. of the Revised Code.

(B) "Agency," "Ohio EPA," "OEPA" or "board," means the Ohio environmental protection agency or its director as the context or other law or rules may require.

(C) "Air pollutant" or "air contaminant" means particulate matter, dust, fumes, gas, mist, smoke, vapor, or odorous substances, or any combination thereof.

(D) "Air pollution" means the presence in the ambient air of one or more air pollutants or any combination thereof in sufficient quantity and of such characteristics and duration as is or threatens to be injurious to human health or welfare, plant or animal life, or property, or which interferes with the comfortable enjoyment of life or property.

(E) "Ambient air" means that portion of the atmosphere outside of buildings and other enclosures, stacks, or ducts which surrounds human, plant, or animal life, or property.

(F) "Ambient air quality standards" means ambient air quality goals expressed numerically and intended to be attained and maintained in a stated time through the application of appropriate preventive or control measures.

(G) "ASME" means the "American Society of Mechanical Engineers."

(H) "ASTM" means the "American Society for Testing and Materials."

(I) "Area" means the state of Ohio.

(J) "Clean Air Act" or "CAA" means the federal Clean Air Act as amended November 15, 1990; 42 USC 7401 to 42 USC 7671q.

(K) "Control equipment" means any device or contrivance which prevents or reduces emissions.

(L) "Commenced" means that an owner or operator has undertaken a continuous program of construction or modification or has entered into a binding contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification.

(M) "Director" means the director of the Ohio environmental protection agency.

(N) "Effective date of these rules" means February 15, 1972, notwithstanding any amendment, rescission or renumbering of any of these rules.

(O) "Emission" means the act of releasing or discharging an air pollutant into the ambient air from any source.

(P) "Existing source" means any source the construction of which was commenced prior to February 15, 1972.

(Q) "Facility" means any building, structure, installation, operation, or combination thereof which contains one or more stationary source(s) of air contaminants.

(R) "Modification" means any physical change in, or change in the method of operation of, an existing source or a new source that increases the amount of any air pollutant emitted by such source or which results in the emission of any air pollutant not previously emitted from the same location.

(S) "New source" means any source the construction or modification of which is commenced on or after February 15, 1972.

(T) "Non-methane hydrocarbon" means any chemical compound containing carbon but excluding: carbon monoxide, carbon dioxide, carbides, metallic carbonates, ammonium carbonate, and methane.

(U) "Owner or operator" means any person who owns, leases, controls, operates or supervises a facility, an emission source, or air pollution control equipment.

(V) "Person" means the state or any agency thereof, any political subdivision, or any agency thereof, public or private corporation, individual, partnership, or other entity.

(W) "Region" means an air quality control region as designated by the secretary of health, education, and welfare, or by the administrator, United States environmental protection agency, or by the director.

(X) "Source" means any building, structure, facility, operation, installation, other physical facility, or real or personal property that emits or may emit any air pollutant.

(Y) "Source operation" means the last operation preceding emission which operation:

(1) Results in the separation of the air contaminant from the process materials or in the conversion of the process materials into air contaminants, as in the case of combustion fuel; and

(2) Is not an air pollution abatement operation.

(Z) "Stack" means any chimney, flue, conduit, or duct arranged to conduct emissions to the ambient air.

(AA) "Standard conditions" means a dry gas temperature of seventy degrees Fahrenheit (21.1 degrees centigrade) and a gas pressure of 14.7 pounds per square inch absolute (seven hundred sixty millimeters mercury).

(BB) Incorporation by reference. This chapter includes references to certain matter or materials. The text of the incorporated 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 version 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 as been amended to specify the new dates.

(1) Availability. The materials incorporated by reference are available as follows:

(a) American society of mechanical engineers (ASME). Information and copies of ASTM documents may be obtained by writing to: "ASME International, P.O. Box 2300, Fairfield, NJ 07007-2300." ASME documents are also available for purchase at [www.asme.org](http://www.asme.org). ASME documents are also available 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 ASTM documents may be obtained by writing to: "ASTM International, 100 Bar Harbor Drive, P.O. Box C700, West Conshohocken, Pennsylvania 19426- 2959." ASTM documents are also available for purchase at [www.astm.org](http://www.astm.org). ASTM documents are also available for inspection and copying at most public libraries and "The State Library of Ohio."

(c) Code of Federal Regulations (CFR). Information and copies may be obtained by writing to: "Superintendent of Documents, Attn: New Orders, PO Box 371954, Pittsburgh, PA 15250-7954." The full text of the CFR is also available in electronic format at <http://www.gpoaccess.gov/cfr/index.html>. The CFR compilations are also available for inspection and copying at most public libraries and "The State Library of Ohio."

(d) United States Code (USC). Information and copies may be obtained by writing to: "Superintendent of Documents, Attn: New Orders, PO Box 371954, Pittsburgh, PA 15250-7954." The full text of the United States Code is also available in electronic format at <http://www4.law.cornell.edu/uscode/>. The U.S.C compilations are also available for inspection and copying at most public libraries and "The State Library of Ohio."

(2) Incorporated materials.

(a) 40 CFR Part 302; "Designation, reportable quantities, and notification"; as published in the July 1, 2006 Code of Federal Regulations.

(b) 40 CFR Part 355; "Emergency Planning and Notification"; as published in the July 1, 2006 Code of Federal Regulations.

(c) 42 USC 7401 to 42 USC 7671q ; "The Public Health and Welfare-Air Pollution Prevention and Control;" published January 19, 2004 in Supplement III of the 2000 Edition of the United States Code; as amended January 23, 2004, Pub. L. 108-199, sec, 425(a) and sec. 428(b), 118 Stat. 417-418.

(d) Section 112(b) of the Clean Air Act; contained in 42 USC 7412 ; “Hazardous air pollutants-List of pollutants;” published January 19, 2004 in Supplement III of the 2000 Edition of the United States Code.

Effective: 01/22/2009

R.C. [119.032](#) review dates: 11/30/2006 and 01/22/2014

Promulgated Under: [119.03](#)

Statutory Authority: 3704.03(E)

Rule Amplifies: 3704.03(F)

Prior Effective Dates: 7/5/73, 1/25/80

### **3745-15-02 Purpose.**

It is the purpose of all air pollution rules to set forth such requirements as shall be necessary to secure and maintain those levels of air quality which are consistent with the protection of health and the prevention of injury to plant, animal life, and property in the state of Ohio, and to provide for the comfortable enjoyment of the natural attractions of the State to the greatest extent practical. All regulations of the director shall be construed in such manner as to effectuate this purpose.

Effective: 1/25/1980

R.C. [119.032](#) review dates: 11/30/2006 and 01/22/2014

Promulgated Under: [119.03](#)

Statutory Authority: 3704.03(E)

Rule Amplifies: 3704.03(F)

Prior Effective Date: 8/7/72

### **3745-15-03 Submission of Emission Information.**

(A) The director may require the keeping and periodic submission of records and reports, including but not limited to, information on air contaminants, emissions or fuel from any or all potential sources for purposes of maintaining an air pollution emission inventory or any other reasonable purpose as determined by the director. Such information shall be recorded, compiled, and submitted in a manner and form prescribed by the director.

Effective: 06/30/2008

R.C. [119.032](#) review dates: 07/03/2007 and 06/30/2013

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Statutory Authority: 3704.03(E)

Rule Amplifies: 3704.03(F)

Prior Effective Dates: 2/15/1972, 1/25/1980, 2/3/2000

## **3745-15-04 Measurement of Emissions of Air Contaminants.**

(A) The director may require any persons responsible for emission of air contaminants to make or have made tests to determine the emission of air contaminants from any source whenever the director has reason to believe that an emission in excess of that allowed by these rules is occurring or has occurred from time to time. All tests shall be conducted by qualified persons and the results calculated in accordance with test procedures approved by the director. The owner or the owner's authorized agent shall notify the director in writing of the time, place, and person who will conduct the tests and the director or the director's authorized representative shall be permitted to witness the tests. The director shall be furnished with a written report of test results no later than thirty days after completion of the tests and such report shall be signed by the person or persons responsible for the tests. The director may reject the results of any compliance test which is not performed in accordance with approved test procedures or which is performed without the advance notice and information required by this paragraph.

(B) The director may conduct tests of emissions of air contaminants from any source. Upon request of the director the person responsible for the source to be tested shall provide necessary holes in stacks or ducts and such other safe and proper sampling and testing facilities exclusive of instruments and sensing devices as may be necessary for proper determination of the emission of air contaminants.

(C) The director may install, or require the owner or operator of any source of air contamination, at his expense, to install, use, and maintain monitoring equipment, and to sample his emissions in accordance with methods approved by the director.

Effective: 1/25/1980

R.C. [119.032](#) review dates: 11/30/2006 and 01/22/2014

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Prior Effective Date: 8/7/1972



## **3745-15-05 De Minimis Air Contaminant Source Exemption.**

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see the last paragraph in rule [3745-15-01](#) of the Administrative Code titled "Incorporation by reference."]

(A) For purposes of this rule, the following definitions apply:

(1) "Actual emissions" means the amount of emissions an air contaminant source actually emits on a calendar day or calendar year basis, whichever is applicable.

(2) "Air contaminant" means particulate matter, dust, fumes, gas, mist, radionuclides, smoke, vapor, or odorous substances, or any combination thereof, but does not include water by itself.

(3) "Air contaminant source" or "source" means each separate operation or activity that results or may result in the emission of any air contaminant.

(4) "Air pollution control equipment" shall mean control equipment which is not, aside from air pollution control requirements, vital to production of the normal product of the source or to its normal operation. Equipment is vital if the source could not produce its normal product or operate without it.

(5) "Hazardous air pollutant" means any pollutant listed pursuant to Section 112(b) of the CAA.

(6) "Potential to emit" or "potential emissions" shall mean the amount of emissions of an air contaminant which would be emitted from a source during a twenty-four hour calendar day or calendar year basis, whichever is applicable, if that source were operated without the use of air pollution control equipment unless such control equipment is, aside from air pollution control requirements, necessary for the facility to produce its normal product or is integral to the normal operation of the source. Potential emissions shall be based on maximum rated capacity.

(7) "Similar sources" are:

(a) Sources for which construction and operation are essentially the same, although, the capacity of each source is not necessarily the same;

(b) Sources in which the physical or chemical process occurring in each source is essentially the same; and

(c) Sources from which essentially the same air pollutants are emitted.

(B) Except as provided in paragraphs (C), (D) and (H) of this rule and division (B) of section 3704.011 of the Revised Code, any air contaminant source is exempt from Chapter 3704. of the Revised Code and rules adopted thereunder, unless the potential emissions of any one of the following exceeds ten pounds per day: particulate matter, sulfur dioxide, nitrogen oxides, organic compounds, carbon monoxide, lead, or any other air contaminant.

(C) The exemption contained in paragraph (B) of this rule shall not apply to a source if any of the following applies:

(1) A requirement established under the CAA or regulations adopted under it limits the emissions of an air pollutant from the source to less than ten pounds per day or restricts the operation of the source in a manner equivalent to an emission limit of less than ten pounds per day;

(2) The source is subject to an emission limit adopted by the director to achieve and maintain the national ambient air quality standards or a rule adopted by the director to protect public health and welfare limits the emissions from the source to less than ten pounds per day of an air pollutant or restricts the operation of the source in a manner equivalent to an emission limit of less than ten pounds per day;

(3) The source emits radionuclides;

(4) The source alone or in combination with similar sources at the same facility, would result in potential emissions of any air pollutant in excess of twenty-five tons per year. In determining the total emissions from a group of similar sources, an enforceable permit emission limit shall be used in lieu of the potential to emit for such source or sources; or

(5) The source emits more than one ton per year of any hazardous air pollutants or combination of hazardous air pollutants.

(D) The exemption provided in division (A) of section 3704.011 of the Revised Code does not apply to an air contaminant source having potential emissions greater than ten pounds per day (or one ton per year of one or more hazardous air pollutants) of any air contaminant unless the owner or operator of the source maintains records that are adequate to demonstrate that actual emissions from the source did not exceed ten pounds per day (or one ton per year of one or more hazardous air pollutants) and unless that source is not subject to the limitations specified in paragraph (C) of this rule.

(E) In order to verify that actual emissions from a source described in paragraph (D) of this rule complied with the requirements of divisions (A) and (C) of section 3704.011 of the Revised Code during its operations, the owner or operator of the source shall maintain records that show that emissions of any air contaminant from the source did not exceed ten pounds per day on each day the source emitted air contaminants, and that the source in any one year did not emit more than one ton of hazardous air pollutants as defined in division (1) of section 3704.03 of the Revised Code, and that the emissions from the source, in combination with similar air contaminant sources at the same facility, did not result in potential emissions of any air contaminant from the facility in excess of twenty-five tons during the preceding calendar year. Records consisting of one or more of the following types of information, if applicable, shall be adequate to make that demonstration, so long as the information clearly demonstrates that the owner or operator is operating in accordance with this rule:

(1) A narrative description of how the emissions from the source were determined and maintained at or below the daily exemption level, and, for emissions of hazardous air pollutants, at or below the annual exemption level;

(2) A description of the air pollution control equipment used on the source and a statement that the source is not capable of operating without that pollution control equipment functioning;

(3) If air pollution control equipment is used, a copy of any report of the results of any emission test that was conducted following Ohio EPA approved methods, if applicable, or any other emission evaluation;

(4) A description of all production constraints required for the source to comply with the exemption levels;

(5) Records of actual operations that demonstrate that the daily and annual emissions from the source were maintained at or below the exemption level by the use of the necessary production constraints or pollution control equipment;

(6) A list of all similar sources at the same facility and a statement for each such source of the annual potential emissions. Compliance with paragraph (C)(4) of this rule shall be demonstrated; and

(7) A summation of the total emissions from each exempt or similar source, a summation of stated potential emissions from all sources identified in paragraph (E)(6) of this rule, and a written certification by the owner or operator that the applicable exemption levels were complied with.

(F) Records developed under paragraph (E) of this rule shall be maintained by the owner of the source at a location at the facility for a period of two years following the recording of the information, and shall be provided to the director upon his request or upon the request of his authorized representative.

(G) The owner or operator of such an exempt source not subject to paragraph (E) of this rule, upon the request of the director or his authorized representative concerning such source, shall provide information that is adequate to demonstrate that the source qualifies for the exemption.

(H) Nothing in this rule shall be construed to exempt any source from requirements of the CAA, including its being considered for purposes of determining whether a facility constitutes a major source or is otherwise regulated under Chapter 3745-77 of the Administrative Code or any requirement to identify insignificant activities and emissions levels in a title V permit application. In addition, this rule does not exempt any source that is a part of a major new source or major modification that would be required to meet any requirements under applicable state or federal regulations.

(I) If a source exempt under this rule should at any time exceed the exempt emission levels provided in paragraphs (B) and (D) of this rule, the owner or operator of such source shall immediately submit a written report describing the nature and cause of the exceedance. Upon request by the director, the owner or operator of such source shall submit an application for a permit to install if required by Chapter 3745-31 of the Administrative Code and an application for a permit to operate pursuant to Chapter 3745-35 or Chapter 3745-77 of the Administrative Code, as applicable.

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Prior Effective Dates: 4/20/1994, 11/18/1994, 2/3/2000

## **3745-15-06 Malfunction of Equipment; Scheduled Maintenance; Reporting.**

(A) Scheduled maintenance of air pollution control equipment shall be conducted according to the following:

(1) For the purposes of this rule, maintenance of air pollution control equipment which is scheduled to prevent a malfunction which would occur within two weeks if the maintenance were not performed shall be considered to be a malfunction and shall be subject to the provisions of paragraph (B) of this rule.

(2) Except as otherwise indicated in paragraph (A)(3) of this rule, scheduled maintenance of air pollution control equipment, that requires the shutdown or bypassing of said equipment, must be accompanied by the shutdown of the associated air pollution sources.

(3) In cases where a complete source shutdown may result in damage to the air pollution sources or is otherwise impossible or impractical, the owner or operator may request authorization to continue operating the sources during the scheduled maintenance of air pollution control equipment. Any such request shall be made in a written report at least two weeks prior to the planned shutdown of the air pollution control equipment. The director shall authorize the shutdown of the air pollution control equipment if, in his judgment, the situation justifies continued operation of the sources. Any written report submitted pursuant to this paragraph shall contain the following:

(a) Identification and location of the specific source for which air pollution control equipment will be taken out of service. The identification shall include the Ohio environmental protection agency permit application number;

(b) The expected length of time that the air pollution control equipment will be taken out of service;

(c) The nature and estimated quantity of emissions of air contaminants which are likely to occur during the shutdown period;

(d) Measures such as the use of off-shift labor and equipment that will be taken to minimize the length of the shutdown period;

(e) The reasons that it will be impossible or impractical to shut down the source operation during the scheduled maintenance period; and

(f) A demonstration that all feasible interim control measures will be taken to reduce emissions from the source during the shutdown period.

(B) Malfunctions of air pollution control equipment shall be reported as follows:

(1) In the event that any emission source, air pollution control equipment, or related facility breaks down in such a manner as to cause the emission of air contaminants in violation of any applicable law, the person responsible for such equipment shall immediately notify the Ohio

environmental protection agency district office or delegate agency of such failure or breakdown. If the malfunction continues for more than seventy-two hours, the source owner or operator shall provide a written statement to the director within two weeks of the date the malfunction occurred. The immediate notification and written statement shall include the following data:

(a) Identification and location of such equipment including the Ohio environmental protection agency permit application number for each air contaminant source;

(b) The estimated or actual duration of breakdown;

(c) The nature and estimated quantity of air contaminants which have been or may be emitted into the ambient air during the breakdown period;

(d) Statements demonstrating that:

(i) Shutdown or reduction of source operation during the breakdown period will be or would have been impossible or impractical;

(ii) The estimated breakdown period will be or was reasonable in duration based on installation or repair time, delivery dates of equipment, replacement parts, or materials, or current unavailability of essential equipment, parts, or materials;

(iii) Available alternative operating procedures and interim control measures will be or have been implemented during the breakdown period to reduce adverse effects on public health or welfare; and

(iv) All actions necessary and required by any applicable preventive maintenance and malfunction abatement plan will be or have been implemented.

(2) The Ohio environmental protection agency district office or delegate agency shall be notified when the condition causing the failure or breakdown has been corrected and the equipment is again in operation. Notification of the correction of the condition causing the failure or breakdown may be given verbally if the duration of the malfunction is seventy-two hours or less. Otherwise, such notification shall be in writing.

(3) Within two months following a failure or breakdown which exceeded seventy-two hours in duration, the owner or operator of such equipment shall prepare and submit a detailed report which identifies a program to prevent, detect and correct, as expeditiously as practicable, similar future failures or breakdowns of such equipment.

(C) The director retains the responsibility to evaluate any report submitted pursuant to this rule. The director shall take appropriate action upon a determination that the reporting requirements of this rule have not been satisfied, that the equipment was not properly operated and maintained prior to breakdown, that shutdown of the source or operation during the period of maintenance or breakdown was or has become practicable, that the shutdown or breakdown was or has become avoidable, or was induced or prolonged in bad faith, or that the emissions endanger or tend to endanger the health or safety of the public.

(D) If, in the judgment of the director, excessive or unduly prolonged malfunctions of any emission source, air pollution control equipment or related facility have occurred, the director may require the owner or operator of said source, equipment or related facility to prepare, submit and implement a preventive maintenance and malfunction abatement plan which is acceptable to

the director. Such plan shall be designed to prevent, detect, and correct malfunctions or equipment failures which could result in emissions exceeding any applicable law.

(1) Each preventive maintenance and malfunction abatement plan shall be in writing and specify the following:

(a) A comprehensive preventive maintenance program, including a description of the items or conditions that will be inspected, the frequency of these inspections or repairs, and an identification of the types and quantities of the replacement parts which will be maintained in inventory for quick replacement;

(b) An identification of the source and the operating outlet variables of the air pollution control equipment that will be monitored in order to detect a malfunction or failure, the normal operating range of these variables, and a description of the monitoring or surveillance procedures and of the method of informing operating personnel of any malfunction, including alarm systems, lights and/or other indicators; and

(c) A description of the corrective procedures that will be taken in the event of a malfunction or failure in order to achieve compliance with any applicable law as expeditiously as practicable.

(2) Any acceptable preventive maintenance and malfunction abatement plan shall be specified in the terms and conditions of any permit or variance issued for a source covered by such plan.

(3) Operation and maintenance records shall be maintained by the owner or operator of the source to demonstrate that any preventive maintenance and malfunction abatement plan is fully implemented. All such records shall be maintained for a minimum of two years and shall be subject to inspection by the director or his representative upon request.

Effective: 1/25/1980

Rule promulgated under: RC Chapter 119.

Rule amplifies: RC Chapter 3704.

R.C. [119.032](#) review dates: 11/26/2008 and 11/26/2013

### **3745-15-08 Circumvention.**

No person shall cause or permit the installation or use of any device or any means which, without resulting in reduction in the total amount of air contaminant emitted, conceals or dilutes an emission of air contaminant which would otherwise violate any regulations of the director.

Effective: 01/25/1980

R.C. [119.032](#) review dates: 11/30/2006 and 01/22/2014

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Rule Amplifies: 3704.03(F)

Prior Effective Date: 2/15/1972



### **3745-15-09 Severability.**

If any provision of any rule of the director or the application thereof to any person or circumstances is held to be invalid, such invalidity shall not affect other provisions or application of any other part of such rules which can be given without the invalid provisions or application, and to this end the provisions of all rules of the director and the various applications thereof are declared to be severable.

Effective: 01/25/1980

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