

## SUBCHAPTER 11. ALTERNATIVE EMISSIONS REDUCTION PLANS AND AUTHORIZATIONS

### 252:100-11-2. Definitions

The following words and terms, when used in this Subchapter, shall have the following meaning, unless the context clearly indicates otherwise:

**"Actual emissions"** means the lowest emission rate in tons per year at which the source actually emitted a specific pollutant during a three-year period preceding the date of the alternate emission reduction plan and which is representative of the normal source operation. The DEQ may allow the use of a different time period upon a determination that it is more representative of normal operations.

~~"Capability to emit" means the maximum capacity of a source to emit considering reduction from air pollution controls and other enforceable restrictions such as hours of operation, types of raw material or fuel, etc.~~

~~"Facility" means all of the pollutant-emitting activities which belong to the same industrial grouping as described in the Standard Industrial Classification Manual (1987 Supplement) with the same code number and which are under the control of the same person or under common control and which are located on contiguous or adjacent properties.~~

**"Net emissions reduction"** means the amount by which a source will reduce its levels of emitted pollutants under an Alternative Emissions Reduction Plan ~~alternate emissions reduction plan~~. Such determination shall be based on the allowable emissions of a specific pollutant under the Alternative Emissions Reduction Plan ~~alternate emissions reduction plan~~, subtracted from either the source's capability to emit actual emissions or the amount allowed under the source's operating permit or regulation rule, whichever is less.

### 252:100-11-3. Applicability

The procedures detailed in this Subchapter shall be available to all air contaminant sources located within the state except those precluded by federal law or federal regulation, e.g., Prevention of Significant Deterioration (PSD), National Emission Standards for Hazardous Air Pollutants (NESHAP) or New Source Performance Standards (NSPS), from participating in an alternative emissions reduction program, provided:

- (1) the source is either in compliance with all applicable state air pollution control rules, or
- (2) if the source is not in compliance, its petition filed pursuant to the provisions of this Subchapter constitutes a commitment to achieve a net emissions reduction from the source taken as a whole.

**252:100-11-4. Application for alternative emissions reduction plan authorizations**

(a) **Filing.** A source seeking to operate under an alternative emissions reduction plan shall submit an application for authorization to the DEQ.

(b) **Content.** An alternative emissions reduction plan application shall include, but shall not be limited to, the following information:

- (1) Identification of the applicant source by name and location
- (2) The name, address and telephone/fax numbers of the owner or operator of the applicant source
- (3) The permit number under which each affected emission point is presently operating or, if the commencement of emissions from each affected emission point occurred before the specified compliance date of the State's operating permit rule, the date of such commencement
- (4) Identification of the affected emission points within the source and the affected pollutants emitted therefrom
- (5) Identification and location of existing air pollution control equipment with reference to the particular emissions sources controlled by same
- (6) The current emission levels of the affected pollutants
- (7) Estimated levels of the affected pollutants to be emitted should the authorization be issued, including:
  - (A) estimates of the levels of affected pollutants to be emitted from each emission point considered, and
  - (B) control strategies and/or equipment which will be implemented to control emission levels
- (8) Identification of affected pollutants according to individual chemical components; particulates shall be identified according to both chemical components and particle size, and
- (9) Any other information required by the application form including but not limited to:
  - (A) modeling/monitoring data substantiating the current ambient levels
  - (B) the method utilized in calculating the projected emissions levels
  - (C) a plot plan showing the physical relationship of each affected emission point, and
  - (D) the measured distance between each affected emission point clearly marked.

(c) **Multiple facilities.** If the application includes more than one facility under the control of the applicant, it shall include, in addition to the information required in ~~252:100-11-4(b)~~ OAC 252:100-11-4(b) for the respective facilities, a plot plan showing the physical relationship of the facilities, and the measured distance between the facilities clearly marked.

**252:100-11-5. Emissions reduction plan requirements and limitations**

(a) **Application requirements.** An application for an alternative emissions reduction plan authorization must conform to the following requirements:

(1) A net emissions reduction as defined in ~~252:100-11-2~~ OAC 252:100-11-2 must be shown as a result of the control strategies proposed in the application.

(2) Applications involving Part 70 sources located in Nonattainment Areas, in addition to the requirement in (1) of this subsection, must include a commitment to install reasonably available control technology, as defined by applicable rules, or other control measures that would achieve equivalent reductions.

(b) **Limitation.** The following limitations shall apply to all alternative emissions reduction plans:

(1) Net emissions reduction trade-offs will not be authorized across established pollutant categories; e.g., sulfur emissions may not be traded for hydrocarbon emissions.

(2) Net emissions reduction trade-offs of particulate matter will be authorized only if the trade-off results in a net reduction in particulate matter of equal or smaller average aerodynamic diameter.

**252:100-11-6. Authorization procedures**

(a) **Determination.** Within 30 days after receipt of all information required to accomplish the analysis in ~~252:100-11-5~~ OAC 252:100-11-5, the DEQ will make a determination whether the plan should be authorized, authorized with conditions or not authorized.

(b) **Petition for recommendation to revise SIP, public notice and Council hearing.**

(1) Upon a determination to authorize but prior to authorization, the applicant shall file a petition with the DEQ seeking a hearing and recommendation by the Air Quality Council for a corresponding revision to the SIP.

~~(2) At least 30 days prior to a hearing before the Air Quality Council on the petition, the applicant shall notify the public by prominent advertisement in a newspaper of general circulation in the county in which the source is located:~~

~~(A) that a SIP petition has been filed~~

~~(B) that the application, petition and the DEQ analysis thereof are available, for 30 calendar days in at least one location in the county where the source is located for public review, and~~

~~(C) of the time, date and place of the hearing before the Air Quality Council and of a 30-day opportunity to submit written comments to the DEQ and/or the opportunity to comment at the hearing.~~

~~(3) The public notice, as specified, will be sufficient to notify all sub-state entities and their representatives of the proposed recommendation for SIP revision.~~

~~(4) At such a hearing before the Air Quality Council, the applicant shall bear the burden of proof. The applicant shall notify the public by methods contained in OAC 252:4-7-13 and 252:4-7-33.~~

(c) **Major source.** In the case of a major source, as defined by the Federal Clean Air Act, that might impact the air quality of a neighboring State, the comment period for that State is extended to a 60 day period as required by Section 126 of the Federal Clean Air Act, 42 U.S.C. Section 7426.

(d) **Public notice.** Following receipt of the Air Quality Council's recommended revision of the SIP, the DEQ shall issue the plan authorization and the applicant shall publish public notice of that fact in a newspaper of general circulation in the county in which the source is located.