

**SUMMARY OF COMMENTS AND STAFF RESPONSES
FOR PROPOSED REVISION TO SUBCHAPTER 33**

**COMMENTS RECEIVED PRIOR TO OR AT THE
JANUARY 17, 2008 AIR QUALITY ADVISORY COUNCIL MEETING**

Written Comments

Perry S. Friedrich, Environmental Department Superintendent, Grand River Dam Authority

– Comments were received via e-mail on January 10, 2008.

1. **COMMENT:** OAC 252:100-33-1.1 (Definitions) – In the definition of “new fuel-burning equipment” the Terms “in being” and “existing” are used. It is not clear if these are used to describe the same type of equipment. If the same equipment is being described, I suggest the same term be used consistently throughout the rule. If they are not the same, I suggest they be defined.

RESPONSE: The terms "existing source" and "in being" are defined in OAC 252:100-1-3.

2. **COMMENT:** OAC 252:100-33-1.1 (Definitions) – This comment addresses the terms “existing” and “in being” as they pertain to the definition of “new fuel burning equipment”. I believe they should be defined to specify what “in being” and/or “existing” are to mean (e.g. sources that are emitting on the specified date, sources that are under construction, sources that have received a permit to construct, or operate, etc.).

RESPONSE: The terms "existing source" and "in being" are defined in OAC 252:100-1-3.

3. **COMMENT:** OAC 252:100-33-1.2(a)(2) (Applicability) – The term “gas” is used. If it is in keeping with the Air Quality Division’s intent, I believe the term “gaseous” should be considered to replace “gas” where appropriate in Subchapter 33. This would provide consistency with federal rules found at 40 CFR 60.

RESPONSE: Further consideration will be given to this request.

4. **COMMENT:** OAC 252:100-33-1.2(a)(2) (Applicability) – The phrase “solid fossil, gas, or liquid fuel” is used. I ask you to consider replacing this phrase with “fossil fuel in solid, gaseous, or liquid form”. This would preclude any future questions regarding gaseous and liquid fuels that are not fossil fuels, and would provide consistency with federal rules found at 40 CFR 60.

RESPONSE: DEQ staff interprets the phrase "solid fossil, gas, or liquid fuel" to mean that the solid fuel is required to be of fossil origin, but that the gas and liquid fuel may be fossil fuel, but are not required to be fossil fuel. OAC 252:100-33-1.2(a)(2) has been revised to make this clear.

EPA Region 6 – Letter received via E-mail on January 16, 2008, signed by Guy Donaldson, Chief, Air Planning Section.

5. **COMMENT:** It is our understanding that this rule was initially adopted as an emergency rule for glass manufacturing furnaces. To expand OAC 252:100-33-1.2(b) to "new fuel burning equipment" has the appearance of expanding the universe of exempted sources or extending an exemption to a larger number or group of affected units. Therefore, technical or economical justifications for this expansion would be necessary in your SIP submittal to EPA.

RESPONSE: OAC 252:100-33-1.2 was revised to exempt glass-melting furnaces from the emission limits in 252:100-33-2(a). This revision became effective as an emergency rule on 3-17-03 and as a permanent rule on 6-1-04. The proposed change to 252:100-33-1.2(b) provides a means for direct-fired fuel-burning equipment to qualify for exemption from the emission limits contained in Subchapter 33. When the NO_x limits were established in 1972, the definition of fuel-burning equipment did not include direct-fired equipment. However, in 1977 the definition of fuel-burning equipment was changed to include direct-fired processes and equipment, which then became subject to all of the Division's rules for fuel-burning equipment. We are unable to find any evidence that consideration was given at that time to the ability of direct-fired fuel-burning equipment to meet the NO_x emission limits. The changes to OAC 252:100-33-1.2(b) will create a conditional exemption that will apply to all direct-fired fuel-burning equipment.

6. **COMMENT:** If our understanding of the expansion of exempted sources is correct, then the SIP submittal to EPA will need to include a section 110(1) analysis. The 110(1) analysis should compare the proposed changes to the approved SIP. EPA last approved these revisions on 11/03/1999.

RESPONSE: If required, the SIP submittal to EPA will include a section 110(1) analysis.

7. **COMMENT:** Under "technological limitations, we strongly recommend adding a statement that approval of technological limitations by the Executive Director does not mean automatic approval by the EPA. Otherwise, this provision will be problematic.

RESPONSE: Staff will give this request further consideration.

8. **COMMENT:** Section 252:100-33-2 emission limits as approved by EPA on 11/03/1999 (64 FR 50629) uses a "two-hour maximum" in connection with the NO_x emissions limits. We have attached this section to this letter for your reference. See 252:100-33-2(a)(1), (a)(2), and (a)(3) of the attached reference. Please elaborate why ODEQ is proposing a "three-hour average" in section 252:100-33-2.

RESPONSE: This change to 252:100-33-2 became effective in 2001 and was made for consistency with the stack test which has a three-hour average.

Oral Comments

There were no oral comments from the public at the January 17, 2008 Air Quality Advisory Council meeting.