

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 100. AIR POLLUTION CONTROL**

RULE IMPACT STATEMENT

Subchapter 33. Control of Emission of Nitrogen Oxides

252:100-33-1.1. Definitions [AMENDED]

252:100-33-1.2. Applicability [AMENDED]

252:100-33-2. Emission limits [AMENDED]

Before the Air Quality Advisory Council on January 17, 2008, July 16, 2008, October 15, 2008 and January 21, 2009. Before the Environmental Quality Board on February 27, 2009.

1. **DESCRIPTION:** The Department proposes to amend OAC 252:100-33 to resolve issues regarding emission standards for nitrogen oxides from fuel-burning equipment. The changes clarify what types of fuel are covered by the rule, address emission standards for fuel-burning equipment that uses more than one type of fuel and address equipment with technological limitations. The proposed revision to OAC 252:100-33-1.1 adds a definition for solid fossil fuel. The proposed revision renumbers what was OAC 252:100-33-2 to 252:100-33-2(a) and adds a new paragraph (4) which provides a formula for setting nitrogen oxides (NO_x) emission limits for equipment that burns a combination of fuel types. The proposed revision also adds a new subsection (b) which sets requirements for fuel-burning equipment that because of technological limitations cannot meet the standards in subsection (a) during startup and/or shutdown. Other changes of a nonsubstantive nature are also proposed.
2. **CLASSES OF PERSONS AFFECTED:** Classes of persons affected are the owners and operators of fuel-burning equipment that has a rated heat input of 50 MMBTU/hr or greater and burns solid fossil fuel, gas fuel, or liquid fuel, or a combination thereof.
3. **CLASSES OF PERSONS WHO WILL BEAR COSTS:** The owners and operators of fuel-burning equipment that has a rated heat input of 50 MMBTU/hr or greater and burns solid fossil fuel, gas fuel, or liquid fuel, or a combination thereof will bear the costs. Most of the proposed changes will not result in additional costs to these persons.
4. **INFORMATION ON COST IMPACTS FROM PRIVATE/PUBLIC ENTITIES:** The DEQ has received no information on cost impacts from private or public entities.
5. **CLASSES OF PERSONS BENEFITTED:** The owners and operators of equipment that because of technological limitations cannot meet the NO_x standards during startup and/or shutdown will benefit.
6. **PROBABLE ECONOMIC IMPACT ON AFFECTED CLASSES OF PERSONS:** The economic impact should not be significant. Although fuel-burning equipment with technological limitations may be exempt from the NO_x emission standards during startup

and/or shutdown, this equipment will be subject to BACT for NO_x for startup and/or shutdown.

7. **PROBABLE ECONOMIC IMPACT ON POLITICAL SUBDIVISIONS:** The Department anticipates no economic impact on political subdivisions.
8. **POTENTIAL ADVERSE EFFECT ON SMALL BUSINESS:** The Department does not anticipate any potential adverse effects on small business.
9. **LISTING OF ALL FEE CHANGES, INCLUDING A SEPARATE JUSTIFICATION FOR EACH FEE CHANGE:** No fee changes are included in the proposed amendment.
10. **PROBABLE COSTS AND BENEFITS TO DEQ TO IMPLEMENT AND ENFORCE:** The Department does not expect significant increases in the costs of implementing and enforcing the proposed revision to Subchapter 33. The Department will benefit from the improved clarification of the requirements.
11. **PROBABLE COSTS AND BENEFITS TO OTHER AGENCIES TO IMPLEMENT AND ENFORCE:** None. No other agencies will be implementing or enforcing this rule.
12. **SOURCE OF REVENUE TO BE USED TO IMPLEMENT AND ENFORCE RULE:** Federal grants, state appropriations and fees will continue to be used.
13. **PROJECTED NET LOSS OR GAIN IN REVENUES FOR DEQ AND/OR OTHER AGENCIES, IF IT CAN BE PROJECTED:** The proposed revision should have little effect on net revenues for DEQ and/or other agencies.
14. **COOPERATION OF POLITICAL SUBDIVISIONS REQUIRED TO IMPLEMENT OR ENFORCE RULE:** Cooperation of political subdivisions will not be required to implement or enforce the rule.
15. **EXPLANATION OF THE MEASURES THE DEQ TOOK TO MINIMIZE COMPLIANCE COSTS:** No measures were necessary to minimize compliance costs as the increase in compliance costs should be minimal.
16. **DETERMINATION OF WHETHER THERE ARE LESS COSTLY OR NONREGULATORY OR LESS INTRUSIVE METHODS OF ACHIEVING THE PURPOSE OF THE PROPOSED RULE:** The Department has determined that there are no less costly or nonregulatory methods of achieving the purpose of the proposed revision.
17. **DETERMINATION OF THE EFFECT ON PUBLIC HEALTH, SAFETY AND ENVIRONMENT:** The proposed revision should result in improved public health, safety and the environment by ensuring that fuel-burning equipment is held to the Best

Available Control Technology (BACT) standards for NO_x emissions during startup and/or shutdown.

18. **IF THE PROPOSED RULE IS DESIGNED TO REDUCE SIGNIFICANT RISKS TO THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT, EXPLANATION OF THE NATURE OF THE RISK AND TO WHAT EXTENT THE PROPOSED RULE WILL REDUCE THE RISK:** The proposed revision should result in improved public health, safety and the environment by ensuring that fuel-burning equipment is held to the BACT standards for NO_x emissions during startup and/or shutdown.
19. **DETERMINATION OF ANY DETRIMENTAL EFFECT ON THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT IF THE PROPOSED RULE IS NOT IMPLEMENTED:** If the proposed revision is not implemented, benefits derived from having fuel-burning equipment subject to BACT standards for NO_x emissions during startup and/or shutdown will not occur.
20. **PROBABLE QUANTITATIVE AND QUALITATIVE IMPACT ON BUSINESS ENTITIES (INCLUDE QUANTIFIABLE DATA WHERE POSSIBLE):** The quantitative impact is not known. However, owners and operators of equipment that because of technological limitations cannot meet standards during startup and shutdown will find relief in the proposed revision.

THIS RULE IMPACT STATEMENT WAS PREPARED ON: December 15, 2007
Modified On: June 10, 2008, September 15, 2008, and December 8, 2008