

Publications

Ohio EPA Division of Air Pollution Control hosts Program Advisory Group Meeting

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On January 20, 2021, the Ohio EPA's Division of Air Pollution Control (DAPC) hosted a "Program Advisory Group" (PAG) meeting via Microsoft Teams to inform interested stakeholders of recent and upcoming DAPC activities. The topics discussed during the PAG meeting included: anticipated regulatory changes to address non-attainment of the 2015 Ozone National Ambient Air Quality Standard (NAAQS); a report on improvements in air permitting efficiency, and current air permit projects including new exemptions and permits-by-rule for certain sources; amendments to the nuisance and malfunction rules under OAC 3745-15; updates to the eBusiness Center online portal; and DAPC staffing and budget changes.

This post focuses on Ohio EPA's anticipated regulatory changes to address non-attainment of the 2015 Ozone NAAQS. Notably, Ohio EPA reported that the current 3-year monitoring data shows Cleveland and Cincinnati, which are designated as marginal non-attainment areas, will not meet the 70 ppb Ozone standard by the prescribed attainment date (August 3, 2021). As a result, the Cleveland and Cincinnati non-attainment areas will be "bumped-up" from marginal to moderate non-attainment, triggering additional requirements to reduce NOx and VOC emissions. Anticipated regulatory changes include:

- Reassessing the NOx Reasonably Available Control Technology (RACT) that is currently in place in the Cleveland non-attainment area to ensure the established RACT is still appropriate;
- Implementing the NOx RACT in the Cincinnati non-attainment area;
- Adopting oil and gas Control Technique Guidelines (CTGs) to reduce VOC emissions in Cleveland, and several other CTGs in Cincinnati;
- Reassessing the non-CTG VOC RACT already in place for certain sources, and add other sources not already covered; and
- Expanding the emissions inspection and maintenance program (i.e. E-check) that is in place in Cleveland to the Cincinnati area.

The non-attainment requirements present significant challenges for new and modified “major sources” in the non-attainment areas, including a New Source Review emissions offset ratio of 1.15:1. During the PAG meeting, Ohio EPA noted that the agency has primarily relied on the minimum control measures required under the federal Clean Air Act to meet the NAAQS. However, in order to meet the Ozone NAAQS by the next attainment date (August 3, 2024) and avoid another bump-up to serious non-attainment, Ohio EPA will be evaluating additional emissions reductions beyond what is federally mandated, including making RACT rules applicable in counties outside the non-attainment areas or even statewide. Ohio EPA also plans to evaluate control measures for non-road emissions sources (e.g. railroad, marine off-road, and compressor engines).

We will continue to monitor these issues and provide updates on any new developments.