

The Air You Breathe

Free Quarterly Newsletter from Akron Regional Air Quality Management District

November 2023

Volume 38, Issue 4

Cleveland Nonattainment Response

What do these rules cover?

Ohio EPA is considering changes to three Chapters in the Ohio Administrative Code (OAC) that may be required under the Clean Air Act (CAA) in the event the Cleveland ozone nonattainment area is reclassified from moderate to serious nonattainment.

OAC Chapter 3745-110 establishes requirements for emissions of nitrogen oxides (NOx) from very large, large, mid-size, and small boilers, stationary combustion turbines, stationary internal combustion engines or reheat furnaces as defined in OAC rule 3745-110-01, or sources located at a facility that emits or has the potential to emit (PTE) a total of more than 100 tons per year (TPY) of NOx emissions from all sources at that facility. OAC Chapter 3745-21 establishes requirements for the control of emissions of volatile organic compounds (VOCs) and carbon monoxide (CO) from stationary emission sources.

NOx and VOCs are precursor compounds which can form ozone. Ozone is one of the six criteria pollutants for which a National Ambient Air Quality Standard (NAAQS) has been established under the Clean Air Act. Both NOx and VOCs are precursors to ozone formation.

OAC Chapter 3745-31 provides requirements for issuing permits-to-install (PTI) and permits-to-install and operate (PTIO) for the installation and modification of all new and existing air contaminant sources, as well as operation of those sources.

Why are these rules being sent out for Early Stakeholder Outreach?

The first step in the rule-making process is for Ohio EPA to identify that a rule needs to be amended, rescinded, or created. Ohio EPA has added an additional step to ensure stakeholders are brought into the rule process as early as possible. This additional interested party notification and request for information will allow for early feedback before the rule language has been developed by the Agency.

What changes are being considered?

At this time, Ohio EPA is considering rule changes that may be required under the CAA in the event that the Cleveland ozone nonattainment area is reclassified from moderate to serious nonattainment.

The Cleveland nonattainment area is currently classified as moderate nonattainment for the 2015 ozone standard. The area is required to meet the ozone standard by August 3, 2024, based on ozone monitoring data collected during the 2021-2023 ozone monitoring seasons, which extends from March 1 to October 31 each year. Based on ozone monitoring data available to date, Ohio EPA anticipates that the Cleveland area will fail to meet the ozone standard by August 3, 2024 and will be reclassified to serious nonattainment by U.S. EPA in accordance with the CAA.

Reclassification to serious nonattainment triggers additional CAA requirements for major stationary sources located in the serious nonattainment area. In this event, the threshold for sources subject to NOx and VOC Reasonably Available Control Technology (RACT) requirements in OAC Chapters 3745-110 and 3745-21 would be

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WELCOME NEW STAFF!

Brian Cameron joined the AQ staff this summer and we are so excited he's here!

Brian graduated from the University of Akron with a Bachelor's degree in Chemical Engineering.

Joining Air Quality gives him the chance to use his degree to improve the environment. Something fun he's learned is that vermiculite does not inherently contain asbestos. Only the vermiculite that comes from Libby, MT!

Brian's favorite holiday is upcoming...Christmas! He's a big fan of winter and he likes Christmas music. He did note that Halloween is a close 2nd!

Welcome, Brian!!



Nonattainment Continued

lowered from a PTE of 100 TPY to 50 TPY. In addition, changes to the nonattainment new source review (NNSR) permitting requirements in OAC Chapter 3745-31 would include lowering the major source threshold from 100 TPY to 50 TPY, lowering the major modification significance level from 40 TPY to 25 TPY and other special NNSR requirements for major modifications. Ohio EPA may also consider other clarifications and corrections to the RACT and permitting rules in OAC Chapters 3745-110, 3745-21 and 3745-31.

Please note: several other changes to permitting requirements are already incorporated into the existing rules without any revision needed and would become effective upon the date of reclassification to serious nonattainment. These include a change to the NNSR offset ratio from 1.15:1 to 1.2:1 (see OAC 3745-31-26(C)), as well as Title V permitting requirements in OAC Chapter 3745-77 which lowers the major source threshold to 50 TPY of NO_x or VOC in serious nonattainment areas (see OAC 3745-77-01(X)(3)(a)).

Who will be regulated by these rules?

The rules in OAC Chapter 3745-110 are currently applicable to very large, large, mid-size, and small boilers, stationary combustion turbines, stationary internal combustion engines or reheat furnaces as defined in OAC rule 3745-110-01, and sources located at a facility that emits or has a PTE of more than 100 TPY of NO_x emissions from all sources at that facility and the facility is located in Ashtabula, Butler, Clermont, Cuyahoga, Geauga, Hamilton, Lake, Lorain, Medina, Portage, or Summit and Warren counties. The rules in OAC Chapter 3745-21 apply to all point sources emitting VOCs in the state of Ohio. The rules in Chapter 3745-31 apply to all businesses wishing to operate an air pollution source in the state of Ohio.

The revisions to these rules would affect point sources emitting NO_x or VOC in the Cleveland 2015 ozone nonattainment area (Cuyahoga, Geauga, Lake, Lorain, Medina, Portage and Summit counties) with a PTE between 50 and 100 TPY.

For more information contact Paul Braun, Ohio EPA Division of Air Pollution Control, PO Box 1049 Columbus, OH 43216-1049 | 614-644-3734. [The rules are available on Ohio EPA's website.](#)

PFAS Final Rule Issued

U.S. Environmental Protection Agency (EPA) finalized a rule that will provide EPA, its partners, and the public with the largest-ever dataset of per- and polyfluoroalkyl substances (PFAS) manufactured and used in the United States. PFAS are a category of manufactured chemicals that have been used in industry and consumer products since the 1940s. PFAS have characteristics that make them useful in a variety of products, including nonstick cookware, waterproof clothing, and firefighting foam, as well as in certain manufacturing processes.

The reporting rule under the Toxic Substances Control Act (TSCA) is a statutory requirement under the FY2020 National Defense Authorization Act (NDAA) that requires all manufacturers (including importers) of PFAS and PFAS-containing articles in any year since 2011 to report information related to chemical identity, uses, volumes made and processed, byproducts, environmental and health effects, worker exposure, and disposal to EPA.

“The data we’ll receive from this rule will be a game-changer in advancing our ability to understand and effectively protect people from PFAS,” **said Assistant Administrator for the Office of Chemical Safety and Pollution Prevention Michal Freedhoff.**

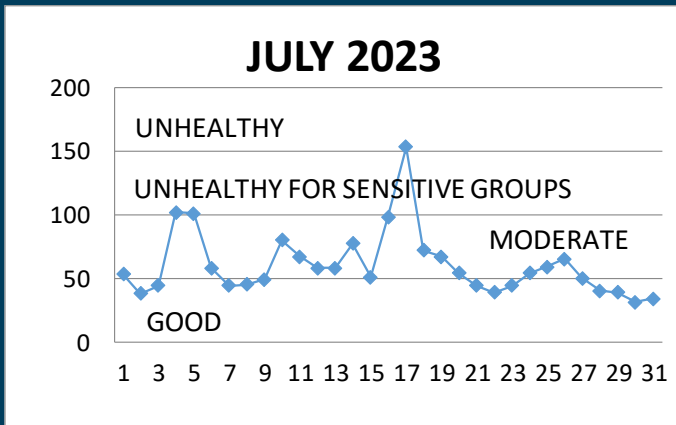
In order to effectively research, monitor, and regulate PFAS, EPA is taking action to better understand who is using PFAS, how they are being used, and in what quantities. This rule will produce actionable data that can be used by EPA, as well as state, local, and Tribal governments to craft policies and laws that protect people from dangerous “forever chemicals.”

The [final rule](#) also streamlines reporting requirements and reduces the burden for those who made or used small quantities of PFAS for research and development purposes and for those who imported PFAS contained in articles into the U.S.

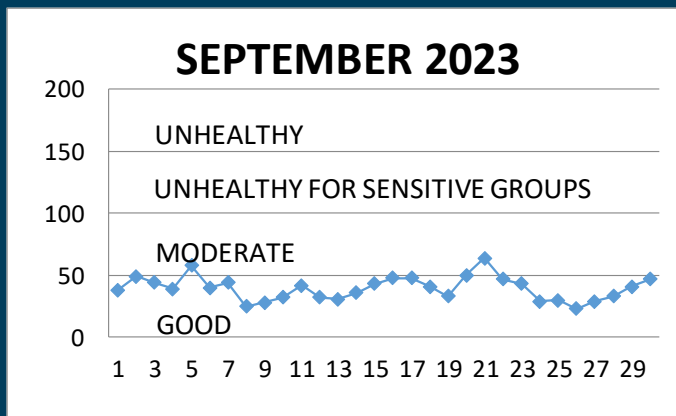
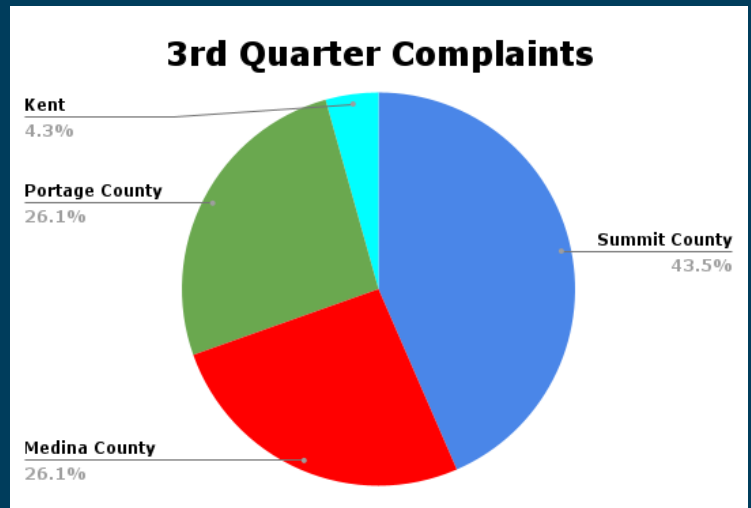
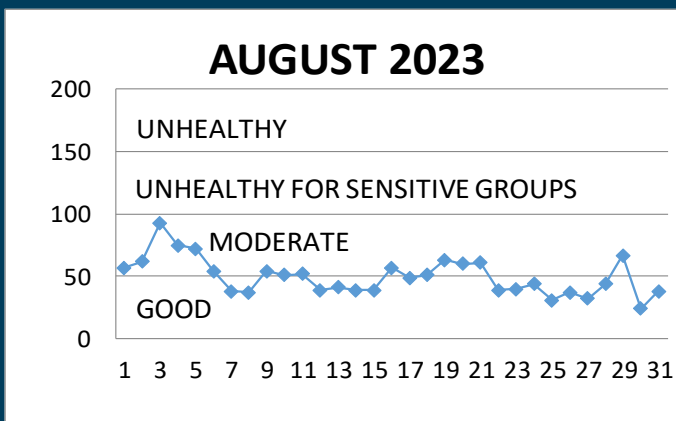
AQ by the Numbers: 3rd Quarter 2023

Air Quality Index

Complaints & Inspections



Area/ Health District	Commercial/ Industrial	Residential	Total
Summit County	9	11	20
Medina County	3	9	12
Portage County	2	10	12
Kent	0	2	2



Site Visits	3rd Quarter 2023
FEPTIO	6
Title V	15
Non Title V	29
Full Compliance Evaluations	9

Additional Stats

Permits Issued							
3rd Quarter 2023	Permit to Install		Permit to Install & Operate		Title V		Permit by Rule
	Draft	Final	Draft	Final	Draft**	Final	
**Includes - Preliminary Proposed Permits & Proposed Permits	0	0	3	23	2	1	15

Asbestos	
3rd Q- Notifications	39
3rd Q- Inspections	50



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Review of Final Rule Reclassification of Major Sources as Area Sources Under Section 112 of the Clean Air Act

In this action, EPA is proposing additional requirements for sources that wish to reclassify from major source status to area source status under the National Emission Standards for Hazardous Air Pollutants (NESHAP) program. These amendments would require sources that choose to reclassify from major source status to area source status to establish federally enforceable permit conditions that contain safeguards to prevent emission increases above what would be allowed under major source standards. The proposed requirements would apply to all sources that choose to reclassify, including any sources which have reclassified since January 25, 2018.

[Read a pre-publication version of the notice and a summary fact sheet.](#)

Environmental Justice Office 1st Anniversary

The establishment of the Office of Environmental Justice and External Civil Rights (OEJECR) capitalizes on historic resources to ensure EPA's regulatory, policy, and enforcement decisions always include consideration of environmental justice and civil rights.

"This report highlights the crucial role EPA's work – coupled with the unrelenting efforts of our state, tribal, community and industry partners – have played in improving air quality across the country," said EPA Administrator Michael S. Regan. "Even as the economy grows, we continue to see dramatic long-term reductions in air emissions. This progress is encouraging, and we will continue to collaborate with our partners to protect public health and ensure clean air for all."

OEJECR is at the forefront of delivering on Goal 2 of EPA's FY 2022-2026 Strategic Plan: Take Decisive Action to Advance Environmental Justice and Civil Rights, as well as several Executive Orders issued by President Biden to bring justice and equity to underserved communities long overburdened by pollution.

OEJECR first-year highlights include:

- **Launching the Thriving Communities Technical Assistance Centers** [learn more](#)
- **Strengthening Civil Rights Enforcement**
- **Conflict Prevention and Resolution**
- **Delivering on Justice40** [learn more](#)
- **Building the Environmental and Climate Justice Program** [learn more](#)

To learn more about the OEJECR [click here](#).