



MEMORANDUM OF RESPONSE

To: Tess Eckstein, Regulatory Policy Advocate

From: Mandi Payton, Rules Coordinator

Date: April 26, 2017

Subject: Memorandum of Response to CSI Review – Chapter 3745-17: Particulate Matter Standards
(OAC 3745-17-01, 3745-17-03, 3745-17-04, and 3745-17-07 to 3745-17-14)

Recommendations

On April 26, 2016, Ohio EPA received the Recommendations for the Division of Air Pollution Control's "Chapter 3745-17: Particulate Matter Standards" (OAC 3745-17-01, 3745-17-03, 3745-17-04, and 3745-17-07 to 3745-17-14) Rules.

The CSI memorandum stated that:

"During the CSI public comment period, five comments were submitted. In the Response to Comments provided by the Agency, Ohio EPA indicated where it would make revisions to the rules based on stakeholder recommendations, while also providing rationale for not implementing other recommendations. Among other revisions, Ohio EPA changed the rules to revise the definition for "salvageable material;" add definitions for terminology such as "fireplace," "pellet fuel," and "residential forced-air furnace;" revise additional incorrect references; and update a section of rule 3745-17-03 to remove the phrase "or another USEPA-approved alternate opacity determination method" to clarify that it is in fact up to an owner or operator to choose from among the permissible means for determining compliance with opacity requirements, rather than being subject to further approval. As for an example of rationale provided for not implementing other suggested revisions, in response to a recommendation to simplify amendments to rule 3745-17-03 by deleting SIP requirements for opacity monitoring derived from certain federally enforceable requirements, Ohio EPA stated that it cannot delete these requirements because other federal rules are applicable to the source. In other words, the rule establishes requirements for facilities to show compliance with Ohio's opacity regulations, which are developed to attain and maintain particulate matter standards as part of Ohio's SIP, not federal rules established for other purposes. After reviewing all proposed changes to the rules, the CSI Office determines the purpose of the rules to be justified.

For the reasons discussed above, the CSI Office does not have any recommendations for this rule package.

Based on the above comments, the CSI Office concludes that the Ohio Environmental Protection Agency should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review."

Next Steps

At this time, it is Ohio EPA's plan to move forward with the original filing of this rule with the Joint Committee on Agency Rule Review.

If you have any questions, please contact Mandi Payton at 614-644-2782.