3745-15-01 **Definitions.**

[Comment: For dates and availability of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see paragraph (BB) of this rule titled "~~referenced~~Referenced materials."]

As used in all air pollution rules, except as may be otherwise specifically provided~~.~~:

(A) "Act" means Chapters 3704. and 3745. of the Revised Code.

(B) "Air pollutant" or "air contaminant" means particulate matter, dust, fumes, gas, mist, smoke, vapor or odorous substances, or any combination thereof.

(C) "Air pollution" means the presence in the ambient air of one or more air pollutants or any combination thereof in sufficient quantity and of such characteristics and duration as is or threatens to be injurious to human health or welfare, plant or animal life, or property, or which interferes with the comfortable enjoyment of life or property.

(D) "Ambient air" means that portion of the atmosphere outside of buildings and other enclosures, stacks, or ducts which surrounds human, plant, or animal life, or property.

(E) "Ambient air quality standards" means ambient air quality goals expressed numerically and intended to be attained and maintained in a stated time through the application of appropriate preventive or control measures.

(F) "ASME" means the "American Society of Mechanical Engineers."

(G) "ASTM" means the "American Society for Testing and Materials."

(H) "Area" means the state of Ohio.

(I) "Clean Air Act" or "CAA" means the federal Clean Air Act.

(J) "Control equipment" means any device or contrivance which prevents or reduces emissions.

(K) "Commenced" means that an owner or operator has undertaken a continuous program of construction or modification or has entered into a binding contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification.

(L) "Director" means the director of the Ohio environmental protection agency.

(M) "Emission" means the act of releasing or discharging an air pollutant into the ambient air from any source.

(N) "Existing source" means any source the construction of which was commenced prior to February 15, 1972.

(O) "Facility" means any building, structure, installation, operation, or combination thereof which contains one or more stationary source of air contaminants.

(P) "Malfunction" means a sudden, infrequent, and not reasonably preventable failure of air pollution control equipment, process equipment, or a process to operate in a normal or usual manner. Failures that are caused by poor maintenance or careless operation are not malfunctions.

[Comment: In accordance with rule 3745-15-06 of the Administrative Code, notification and reporting of a malfunction does not constitute an admission of a violation of the applicable emissions standard.]

~~(P)~~(Q) "Modification" means any physical change in, or change in the method of operation of, an existing source or a new source that increases the amount of any air pollutant emitted by such source or which results in the emission of any air pollutant not previously emitted from the same location.

~~(Q)~~(R) "New source" means any source the construction or modification of which is commenced on or after February 15, 1972.

~~(R)~~(S) "Non-methane hydrocarbon" means any chemical compound containing carbon but excluding: carbon monoxide, carbon dioxide, carbides, metallic carbonates, ammonium carbonate, and methane.

~~(S)~~(T) "Ohio EPA" or "OEPA," means the Ohio environmental protection agency or the director as the context or other law or rules may require.

~~(T)~~(U) "Owner or operator" means any person who owns, leases, controls, operates or supervises a facility, ~~an emission~~ source, or air pollution control equipment.

~~(U)~~(V) "Person" means the state or any agency thereof, any political subdivision, or any agency thereof, public or private corporation, individual, partnership, or other entity.

~~(V)~~(W) "Region" means an air quality control region as designated by the secretary of health, education and welfare, or by the administrator, United States environmental protection agency, or by the director.

~~(W)~~(X) "Source" means any building, structure, facility, operation, installation, other physical facility, or real or personal property that emits or may emit any air pollutant.

~~(X)~~(Y) "Source operation" means the last operation preceding emission which operation:

(1) Results in the separation of the air contaminant from the process materials or in the conversion of the process materials into air contaminants, as in the case of combustion fuel; and

(2) Is not an air pollution abatement operation.

~~(Y)~~(Z) "Stack" means any chimney, flue, conduit, or duct arranged to conduct emissions to the ambient air.

~~(Z)~~(AA) "Standard conditions" means a dry gas temperature of seventy degrees Fahrenheit (21.1 degrees centigrade) and a gas pressure of 14.7 pounds per square inch absolute (seven hundred sixty millimeters mercury).

~~(AA)~~(BB) Referenced materials. This chapter includes references to certain subject matter or materials. The text of the referenced materials is not included in the rules contained in this chapter. Information on the availability of the referenced materials, as well as the date of and/or the particular edition or version of the material is included in this rule. For materials subject to change, only the specific version specified in this rule are incorporated. Material is referenced as it exists on the effective date of this rule. Except for subsequent annual publication of existing (unmodified) Code of Federal Regulation compilations, any amendment or revision to a referenced document is not included unless and until this rule as been amended to specify the new dates.

(1) Availability. The referenced materials are available as follows:

~~(a) American society of mechanical engineers (ASME). Information and copies of ASTM documents may be obtained by writing to: "ASME International, P.O. Box 2300, Fairfield, NJ 07007-2300." ASME documents are also available for purchase at www.asme.org. ASME documents are also available for inspection and use at most public libraries and "The State Library of Ohio."~~

~~(b) American society for testing materials (ASTM). Information and copies of ASTM documents may be obtained by writing to: "ASTM International, 100 Bar Harbor Drive, P.O. Box C700, West Conshohocken, Pennsylvania 19426- 2959." ASTM documents are also available for purchase at www.astm.org. ASTM documents are also available for inspection and use at most public libraries and "The State Library of Ohio."~~

~~(c)~~(a) Code of Federal Regulations (CFR). Information and copies may be obtained by writing to: "Superintendent of Documents, Attn: New Orders, PO Box 371954, Pittsburgh, PA 15250-7954." The full text of the CFR is also available in electronic format at ~~http://www.gpoaccess.gov/cfr/index.html~~ http://www.ecfr.gov. The CFR compilations are also available for inspection and use at most public libraries and "The State Library of Ohio."

~~(d)~~(b) United States Code (USC). Information and copies may be obtained by writing to: "Superintendent of Documents, Attn: New Orders, PO Box 371954, Pittsburgh, PA 15250-7954." The full text of the United States Code is also available in electronic format at http://www.gpo.gov/fdsys/. The U.S.C compilations are also available for inspection and use at most public libraries and "The State Library of Ohio."

(2) Incorporated materials.

(a) 40 CFR Part 60; "Standards of performance for new stationary sources;" as published in the July 1, 2016 Code of Federal Regulations.

(b) 40 CFR Part 63; "National emission standards for hazardous air pollutants for source categories;" as published in the July 1, 2016 Code of Federal Regulations.

~~(a)~~(c) 40 CFR Part 302; "Designation, reportable quantities, and notification;" as published in the July 1, ~~2014~~ 2016 Code of Federal Regulations.

~~(b)~~(d) 40 CFR Part 355; "Emergency Planning and Notification;" as published in the July 1, ~~2014~~ 2016 Code of Federal Regulations.

~~(c)~~(e) 42 USC 7401 to 7671q; "The Public Health and Welfare-Air Pollution Prevention and Control;" published January 19, 2004 in Supplement III of the 2000 Edition of the United States Code; as amended January 23, 2004, Pub. L. 108-199, sec, 425(a) and sec. 428(b), 118 Stat. 417-418.

~~(d)~~(f) Section 112(b) of the Clean Air Act; contained in 42 USC 7412; "Hazardous air pollutants- List of pollutants;" published April 3, 2014 in Volume 27 of the 2012 Edition of the United States Code.

3745-15-06 **Malfunction of equipment; scheduled maintenance; reporting.**

[Comment: For dates and availability of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see paragraph (BB) of rule 3745-15-01 of the Administrative Code titled "Referenced materials."]

The requirement to comply with this rule shall terminate on the effective date of the United States environmental protection agency's approval of rule 3745-15-10 of the Administrative Code as a part of Ohio's state implementation plan. At that time, all references to applicability under this rule will be applicable to rule 3745-15-10 of the Administrative Code.

(A) Scheduled maintenance of air pollution control equipment shall be conducted according to the following work practice and notification requirements:

(1) ~~For the purposes of this rule, maintenance of air pollution control equipment which is scheduled to prevent a malfunction which would occur within two weeks if the maintenance were not performed shall be considered to be a malfunction and shall be subject to the provisions of paragraph (B) of this rule.~~[Reserved.]

(2) Except as otherwise indicated in ~~paragraph~~ paragraphs (A)(3) to (A)(5) of this rule, scheduled maintenance of air pollution control equipment~~,~~ that requires ~~the shutdown~~ shutting down or bypassing ~~of said~~ the equipment~~,~~ must be accompanied by the shutdown of the associated ~~air pollution sources~~ source.

(3) In cases where a complete source shutdown may result in damage to the ~~air pollution sources~~ source or is otherwise impossible, ~~or~~ impractical, or unsafe, the owner or operator ~~may request authorization to continue operating the sources during the scheduled maintenance of air pollution control equipment. Any such request shall be made in a written report~~ shall notify the director at least two weeks prior to the planned shutdown of the air pollution control equipment. The ~~director shall authorize the shutdown of the air pollution control equipment if, in his judgment, the situation justifies continued operation of the sources. Any written report submitted pursuant to this paragraph~~ notification shall contain the following:

(a) ~~Identification~~The identification, including the facility identification number, and location of the ~~specific~~ source for which air pollution control equipment will be taken out of service. ~~The identification shall include the Ohio environmental protection agency permit application number.~~

(b) The expected length of time that the air pollution control equipment will

be taken out of service.

(c) The nature and estimated quantity of emissions of ~~air contaminants which are~~ regulated air pollutants likely to occur ~~during the shutdown period~~ from all affected sources at the facility during the scheduled maintenance, compared to the maximum authorized emissions of the same air pollutants from all affected sources at the facility during normal operations.

(d) Measures such as the use of off-shift labor and equipment that will be taken to minimize the length of the ~~shutdown period~~ scheduled maintenance.

(e) The reasons ~~that~~ why it will be impossible or impractical to shut down the source operation during the scheduled maintenance ~~period~~.

(f) A ~~demonstration that all feasible~~ description of the interim control measures that will be taken to reduce emissions from the source during the ~~shutdown period~~ scheduled maintenance.

(4) In cases where a complete source shutdown during the scheduled maintenance of air pollution control equipment may result in damage to the source or sources or is otherwise impossible, impractical, or unsafe, the owner or operator shall comply with the following work practices:

(a) All practicable measures shall be taken to minimize the duration of the scheduled maintenance.

(b) All feasible interim control measures shall be taken to reduce emissions from the source during the scheduled maintenance.

(5) Within five business days of completing the scheduled maintenance of air pollution control equipment identified in paragraph (A)(3) of this rule, the owner or operator of the source shall notify the director that the scheduled maintenance has been completed including any deviations from the initial notification.

(6) The exceedance of any emission limit or deviation of any term or condition of a permit shall be reported in accordance with Chapter 3745-77 of the Administrative Code or paragraph (D) of rule 3745-15-03 of the Administrative Code.

(B) Malfunctions ~~of air pollution control equipment~~ shall be reported as follows:

(1) ~~In the event that any emission source, air pollution control equipment, or related facility breaks down in such a manner as to cause~~ If a malfunction causes, or in the judgement of the owner or operator may cause, the emission of air contaminants in ~~violation of any applicable law~~ excess of the applicable emission standard as a result of a malfunction, the ~~person responsible for such equipment~~ owner or operator shall ~~immediately~~ notify the Ohio environmental protection agency district office or delegate agency of such ~~failure or breakdown~~ malfunction as soon as practicable. If the malfunction continues for more than ~~seventy-two~~ twenty-four hours, the ~~source~~ owner or operator shall provide a written statement to the director within ~~two weeks~~ five business days of the date the malfunction ~~occurred~~ began. The ~~immediate~~ notification and written statement shall include the following data:

(a) ~~Identification~~The identification, including the facility identification number, and location of such ~~equipment~~ source, air pollution control equipment, or related facility including the Ohio environmental protection agency permit application number for each air contaminant source.

(b) The estimated or actual duration of ~~breakdown~~ the malfunction.

(c) The nature and estimated quantity of air contaminants which have been or may be emitted into the ambient air during the ~~breakdown~~ malfunction period.

(d) Statements demonstrating the following:

(i) Shutdown or reduction of source operation during the ~~breakdown~~ malfunction period will be or would have been impossible, unsafe, or impractical.

(ii) The estimated ~~breakdown~~ malfunction period will be or was reasonable in duration based on installation or repair time, delivery dates of equipment, replacement parts, or materials, or current unavailability of essential equipment, parts, or materials.

(iii) Available alternative operating procedures and interim control measures will be or have been implemented during the ~~breakdown~~ malfunction period to reduce adverse effects on public health or welfare.

(iv) All actions necessary and required by any applicable preventive

maintenance and malfunction abatement plan will be or have been implemented.

(2) The owner or operator shall notify the Ohio environmental protection agency district office or delegate agency ~~shall be notified~~ when the condition causing the ~~failure or breakdown~~ malfunction has been corrected and the ~~equipment~~ source, air pollution control equipment, or related facility is operating again. ~~in operation.~~ Notification of the correction of the condition causing the ~~failure or breakdown~~ malfunction may be given verbally if ~~the duration of~~ the malfunction ~~is seventy-two~~ lasts twenty-four hours or less. Otherwise, such notification shall be in writing.

(3) Within two months following a ~~failure or breakdown~~ malfunction which exceeded ~~seventy-two~~ twenty-four hours in duration, the owner or operator of such ~~equipment~~ source, air pollution control equipment, or related facility shall prepare and submit a detailed report which identifies a program to prevent, detect and correct, as expeditiously as practicable, similar future ~~failures or breakdowns~~ malfunctions of such ~~equipment~~source, air pollution control equipment, or related facility.

~~(C) The director retains the responsibility to evaluate any report submitted pursuant to this rule. The director shall take appropriate action upon a determination that the reporting requirements of this rule have not been satisfied, that the equipment was not properly operated and maintained prior to breakdown, that shutdown of the source or operation during the period of maintenance or breakdown was or has become practicable, that the shutdown or breakdown was or has become avoidable, or was induced or prolonged in bad faith, or that the emissions endanger or tend to endanger the health or safety of the public.~~

(C) The director shall evaluate each known malfunction and subsequent notification or report that is filed in accordance with paragraph (A) or paragraph (B) of this rule and any other relevant information and take appropriate action based on the magnitude and duration of the emissions resulting from the malfunction; if it is determined that the reporting requirements of the rule have not been satisfied; that the source, air pollution control equipment, or related facility was not properly maintained prior to the malfunction and caused said malfunction; that shutdown of the source during the malfunction was or has been practicable; that the malfunction was not reasonably preventable; that the malfunction was induced or unnecessarily prolonged in bad faith; or that the excess emissions during the malfunction endanger or tend to endanger the health and safety of the public.

The initial notification and written report required in paragraph (A) and paragraph (B) of this rule does not constitute an admission of a violation of the applicable emission standard. Any malfunction that is subsequently determined to be in excess

of an applicable emission standard or contrary to another permit term or condition shall be properly reported under paragraph (D) of rule 3745-15-03 of the Administrative Code or Chapter 3745-77 of the Administrative Code.

(D) If, in the judgment of the director, excessive or unduly prolonged malfunctions of any ~~emission~~ source, air pollution control equipment or related facility have occurred, the director may require the owner or operator of said source, air pollution control equipment or related facility to prepare, submit and implement a preventive maintenance and malfunction abatement plan which is acceptable to the director. Such plan shall be designed to prevent, detect and correct malfunctions ~~or equipment failures~~ which could result in emissions exceeding any applicable law.

(1) Each preventive maintenance and malfunction abatement plan shall be in writing and specify the following:

(a) A comprehensive preventive maintenance program, including a description of the items or conditions that will be inspected, the frequency of these inspections or repairs, and an identification of the types and quantities of the replacement parts which will be maintained in inventory for quick replacement.

(b) An identification of the source and the operating outlet variables of the air pollution control equipment that will be monitored in order to detect a malfunction ~~or failure~~, the normal operating range of these variables, and a description of the monitoring or surveillance procedures and of the method of informing operating personnel of any malfunction, including alarm systems, lights or other indicators.

(c) A description of the corrective procedures that will be taken in the event of a malfunction ~~or failure~~ in order to achieve compliance with any applicable law as expeditiously as practicable.

(2) Any acceptable preventive maintenance and malfunction abatement plan shall be specified in the terms and conditions of any permit or variance issued for a source covered by such plan.

(3) Operation and maintenance records shall be maintained by the owner or operator of the source to demonstrate that any preventive maintenance and malfunction abatement plan is fully implemented. All such records shall be maintained for a minimum of two years and shall be subject to inspection by the director or his representative upon request.

(E) Alternative emission limits applicable to operations during periods of start-up, shutdown, malfunction, and scheduled maintenance.

(1) Applicability.

(a) Paragraph (E) of this rule shall apply to any new or existing source that has a permit issued by the director containing emission limits.

(b) An owner or operator of a source may request that the director establish by permit one or more site-specific alternative emission limits to apply during the periods of start-up, shutdown or malfunction, or other operating periods during scheduled maintenance.

(2) Form of alternative emissions limits.

Alternative emission limits may be in a different form than the emission limit applicable to any source during other modes of operation, provided that the alternative emission limit is in one of the following forms, and results in a system of emission limitation that is applicable at all times:

(a) A numerical emission limit reflecting best engineering practices for the source.

(b) A numerical alternative emission limit or work practice standard established under a federal new source performance standard under 40 CFR Part 60 or national emission standard for hazardous air pollutant under 40 CFR Part 63 that is applicable to a source during one or more of the modes of operation outlined in paragraph (E)(1)(b) of this rule.

(c) A work practice standard representative of best engineering practices for the source.

(3) Alternative emission limit applications.

Requests shall be made through, and compliant with, the permit application, permit modification, or permit renewal requirements in Chapter 3745-77 of the Administrative Code and Chapter 3745-31 of the Administrative Code. In addition, each application shall include the following:

(a) Each alternative emission limit shall meet all applicable levels of stringency for the type of emission limit, for example, the limit meets best available control technology for the purposes of the prevention of significant deterioration permitting program.

(b) All requested alternative emission limits must be legally and practically enforceable.

(c) Alternative emission limits or work practices shall be limited to specific, narrowly defined source categories (or to a single source or related group of sources) using specific control strategies. For example, cogeneration facilities burning natural gas and using selective catalytic reduction.

(d) The source shall take steps to minimize, to the extent practicable, the frequency and duration of operation in start-up or shutdown mode.

(e) The source shall take steps to minimize the impact of emissions on ambient air quality during start-up and shutdown mode.

(f) The source shall analyze the potential worst-case emissions that could occur during start-up and shutdown mode based on the applicable alternative emission limit, and include the results of that analysis in the alternative emission limitation plan.

(g) At all times, the source shall be operated in a manner consistent with good engineering practice for minimizing emissions, including efforts regarding planning, design, and operating procedures.

(h) The owner or operator's actions during start-up and shutdown mode shall be documented by contemporaneous operating logs or other relevant evidence.

(4) Alternative emission limit permits shall be issued in accordance with the requirements contained in Chapter 3745-77 of the Administrative Code and Chapter 3745-31 of the Administrative Code.

(F) During routine maintenance of pollution control equipment, an owner or operator of a coke oven battery shall be exempt from specified provisions related to the source affected by the routine maintenance contained in any permit-to-install or permit-to-install and operate issued under Chapter 3745-31 of the Administrative Code or any permit-to-operate issued under Chapter 3745-77 of the Administrative Code if all of the following occur:

(1) Routine maintenance of the pollution control equipment in any rolling twenty-four-month period does not exceed fourteen days. Non-recovery coke oven batteries may be granted up to twenty-five days upon request of the director provided the owner or operator submits a request that includes a detailed maintenance plan and schedule ensuring the pollution control equipment shutdown time is minimized.

(2) Routine maintenance is conducted in a manner consistent with good engineering practices for minimizing emissions.

(3) A report is submitted to the director ten days prior to the start of the routine maintenance containing an explanation of the schedule of the maintenance and specifying the provisions that the source will be exempt from, including identification of permit number and term.

(G) During routine maintenance of pollution control equipment, an owner or operator of a glass melting furnace shall be exempt from specified provisions related to the source affected by the routine maintenance contained in any permit-to-install or permit-to-install and operate issued under Chapter 3745-31 of the Administrative Code or any permit-to-operate issued under Chapter 3745-77 of the Administrative Code if all of the following occur:

(1) Routine maintenance of the pollution control equipment in each calendar year does not exceed six days.

(2) Routine maintenance is conducted in a manner consistent with good engineering practices for minimizing emissions.

(3) A report is submitted to the director ten days before the start of the routine maintenance containing an explanation of the schedule of the maintenance and specifying the provisions that the source will be exempt from, including identification of permit number and term.

3745-17-07 **Control of visible particulate emissions from stationary sources.**

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see the last paragraph of rule 3745-17-01 of the Administrative Code titled "Incorporation by reference."]

(A) Visible particulate emission limitations for stack emissions:

(1) General limitations:

(a) Except as otherwise specified in paragraphs (A)(1)(b), (A)(2) and (A)(3) of this rule, visible particulate emissions from any stack shall not exceed twenty per cent opacity, as a six-minute average.

(b) Except as otherwise specified in paragraphs (A)(2) and (A)(3) of this rule, visible particulate emissions from any stack may exceed twenty per cent opacity, as a six-minute average, for not more than six consecutive minutes in any sixty minutes, but shall not exceed sixty per cent opacity, as a six-minute average, at any time.

(2) It shall be deemed not to be a violation of this rule where the presence of uncombined water is the only reason for failure of a stack emission to meet the requirements of this rule.

(3) The visible particulate emission limitations established in paragraph (A)(1) of this rule shall not apply to the following:

(a) The start-up of the following fuel burning equipment:

(i) For any fuel burning equipment which are equipped with baghouses or electrostatic precipitators, until the exhaust gases have achieved a temperature of two hundred fifty degrees Fahrenheit at the inlet of the baghouses or electrostatic precipitators, provided that the director may incorporate a higher start-up temperature in the permit or variance for such source for which an applicant demonstrates to the satisfaction of the director that the higher temperature is needed for safety considerations or to prevent damage to the control equipment.

(ii) For any fuel burning equipment which are uncontrolled or which are equipped solely with mechanical collectors (including mechanical collectors which are equipped with sidestream separators or

similar devices) for the control of particulate emissions, for a period of not more than three hours from the moment of start-up, provided that the director may incorporate a longer start-up time period in the permit or variance for such source for which an applicant demonstrates to the satisfaction of the director that the longer time period is required.

(b) The shutdown of the following fuel burning equipment:

(i) For any fuel burning equipment which are equipped with baghouses or electrostatic precipitators, after the temperature of the exhaust gases has dropped below two hundred fifty degrees Fahrenheit at the inlet of the baghouses or electrostatic precipitators, provided that the director may incorporate a higher shutdown temperature in the permit or variance for such source for which an applicant demonstrates to the satisfaction of the director that the higher temperature is needed for safety considerations or to prevent damage to the control equipment.

(ii) For any fuel burning equipment which are uncontrolled or which are equipped solely with mechanical collectors (including mechanical collectors which are equipped with sidestream separators or similar devices) for the control of particulate emissions, for a period of not more than three hours, provided that the director may incorporate a longer shutdown time period in the permit or variance for such source for which an applicant demonstrates to the satisfaction of the director that the longer time period is required.

(c) The malfunction of any air contaminant source or the malfunction/shutdown of air pollution control equipment associated with any air contaminant source that does not cause an exceedance or violation of a national ambient air quality standard, if the owner or operator of said air contaminant source or air pollution control equipment complies with ~~the requirements of~~ rule 3745-15-06 of the Administrative Code and none of the conditions listed in paragraph (C) of rule 3745-15-06 of the Administrative Code exists.

(d) Intermittent soot-blowing operations (the cleaning of heat transfer surfaces with pressurized air or steam) for fuel burning equipment which are uncontrolled or which are equipped solely with mechanical collectors (including mechanical collectors which are equipped with sidestream separators or similar devices) for the control of particulate

emissions, provided that the owner or operator of such fuel burning equipment maintains a daily record which clearly documents the date, beginning time and ending time for all intermittent soot-blowing operations.

(e) Salt glazing operations conducted in a gas-fired periodic brick or tile kiln, for a period of not more than two hours during any twenty-one consecutive days of operation of said kiln.

(f) Intermittent ash removal operations (the dumping or pulling of ash) for fuel burning equipment which are uncontrolled or which are equipped solely with mechanical collectors (including mechanical collectors which are equipped with sidestream separators or similar devices) for the control of particulate emissions, provided that the owner or operator of such fuel burning equipment maintains a daily record which clearly documents the date, beginning time and ending time for all intermittent ash removal operations.

(g) The commencement of increased coal firing from a banked condition for fuel burning equipment, for a period not to exceed thirty minutes.

(h) Any air contaminant source which is not subject to any mass emission limitation in paragraphs (B)(3) and (B)(4) of rule 3745-17-08 of the Administrative Code, or rule 3745-17-09, 3745-17-10 or 3745-17-11 of the Administrative Code.

(i) Any air contaminant source for which an equivalent visible particulate emission limitation has been established by the director pursuant to paragraph (C) of this rule.

(j) The following kiln operations at the facility (OEPA premise number 0372000127) located at 755 Lime Road, Woodville, Ohio, provided that "Martin Marietta Magnesia Specialties, Inc.," or any subsequent owner or operator of such facility, maintains daily records that clearly document the dates, beginning times, and ending times for the operations:

(i) The start-up of any kiln equipped with a baghouse, until the time stone feed to the kiln begins.

(ii) The start-up of any kiln equipped with an electrostatic precipitator, from the time the stone feed to the kiln begins until the time a

stable firing condition for the solid fuel is achieved, but not longer than six hours from the time firing with the solid fuel begins.

(iii) The shutdown of any kiln equipped with a baghouse, after the time the temperature of the exhaust gases from the kiln has dropped below two hundred fifty degrees Fahrenheit at the inlet of the baghouse.

For the purposes of this paragraph, "start-up" shall be defined as the point of commencement of firing the kiln until such time as the process is operating in a steady-state condition using its primary fuel. A steady-state condition is present when the throughputs of process material, fuel and combustion air have been stabilized in a manner that demonstrates the combustion process will be consistently complete and safe, with an exhausted combustibles concentration within established safety limits.

(B) Visible particulate emission limitations for fugitive dust:

(1) Except as provided in paragraphs (B)(2) to (B)(11) of this rule, visible particulate emissions from any fugitive dust source shall not exceed twenty per cent opacity as a three-minute average.

(2) Except as provided in paragraph (B)(11) of this rule, visible particulate emissions from the fugitive dust sources associated with a coke oven battery shall comply with the following:

(a) There shall be no visible particulate emissions from any charging operations except for a period of time not to exceed one hundred twenty-five seconds during any five consecutive charges. One charge, which represents the charge with the highest visible particulate emissions value of twenty consecutive charges observed, may be exempted from this visible particulate emission limitation.

(b) At no time shall there be visible particulate emissions from more than ten per cent of the offtake piping.

(c) At no time shall there be visible particulate emissions from more than five per cent of the charging hole lids.

(d) For visible particulate emissions from oven doors:

(i) For the Still coke oven battery (OEPA source number B919) at the "Armco Steel Company, L.P., Middletown Works" (OEPA premise number 1409010006), located on Crawford street, Middletown, Ohio, at no time shall there be visible particulate emissions from more than sixteen per cent of the oven doors.

(ii) For all other coke oven batteries, at no time shall there be visible particulate emissions from more than ten per cent of the oven doors. Two oven doors, which represent the last oven charged prior to the commencement of visible particulate emission readings performed in accordance with paragraph (B)(2)(c) of rule 3745-17-03 of the Administrative Code, shall be exempted from this visible emission limitation.

(iii) For purposes of this paragraph, an oven door and the associated chuck door on the pusher side of the battery shall be considered as one door.

(e) Visible particulate emissions during any pushing operations shall not exceed an average of twenty per cent opacity read above the battery top. For purposes of this paragraph, the duration of a pushing operation shall commence with the moving (or pushing) of the coke mass from an oven and shall conclude when the quench car enters the quench tower.

(3) Except as provided in paragraph (B)(11) of this rule, visible particulate emissions of fugitive dust from electric arc furnace shop roof monitors, argon-oxygen decarburization shop roof monitors, blast furnace casthouses and sintering operations shall not exceed twenty per cent opacity as a six-minute average.

(4) Except as provided in paragraphs (B)(7), (B)(8), and (B)(11) of this rule, there shall be no visible particulate emissions from any paved roadway or parking area except for a period of time not to exceed six minutes during any sixty-minute observation period, as determined in accordance with paragraph (B)(4) of rule 3745-17-03 of the Administrative Code.

(5) Except as provided in paragraphs (B)(7), (B)(8), and (B)(11) of this rule, there shall be no visible particulate emissions from any unpaved roadway or parking area except for a period of time not to exceed thirteen minutes during any sixty-minute observation period, as determined in accordance with paragraph (B)(4) of rule 3745-17-03 of the Administrative Code.

(6) Except as provided in paragraphs (B)(7) to (B)(11) of this rule, there shall be no visible particulate emissions from any material storage pile except for a period of time not to exceed thirteen minutes during any sixty-minute observation period, as determined in accordance with paragraph (B)(4) of rule 3745-17-03 of the Administrative Code.

(7) Except as provided in paragraph (B)(11) of this rule, visible particulate emissions from any roadway, parking area, material handling operation, or coal storage pile located at facilities owned or operated by "Buckeye Power, Inc., Cincinnati Gas & Electric Company, The Cleveland Electric Illuminating Company, Columbus Southern Power Company, Dayton Power & Light Company, Ohio Edison Company, Ohio Power Company, and The Toledo Edison Company" or any subsequent owners or operators of such facilities shall not exceed any of the following limitations:

(a) For any paved or unpaved roadway or parking area:

(i) Ten per cent opacity, as determined in Accordance with paragraph (B)(3) of rule 3745-17-03 of the Administrative Code, for the following facilities:

[reserved]

(ii) No visible particulate emissions from any paved roadway or parking area, except for a period of time not to exceed six minutes during any sixty-minute observation period, or from any unpaved roadway or parking area, except for a period of time not to exceed thirteen minutes during any sixty-minute observation period, as determined in accordance with paragraph (B)(4) of rule 3745-17-03 of the Administrative Code, for all other facilities not identified in paragraph (B)(7)(a)(i) of this rule.

(b) Twenty per cent opacity for any material handling operation (including loading coal into or loading coal out of any coal storage pile), as determined in accordance with paragraph (B)(3) of rule 3745-17-03 of the Administrative Code;

(c) Twenty per cent opacity from the operation of vehicles on top of any coal storage pile (emissions from the combustion of fuels in such vehicles are not subject to this limitation), as determined in accordance with paragraph (B)(3) of rule 3745-17-03 of the Administrative Code; and

(d) No visible particulate emissions from any coal storage pile due to wind erosion, except for a period of time not to exceed thirteen minutes during any sixty-minute observation period, as determined in accordance with paragraph (B)(4) of rule 3745-17-03 of the Administrative Code.

(8) Except as provided in paragraph (B)(11) of this rule, visible particulate emissions from any roadway, parking area, or material storage pile located at iron and steel production facilities owned and operated by "Empire Detroit Steel Company, LTV Steel Company, Republic Engineered Steels, Incorporated, The Timken Company, or USS/KOBE Steel Company" or any subsequent owner or operator of such facilities shall not exceed any of the following limitations:

(a) Ten per cent opacity for any paved or unpaved roadway or parking area, as determined in accordance with paragraph (B)(3) of rule 3745-17-03 of the Administrative Code;

(b) Twenty per cent opacity for any material handling operation (including loading coal into or loading coal out of any coal storage pile), as determined in accordance with paragraph (B)(3) of rule 3745-17-03 of the Administrative Code;

(c) Ten per cent opacity from the operation of vehicles on top of any material storage pile, where such vehicles are employed for the purpose of compacting, grading or transporting materials (emissions from the combustion of fuels in such vehicles are not subject to this limitation), as determined in accordance with paragraph (B)(3) of rule 3745-17-03 of the Administrative Code; and

(d) Ten per cent opacity from wind erosion of any material storage pile, as determined in accordance with paragraph (B)(3) of rule 3745-17-03 of the Administrative Code.

(9) Within thirty days after the effective date of this rule, the "Ford Motor Company, Cleveland Casting Plant" (OEPA premise number 1318120180) or any subsequent owner or operator of the "Ford Motor Company, Cleveland Casting Plant" located at 5600 Henry Ford Boulevard, Brook Park, Ohio shall submit a written notification to the director which indicates whether, for the control of fugitive dust generated from any material storage pile located at such facility, it will comply with either the visible particulate emission limitation in paragraph (B)(6), or the visible particulate emission limitation in

paragraph (B)(6) except that fugitive dust emissions from loading material into or out of any material storage pile shall not exceed a visible particulate emission limitation of twenty per cent opacity, as determined in accordance with paragraph (B)(3) of rule 3745-17-03 of the Administrative Code. In such notification, "Ford Motor Company, Cleveland Casting Plant" or any subsequent owner or operator of such facility shall choose between the visible particulate emission limitations. Except as otherwise provided in paragraph (B)(10) of this rule, after submitting such written notification indicating which visible particulate emission limitation it will comply with, "Ford Motor Company, Cleveland Casting Plant" or any subsequent owner or operator of such facility will be subject to and shall comply with such visible particulate emission limitation(s).

(10) After selecting a visible particulate emission limitation(s) option pursuant to paragraph (B)(9) of this rule, in the event that "Ford Motor Company, Cleveland Casting Plant" or any subsequent owner or operator of the "Ford Motor Company, Cleveland Casting Plant" subsequently desires to be subject to and to comply with the other identified visible particulate emission limitation(s) option identified in paragraph (B)(9) of this rule, "Ford Motor Company, Cleveland Casting Plant" or any subsequent owner or operator of such facility may so notify the director by submitting a written notification which clearly indicates that "Ford Motor Company, Cleveland Casting Plant" or any subsequent owner or operator of such facility desires to be subject to and shall comply with the alternative visible particulate emission limitation(s) option. To be effective, any such written notification shall expressly identify the specific date on which "Ford Motor Company, Cleveland Casting Plant" or any subsequent owner or operator of such facility desires to be subject to the alternative option and shall be submitted no later than thirty days prior to such date. In the event that "Ford Motor Company, Cleveland Casting Plant" or any subsequent owner or operator of such facility complies with the written notification provisions contained in this paragraph, "Ford Motor Company, Cleveland Casting Plant" or any subsequent owner or operator of such facility shall become subject to and shall comply with the alternative visible particulate emission limitation(s) option as of the date specifically identified in the written notification.

(11) The visible particulate emission limitations specified in paragraphs (B)(1) to (B)(9) of this rule shall not apply to the following:

(a) Ship loading spouts at grain terminals;

(b) Blasting at mineral extraction operations;

(c) Blowing taps, poling and oxygen lancing of the tap hole and casting operations associated with ferroalloy electric arc furnaces;

(d) Any fugitive dust source which is exempted from the requirements of paragraph (B) of rule 3745-17-08 of the Administrative Code;

(e) Any fugitive dust source which is not located within the geographical areas specified in appendix A of rule 3745-17-08 of the Administrative Code, unless the director, in accordance with paragraph (A)(2) of rule 3745-17-08 of the Administrative Code, requires the owner or operator to submit and implement a control program which will bring the fugitive dust source into compliance with the requirements of paragraph (B) of rule 3745-17-08 of the Administrative Code; and

(f) The malfunction of any air contaminant source or the malfunction/shutdown of air pollution control equipment associated with any air contaminant source that does not cause an exceedance or violation of a national ambient air quality standard, if the owner or operator of said air contaminant source or air pollution control equipment complies with ~~the requirements of~~ rule 3745-15-06 of the Administrative Code and none of the conditions listed in paragraph (C) of rule 3745-15-06 of the Administrative Code exists.

(g) Any fugitive dust for which a visible particulate emission limitation has been established in rule 3745-17-12 or 3745-17-13 of the Administrative Code.

(12) It shall be deemed not to be a violation of this rule where the presence of uncombined water is the only reason for failure of a fugitive dust emission to meet the requirements of this rule.

(C) Equivalent visible particulate emission limitations:

(1) For the purpose of establishing an equivalent visible particulate emission limitation for stack emissions subject to a mass-based, particulate emission limitation, any owner or operator of an air contaminant source which is subject to the requirements of paragraph (A)(1) of this rule may request the director to determine the average opacity of the emissions from said source during any performance test(s) conducted pursuant to paragraph (B) of rule 3745-17-03 of the Administrative Code. Any such request shall be made in writing at the time the test specifications and procedures are submitted to the director pursuant to paragraph (B)(6) of rule 3745-17-03 of the

Administrative Code.

(2) If, upon review of such owner's or operator's written report of the results of the performance test(s), it is the director's judgment that the air contaminant source is in compliance with all applicable emission limitations for which the performance tests were conducted, but fails to comply with the requirements of paragraph (A)(1) of this rule, the director shall notify the owner or operator as expeditiously as practicable that he may request the director to establish an equivalent visible particulate emission limitation for the source. Such request shall be made in writing within thirty days following receipt of the notification from the director.

(3) Any written request for an equivalent visible particulate emission limitation from an owner or operator of an air contaminant source shall include information which demonstrates the following:

(a) That the performance tests were conducted in accordance with the conditions and procedures accepted by the director pursuant to paragraph (B)(6) of rule 3745-17-03 of the Administrative Code; and

(b) That the air contaminant source and any associated air pollution control equipment were operated and maintained in a manner so as to minimize the opacity of the emissions during the performance test(s).

(4) If an owner or operator of an air contaminant source complies with the requirements of paragraphs (C)(1) to (C)(3) of this rule, the director may establish an equivalent visible particulate emission limitation for said source in accordance with the procedures described in the Ohio EPA, Division of Air Pollution Control documents entitled "Engineering Guide #13" and "Engineering Guide #15." Any such equivalent visible particulate emission limitation shall be specified in the terms and conditions of the permit, variance or order issued by the director for said source.

(D) Any revision approved by the director in accordance with paragraphs (A)(3)(a)(i), (A)(3)(a)(ii), (A)(3)(b)(i), and (A)(3)(b)(ii) of this rule shall not revise the federally enforceable requirements of the state implementation plan until approved by the United States environmental protection agency.

3745-15-10 **Malfunction of equipment; scheduled maintenance; reporting.**

[Comment: For dates and availability of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see paragraph (BB) of rule 3745-15-01 of the Administrative Code titled "Referenced materials."]

The requirement to comply with this rule shall be on the effective date of the United States environmental protection agency's approval of this rule as a part of Ohio's state implementation plan. At that time, all references to applicability under rule 3745-15-06 of the Administrative Code will then be applicable to this rule.

(A) Scheduled maintenance of air pollution control equipment shall be conducted according to the following work practice and notification requirements:

(1) [Reserved.]

(2) Except as otherwise indicated in paragraphs (A)(3) to (A)(5) of this rule, scheduled maintenance of air pollution control equipment that requires shutting down or bypassing the equipment must be accompanied by the shutdown of the associated source.

(3) In cases where a complete source shutdown may result in damage to the source or is otherwise impossible, impractical, or unsafe, the owner or operator shall notify the director at least two weeks prior to the planned shutdown of the air pollution control equipment. The notification shall contain the following:

(a) The identification, including the facility identification number, and location of the source for which air pollution control equipment will be taken out of service.

(b) The expected length of time that the air pollution control equipment will be taken out of service.

(c) The nature and estimated quantity of emissions of regulated air pollutants likely to occur from all affected sources at the facility during the scheduled maintenance, compared to the maximum authorized emissions of the same air pollutants from all affected sources at the facility during normal operations.

(d) Measures such as the use of off-shift labor and equipment that will be taken to minimize the length of the scheduled maintenance.

(e) The reasons why it will be impossible or impractical to shut down the source operation during the scheduled maintenance.

(f) A description of the interim control measures that will be taken to reduce emissions from the source during the scheduled maintenance.

(4) In cases where a complete source shutdown during the scheduled maintenance of air pollution control equipment may result in damage to the source or sources or is otherwise impossible, impractical, or unsafe, the owner or operator shall comply with the following work practices:

(a) All practicable measures shall be taken to minimize the duration of the scheduled maintenance.

(b) All feasible interim control measures shall be taken to reduce emissions from the source during the scheduled maintenance.

(5) Within five business days of completing the scheduled maintenance of air pollution control equipment identified in paragraph (A)(3) of this rule, the owner or operator of the source shall notify the director that the scheduled maintenance has been completed including any deviations from the initial notification.

(6) The exceedance of any emission limit or deviation of any term or condition of a permit shall be reported in accordance with Chapter 3745-77 of the Administrative Code or paragraph (D) of rule 3745-15-03 of the Administrative Code.

(B) Malfunctions shall be reported as follows:

(1) If a malfunction causes, or in the judgement of the owner or operator may cause, the emission of air contaminants in excess of the applicable emission standard as a result of a malfunction, the owner or operator shall notify the Ohio environmental protection agency district office or delegate agency of such malfunction as soon as practicable. If the malfunction continues for more than twenty-four hours, the owner or operator shall provide a written statement to the director within five business days of the date the malfunction began. The notification and written statement shall include the following data:

(a) The identification, including the facility identification number, and location of such source, air pollution control equipment, or related facility including the Ohio environmental protection agency permit application number for each air contaminant source.

(b) The estimated or actual duration of the malfunction.

(c) The nature and estimated quantity of air contaminants which have been or may be emitted into the ambient air during the malfunction period.

(d) Statements demonstrating the following:

(i) Shutdown or reduction of source operation during the malfunction period will be or would have been impossible, unsafe, or impractical.

(ii) The estimated malfunction period will be or was reasonable in duration based on installation or repair time, delivery dates of equipment, replacement parts, or materials, or current unavailability of essential equipment, parts, or materials.

(iii) Available alternative operating procedures and interim control measures will be or have been implemented during the malfunction period to reduce adverse effects on public health or welfare.

(iv) All actions necessary and required by any applicable preventive maintenance and malfunction abatement plan will be or have been implemented.

(2) The owner or operator shall notify the Ohio environmental protection agency district office or delegate agency when the condition causing the malfunction has been corrected and the source, air pollution control equipment, or related facility is operating again. Notification of the correction of the condition causing the malfunction may be given verbally if the malfunction lasts twenty-four hours or less. Otherwise, such notification shall be in writing.

(3) Within two months following a malfunction which exceeded twenty-four hours in duration, the owner or operator of such source, air pollution control equipment, or related facility shall prepare and submit a detailed report which identifies a program to prevent, detect and correct, as expeditiously as practicable, similar future malfunctions of such source, air pollution control equipment, or related facility.

(C) The director shall evaluate each known malfunction and subsequent notification or report that is filed in accordance with paragraph (A) or paragraph (B) of this rule and any other relevant information and take appropriate action based on the magnitude and duration of the emissions resulting from the malfunction; if it is determined that the reporting requirements of the rule have not been satisfied; that the source, air pollution control equipment, or related facility was not properly maintained prior to the malfunction and caused said malfunction; that shutdown of the source during the malfunction was or has been practicable; that the malfunction was not reasonably preventable; that the malfunction was induced or unnecessarily prolonged in bad faith; or that the excess emissions during the malfunction endanger or tend to endanger the health and safety of the public.

The initial notification and written report required in paragraph (A) and paragraph (B) of this rule does not constitute an admission of a violation of the applicable

emission standard. Any malfunction that is subsequently determined to be in excess of an applicable emission standard or contrary to another permit term or condition shall be properly reported under paragraph (D) of rule 3745-15-03 of the Administrative Code or Chapter 3745-77 of the Administrative Code.

(D) If, in the judgment of the director, excessive or unduly prolonged malfunctions of any source, air pollution control equipment or related facility have occurred, the director may require the owner or operator of said source, air pollution control equipment or related facility to prepare, submit and implement a preventive maintenance and malfunction abatement plan which is acceptable to the director. Such plan shall be designed to prevent, detect and correct malfunctions which could result in emissions exceeding any applicable law.

(1) Each preventive maintenance and malfunction abatement plan shall be in writing and specify the following:

(a) A comprehensive preventive maintenance program, including a description of the items or conditions that will be inspected, the frequency of these inspections or repairs, and an identification of the types and quantities of the replacement parts which will be maintained in inventory for quick replacement.

(b) An identification of the source and the operating outlet variables of the air pollution control equipment that will be monitored in order to detect a malfunction, the normal operating range of these variables, and a description of the monitoring or surveillance procedures and of the method of informing operating personnel of any malfunction, including alarm systems, lights or other indicators.

(c) A description of the corrective procedures that will be taken in the event of a malfunction in order to achieve compliance with any applicable law as expeditiously as practicable.

(2) Any acceptable preventive maintenance and malfunction abatement plan shall be specified in the terms and conditions of any permit or variance issued for a source covered by such plan.

(3) Operation and maintenance records shall be maintained by the owner or operator of the source to demonstrate that any preventive maintenance and malfunction abatement plan is fully implemented. All such records shall be maintained for a minimum of two years and shall be subject to inspection by the director or his representative upon request.

(E) Alternative emission limits applicable to operations during periods of start-up, shutdown, malfunction, and scheduled maintenance.

(1) Applicability.

(a) Paragraph (E) of this rule shall apply to any new or existing source that has a permit issued by the director containing emission limits.

(b) An owner or operator of a source may request that the director establish by permit one or more site-specific alternative emission limits to apply during the periods of start-up, shutdown or malfunction, or other operating periods during scheduled maintenance.

(2) Form of alternative emissions limits.

Alternative emission limits may be in a different form than the emission limit applicable to any source during other modes of operation, provided that the alternative emission limit is in one of the following forms, and results in a system of emission limitation that is applicable at all times:

(a) A numerical emission limit reflecting best engineering practices for the source.

(b) A numerical alternative emission limit or work practice standard established under a federal new source performance standard under 40 CFR Part 60 or national emission standard for hazardous air pollutant under 40 CFR Part 63 that is applicable to a source during one or more of the modes of operation outlined in paragraph (E)(1)(b) of this rule.

(c) A work practice standard representative of best engineering practices for the source.

(3) Alternative emission limit applications.

Requests shall be made through, and compliant with, the permit application, permit modification, or permit renewal requirements in Chapter 3745-77 of the Administrative Code and Chapter 3745-31 of the Administrative Code. In addition, each application shall include the following:

(a) Each alternative emission limit shall meet all applicable levels of stringency for the type of emission limit, for example, the limit meets best available control technology for the purposes of the prevention of significant deterioration permitting program.

(b) All requested alternative emission limits must be legally and practically enforceable.

(c) Alternative emission limits or work practices shall be limited to specific, narrowly defined source categories (or to a single source or related

group of sources) using specific control strategies. For example, cogeneration facilities burning natural gas and using selective catalytic reduction.

(d) The source shall take steps to minimize, to the extent practicable, the frequency and duration of operation in start-up or shutdown mode.

(e) The source shall take steps to minimize the impact of emissions on ambient air quality during start-up and shutdown mode.

(f) The source shall analyze the potential worst-case emissions that could occur during start-up and shutdown mode based on the applicable alternative emission limit, and include the results of that analysis in the alternative emission limitation plan.

(g) At all times, the source shall be operated in a manner consistent with good engineering practice for minimizing emissions, including efforts regarding planning, design, and operating procedures.

(h) The owner or operator's actions during start-up and shutdown mode shall be documented by contemporaneous operating logs or other relevant evidence.

(4) Alternative emission limit permits shall be issued in accordance with the requirements contained in Chapter 3745-77 of the Administrative Code and Chapter 3745-31 of the Administrative Code.

(F) During routine maintenance of pollution control equipment, an owner or operator of a coke oven battery shall be exempt from specified provisions related to the source affected by the routine maintenance contained in any permit-to-install or permit-to-install and operate issued under Chapter 3745-31 of the Administrative Code or any permit-to-operate issued under Chapter 3745-77 of the Administrative Code if all of the following occur:

(1) Routine maintenance of the pollution control equipment in any rolling twenty-four-month period does not exceed fourteen days. Non-recovery coke oven batteries may be granted up to twenty-five days upon request of the director provided the owner or operator submits a request that includes a detailed maintenance plan and schedule ensuring the pollution control equipment shutdown time is minimized.

(2) Routine maintenance is conducted in a manner consistent with good engineering practices for minimizing emissions.

(3) A report is submitted to the director ten days prior to the start of the routine maintenance containing an explanation of the schedule of the maintenance and specifying the provisions that the source will be exempt from, including

identification of permit number and term.

(G) During routine maintenance of pollution control equipment, an owner or operator of a glass melting furnace shall be exempt from specified provisions related to the source affected by the routine maintenance contained in any permit-to-install or permit-to-install and operate issued under Chapter 3745-31 of the Administrative Code or any permit-to-operate issued under Chapter 3745-77 of the Administrative Code if all of the following occur:

(1) Routine maintenance of the pollution control equipment in each calendar year does not exceed six days.

(2) Routine maintenance is conducted in a manner consistent with good engineering practices for minimizing emissions.

(3) A report is submitted to the director ten days before the start of the routine maintenance containing an explanation of the schedule of the maintenance and specifying the provisions that the source will be exempt from, including identification of permit number and term.

3745-14-11 **Portland cement kilns.**

[For dates and availability of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see ~~the "Incorporation by Reference" section at the end~~paragraph (G) of rule 3745-14-01 of the Administrative Code titled "Referenced materials."~~.~~]

(A) ~~The requirements of this~~ This rule shall apply only to the following types of portland cement kilns with process rates of at least ~~that~~ as indicated ~~below~~:

(1) For long dry kilns, twelve tons per hour~~;~~.

(2) For long wet kilns, ten tons per hour;.

(3) For preheater kilns, sixteen tons per hour~~; and~~.

(4) For precalciner and preheater/precalciner kilns, twenty-two tons per hour.

(B) After April 30, 2004, an owner or operator of any portland cement kiln subject to this rule shall not operate the kiln during May first through September thirtieth unless the kiln has installed and operates during May first through September thirtieth with low-NOx burners, mid-kiln system firing, or alternative control techniques, subject to approval by the administrator, that achieve at least the same emissions decreases as low-NOx burners or mid-kiln system firing.

(C) Reporting, monitoring and record keeping requirements.

(1) Any owner or operator subject to ~~the requirements of~~ paragraph (B) of this rule shall comply with the following ~~requirements~~:

(a) By May 1, 2004, submit to the director and administrator the identification number and type of each unit subject to the rule, the name and address of the plant where the unit is located, and the name and telephone number of the person responsible for demonstrating the compliance of the unit with this rule~~; and~~.

(b) Submit a report documenting for each unit the total NOx emissions from May first through September thirtieth of each year to the director and administrator by October thirty-first of each year, beginning in 2004.

(2) Any owner or operator of a unit subject to paragraph (B) of this rule shall complete an initial performance test and subsequent annual testing consistent with the requirements of Methods 1, 2, 3 and 4 of 40 CFR Part 60, Appendix

A and Method 7, 7A, 7C, 7D, or 7E of 40 CFR Part 60.

(3) Any owner or operator of a unit subject to paragraph (B) of this rule shall produce and maintain records which shall include, but are not limited to the following:

(a) The emissions, in pounds of NOx per ton of clinker produced from each affected cement kiln~~;~~.

(b) The date, time and duration of any startup, shutdown or malfunction in the operation of any of the cement kilns or the emissions monitoring equipment~~;~~.

(c) The results of any performance testing~~; and~~.

(d) Daily cement kiln production records.

(4) All records required to be produced or maintained shall be retained on site for a minimum of two years and be made available to the director or administrator upon request.

~~(D) The requirements of this rule shall not apply to the following periods of operation:~~

~~(1) Start-up and shutdown periods and periods of malfunction, not to exceed thirty-six consecutive hours; and~~

~~(2) Regularly scheduled maintenance activities.~~