

Association of Air Pollution Control Agencies

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Ohio EPA



Current Issues

A. Program Issues

- Cleveland Bump up :
 - Additional actions required for moderate nonattainment areas.
- Startup, Shutdown, and Malfunction SIP call.
- Monitoring

B. Staffing

- Staff positions
- Management positions
- New Source Development

Ozone Background/Refresher

- Ozone is formed from precursor emissions of nitrogen oxides (NO_x) and volatile organic compounds (VOCs) in the presence of sunlight.
- 2015 ozone standard:
 - Lowered to 70 ppb.
 - Based on a 3-year average of annual 4th high values (called design value).
- Ohio Ozone season is March 1 to October 31.
- In recent years, exceedances began in mid-April or later.

Ozone Background/Refresher

- Cleveland is currently designated marginal nonattainment (but will change soon).
- Required to meet standard by Aug. 3, 2021 (called attainment date).
 - 2020 was last full ozone season (*March 1 to October 31*) before attainment date.
- Cleveland did not meet standard and is not eligible for 1-year extension.
 - Cleveland expected to get bumped up to moderate nonattainment.

Cleveland Ozone Outlook

Site Name	Site Id	County	2019 4th High	2020 4th high	2021 4th high	2022 4th high needed to violate 2015 standard	2022 4 th high (through 9/20/22)	2020-2022 DV (through 9/20/22)
District 6	39-035-0034	Cuyahoga	68	74	70	69	73	72
GT Craig NCore	39-035-0060	Cuyahoga	66	66	59	88	61	62
Berea BOE	39-035-0064	Cuyahoga	63	66	69	78	65	66
Mayfield	39-035-5002	Cuyahoga	70	68	68	77	65	67
Notre Dame	39-055-0004	Geauga	68	65	67	81	64	65
Eastlake	39-085-0003	Lake	71	75	72	66	76	74
Painesville	39-085-0007	Lake	69	68	63	82	62	64
Sheffield	39-093-0018	Lorain	58	59	59	95	63	60
Chippewa	39-103-0004	Medina	54	64	65	84	67	65
Lake Rockwell	39-133-1001	Portage	58	63	67	83	71	67
North High	39-153-0026	Summit	66	62	66	85	69	65

Bump-up Anticipated Timeline

- Attainment date (marginal) August 3, 2021 or 2020 Ozone season
- Cleveland area did not meet air quality deadline.
- U.S. EPA proposed "bump-up" in April of 2022.
- U.S. EPA signed "bump-up" on September 15, 2022
- New (moderate) attainment date for Cleveland area –August 3, 2024
- Cleveland area must show attainment by next ozone season (2023)

Overview of CAA Ozone Nonattainment Area Planning & Control Requirements by Classification



		NSR Offset Ratio	Major Source Threshold	
EXTREME (20 years to attain)	TRAFFIC CONGESTION CONTROLS (if appropriate)	1.5 : 1 Extreme	10 <u>tpy</u>	
	CLEAN FUELS REQUIREMENT FOR BOILERS			
SEVERE (15/17 years to attain)	PENALTY FEE PROGRAM FOR MAJOR SOURCES	1.3 : 1 Severe	25 <u>tpy</u>	
	VMT GROWTH DEMONSTRATION (& TCMs if needed)			
SERIOUS (9 years to attain)	VMT REPORTING	1.2 : 1 Serious	50 <u>tpy</u>	
	NSR REQUIREMENTS FOR EXISTING SOURCE MODS			
	CLEAN FUELS PROGRAM OR SUBSTITUTE MEASURE FOR LARGER POP. AREAS			
	MODELED DEMO OF ATTAINMENT			MILESTONE DEMONSTRATIONS and CONTINGENCY MEASURES FOR RFP
	3% ANNUAL RFP UNTIL ATTAINMENT			ENHANCED I/M for larger population areas
	CONTINGENCY MEASURES FOR FAILURE TO ATTAIN			ENHANCED MONITORING PLAN
MODERATE (6 years to attain)	Stage-II-Gasoline-Vapor-Recovery	1.15 : 1 Moderate	100 <u>tpy</u>	
	BASIC VEHICLE I/M for larger population areas			
	15% VOC ROP or 15% VOC/NOx RFP (OVER 6 YEARS)			
	VOC/NOx RACT for MAJOR/CTG SOURCES			ATTAINMENT DEMONSTRATION
MARGINAL (3 years to attain)	NONATTAINMENT NEW SOURCE REVIEW PROGRAM	1.1 : 1 Marginal	100 <u>tpy</u>	
	EMISSIONS STATEMENTS			
	BASELINE EMISSIONS INVENTORY (EI)			
	PERIODIC EMISSIONS INVENTORY UPDATES			

NOTE: Transportation and General Conformity apply in all ozone nonattainment areas.

Mandatory Moderate Bump-up Requirements

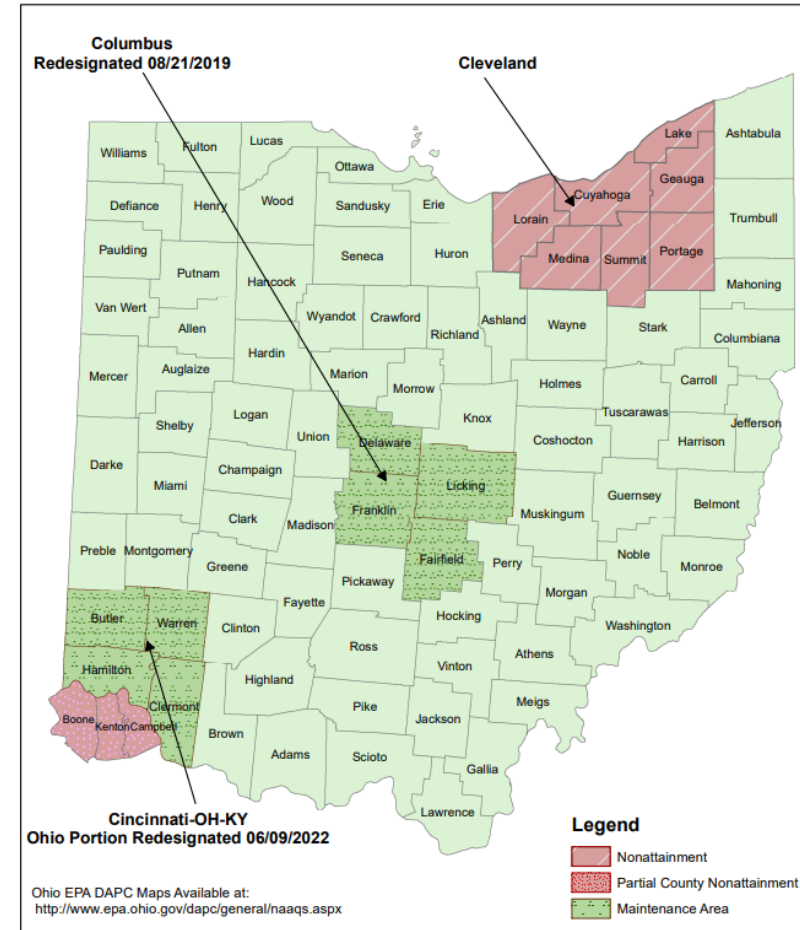
- Triggers additional mandatory requirements under Clean Air Act (CAA):
 - NO_x and VOC Reasonably Available Control Technology (RACT).
 - Implement by 3/1/23 (unless alternate deadline established by U.S. EPA).
 - Rulemakings completed (OAC Chapters 3745-110 NO_x RACT, 3745-21 VOC RACT).
 - Emissions Inspection and Maintenance (I/M) Program (E-Check).
 - Additional challenges permitting new and modified sources.
 - NSR offset ratio 1.15:1.
 - Baseline year reset.

2015 Ozone Standard

Implementation Timeline

- 8-hour standard – 0.70 ppm (avg. of 4th high over three years).
- U.S. EPA finalized non-attainment areas effective Aug. 3, 2018.
 - Cleveland measured violations through 2022– bump up to moderate next.
- Columbus – Redesignated to attainment 2019.
- Cincinnati – Redesignated to attainment June 2022.

Ohio 2015 Eight-Hour Ozone (0.070 ppm)
Nonattainment Areas
Effective 08/03/2018



Ozone Summary

- Cleveland will be bumped up to moderate nonattainment.
- Cincinnati redesignation completed.
- RACT rulemaking completed.
- Update of consumer products and AIM rules.
- Primary goal is attainment and avoiding another bump.
- Stay informed: epa.ohio.gov/divisions-and-offices/air-pollution-control/state-implementation-plans/state-implementation-plan-sip-2015-eight-hour-ozone-planning

Startup, Shutdown, and Malfunction SIP Call

- Started in 2015 – declared that 36 states unlawfully had rules that did not properly emissions during the startup, shutdown or malfunction of equipment – this action was done to settle a lawsuit with environmental groups.
- Also, U.S. EPA included our scheduled maintenance rule in the SIP call. Rule allows for control equipment to take controls offline for short time and allow the source to continue to operate.
- One of the main objections to the rules was that the rules allowed for Director’s discretion - that is, the state had the determination of what type of enforcement action should be taken (if any).

Startup, Shutdown, and Malfunction SIP Call

- Ohio asked the Ohio Attorney General to appeal the SIP call – which was done with a number of other states as parties.
- Ohio EPA started drafting changes to the rules but then the next administration came in and effectively said, the previous SIP call was not correct and froze the litigation, but did not formally withdraw SIP call.

Startup, Shutdown, and Malfunction SIP Call

- In January of 2022, the current administration reinstated the SIP call – issued a Failure to Submit Notice to Ohio and 11 other states. (SIP call was not formally withdrawn under previous Administration).
- The Failure to Submit action – issued as a direct final action with no proposed action, puts Ohio on an 18-month clock to develop rules that U.S. EPA will accept – deadline July 2023.
- If not, then sanctions will be imposed in the nonattainment areas of the state with 2 for 1 offsets, then if an approvable plan is not submitted in another six months, then highway fund sanctions would kick-in.

Startup, Shutdown, and Malfunction SIP Call

- Industry has concerns over the threat of enforcement for malfunctions that are not within their control or temporarily taking a piece of control equipment offline when it is not practical to shut down the source.
- Ohio needs to submit an approvable package or be sanctioned in July of 2023 – need to submit to U.S. EPA final package by no later than May of 2023.
- Looking at what other states have submitted as approvable packages.
- Received comments on latest draft and expect to issue a proposed rule later this year.

Air Quality Monitoring

- Over the past years, U.S. EPA has placed an increased emphasis on the air quality data system from start to finish
- We all want to produce accurate air quality data – there is increasing scrutiny on every aspect of the program
- Protocol gasses as just one example
- Every data point produced by a monitor is reviewed at least two times and sometimes more

Air Quality Monitoring

- Example: Calibration Gases:
 - During pandemic – difficulty in obtaining calibration gases
 - One office purchased “Spec gas” for one tank
 - Monitor passed independent accuracy audit
 - Needs to be “EPA Protocol” gas

Quick Poll (State and Local Air Agencies)

- Over the past 3 to 5 years:
 - Your agency is now spending fewer resources on the entire air monitoring program
 - Your agency is now spending about the same amount of resources on the entire air monitoring program
 - Your agency is now spending more resources on the entire air monitoring program

Resources/Tightening Our Belts

► DAPC Staffing Level:

- **FY2010 budgeted level: 220.6 FTEs**
- **FY2012-13 budgeted level: 206.5 FTEs**
- **FY2014-15 budgeted level: 190 FTEs**
- **FY2016-17 budgeted level: 190 FTEs**
- **FY2018-19 budgeted level: 185 FTEs***
- **FY2020-21 budgeted level: 182 FTEs***
- **FY 2022 – 23 budgeted level: 180 FTEs***
 - ***includes 7 positions transferred from ODH for asbestos program merger, funded by asbestos notification and licensing fees**



Staffing Issues

- Number of applicants for each vacancy are fewer
- Still able to hire qualified applicants
- Entry level management position are a particular challenge
- Not many staff willing to move up into management

New Development Projects

- There are several (many) development projects occurring throughout the state
- Intel (Columbus) semiconductor plant is only one.....
- Several other large projects also in permitting stage
- New source permits remain the top priority

Questions?

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