



REGIONAL AIR POLLUTION CONTROL AGENCY

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September 16, 2008

Ms. Carolina Prado
Ohio EPA—DAPC
Lazarus Government Center
P.O. Box 1049
Columbus, Ohio 43216-1049

Ms. Prado:

The following are comments of the Regional Air Pollution Control Agency (RAPCA) of Dayton, Ohio on the Ohio EPA proposed plan to bring Ohio's counties into attainment with the National Ambient Air Quality Standard (NAAQS) for PM-2.5. RAPCA is a six-county local air pollution control agency serving the citizens of the Southwest Ohio counties of Clark, Darke, Greene, Miami, Montgomery, and Preble. Three counties within RAPCA's jurisdiction—Clark, Greene, and Montgomery—are currently designated nonattainment for the PM-2.5 NAAQS and are covered in the Ohio plan. RAPCA staff have reviewed the Ohio plan and offer the following comments.

Our primary comment is with regard to USEPA's Clean Air Interstate Rule (CAIR). A significant portion of Ohio's plan for attainment is dependent upon this rule. Unfortunately, on July 11, 2008, the U.S. Court of Appeals for the District of Columbia Circuit vacated this rule in its entirety. With the Court's vacature of the rule, we are working with our national association—the National Association of Clean Air Agencies (NACAA)—on federal legislation to codify phase 1 of the rule. We understand that Ohio EPA is also working with appropriate parties to secure the necessary legislation. We support such efforts. However, should these efforts fall short, it is essential that Ohio EPA pursue whatever measures are necessary to require under state law the SO₂ and NO_x emissions reductions that were called for in CAIR. Such reductions are necessary for attainment of the PM-2.5 standard and, also are necessary to meet the Clean Air Act's requirement for the installation of Reasonably Available Control Technology (RACT) on all major sources in nonattainment areas. Ohio EPA's State Implementation Plan must meet the requirement for RACT, with or without CAIR.

Another major concern we have is with regard to the affects of Ohio Senate Bill 265, which exempts new sources less than 10TPY from the Ohio requirement for Best Available Technology

(BAT) and requires that BAT rules be promulgated for minor source categories greater than 10 TPY. “Minor sources” of fine particulates can emit as much as 99 TPY; and, as such, can wreak havoc with the Ohio attainment plan. We opposed this legislation when it was being considered in the Ohio legislature and oppose it all the more today. Ohio must take measures necessary to assure that new sources of PM-2.5 installed in nonattainment areas do not interfere with attainment of the standard. Case-by-case BAT determinations on new minor sources of PM-2.5 are an essential component of an attainment plan. We do not feel the Ohio State Implementation Plan is approvable without the rescinding of the SB 265 legislation.

In addition to the two major concerns expressed above—retention of CAIR emission reductions and rescinding of SB 265 provisions—we have a number of additional comments, as specified below.

- In the Acronyms and Abbreviations section of the plan, two corrections are necessary. CO₂ is the formula for carbon dioxide, and NO_x is the formula for oxides of nitrogen.
- On page four, the document addresses the supersession of the NO_x SIP call with CAIR. The plan should be amended to specify that the NO_x SIP call provisions will remain in place until the CAIR vacature issues are resolved.
- On page four, bottom line of text – “The 2007 controlled NO_x emissions will be 599 tons per day.” Is that state-wide, or just non-attainment areas, for all stationary internal combustion engines > 1 TPD NO_x?
- On page five, the 24-hour standard is correctly identified as 35ug/m³. However, for this SIP, we believe the target is the previous 24-hour standard of 65ug/m³. If it is Ohio’s intention to adopt a plan sufficient to meet the 35ug/m³ 24-hour standard, that is commendable, but not required until December of 2011. Additionally, there may be more counties in Ohio which are nonattainment for the 35ug/m³ 24-hour standard than are covered by this SIP.
- Filename AppC_PM25Concept.pdf ends with section 1.9.2, but Table of Contents goes all the way to section 9.7.1. Much of this document appears to be missing.
- **Inventory Table 3 and Table 5 (PM_{2.5}, NO_x and SO₂ in nonattainment counties in Ohio)** lists for 2005 for Montgomery County SO₂ and primary PM_{2.5} emissions for EGUs (presumably from Dayton Power and Light Hutchings Station) of 5900 TPY and 174 TPY, respectively. However, these drop to zero in 2009 in the table. We are unaware of any plans by DP&L Hutchings to completely shut down in 2009, and to assume this in modeling may underestimate concentrations at the Montgomery and Clark County monitors, especially during peak summer day operations. Very little information is provided in the PM-2.5 SIP document, except that “future year (2009) emission projections were estimated using the methods described in the E.H. Pechan & Associates reports for LADCO (see Appendix B).” Review of Appendix B addresses non-EGU point, area, and mobile source growth factors, but projection methodology for EGU emissions is not provided. We recommend this table and the modeling be revised to account for DP&L Hutchings Station emissions in 2009.

RAPCA personnel appreciate very much the work that Ohio EPA has devoted to the PM-2.5 State Implementation Plan. We feel that but for the court vacature of CAIR and the Ohio

legislature's passage of SB 265, this is a plan which is will provide for attainment of the PM-2.5 national ambient air quality standard. However, the court has indeed vacated CAIR and the Ohio legislature did indeed pass SB 265. Therefore, we suggest that Ohio EPA must take measures that overcome these two major obstacles in order to assure the PM-2.5 standard is attained in a timely manner. We pledge to you our support for corrective actions. Please contact this writer with any questions or comments.

Sincerely,

A handwritten signature in black ink that reads "John A. Paul". The signature is written in a cursive, flowing style with a large initial "J" and "P".

John A. Paul, RAPCA Administrator