

AIR POLLUTION CONTROL REGULATIONS OF THE MIAMI COUNTY HEALTH DISTRICT

RESOLUTION OF THE MIAMI COUNTY BOARD OF HEALTH TO ADOPT LOCAL AIR POLLUTION CONTROL REGULATIONS

WHEREAS, the Miami County Board of Health finds it necessary to adopt local air pollution control regulations consistent with those of the State of Ohio and the United States Environmental Protection Agency, and

WHEREAS, complete copies of OAC 3745-14 through 3745-21, 3745-23 through 3745-25, 3745-31, 3745-35, 3745-71 through 3745-73, 3745-75, and 3745-77 through 3745-80 (specific sections listed below) are on file with the Miami County Law Library, and

WHEREAS, complete copies of OAC 3745-14 through 3745-21, 3745-23 through 3745-25, 3745-31, 3745-35, 3745-71 through 3745-73, 3745-75, and 3745-77 through 3745-80 are on file with the Secretary of the Board of Health and are available for inspection by the public, and

WHEREAS, the Secretary of the Board of Health shall make copies of OAC 3745-14 through 3745-21, 3745-23 through 3745-25, 3745-31, 3745-35, 3745-71 through 3745-73, 3745-75, and 3745-77 through 3745-80 available for distribution to the public at cost.

BE IT ORDAINED BY THE MIAMI COUNTY BOARD OF HEALTH THAT:

1. OAC 3745-14 through 3745-21, 3745-23 through 3745-25, 3745-31, 3745-35, 3745-71 through 3745-73, 3745-75, and 3745-77 through 3745-80, are hereby incorporated by reference as the Board of Health's Local Air Pollution Control Regulations. Since these local regulations are intended to be consistent with state regulations, their amendments and future air regulations applicable to Miami County, adopted and found in OAC 3745, also apply to these local regulations. Specific chapters of the OAC cited above include:

- 3745-14 Nitrogen Oxides - Reasonably Available Control Technology
- 3745-15 General Provisions on Air Pollution Control
- 3745-16 Stack Height Requirements
- 3745-17 Particulate Matter Standards
- 3745-18 Sulfur Dioxide Regulations, modified to include only the following sections: 3745-18-01 (Definitions), 3745-18-02 (Ambient air quality standards; sulfur dioxide), 3745-18-03, (Attainment dates and compliance time schedules), 3745-18-04 (Measurement methods and procedures), 3745-18-05 (Ambient and meteorological monitoring requirements), 3745-18-06 (General emission limit provision), 3745-18-61 (Miami County emission limits)
- 3745-19 Open Burning Standards
- 3745-20 Asbestos Emission Control
- 3745-21 Carbon Monoxide, Ozone, Hydrocarbon Air Quality Standards, and Related Emission Requirements
- 3745-23 Nitrogen Oxide Standards
- 3745-24 Nitrogen Oxide Emission Statements

3745-25 Emergency Episode Standards
3745-31 Permits to Install New Sources of Pollution
3745-35 Permits to Operate and Variances
3745-71 Lead Emissions
3745-72 Low Reid Vapor Pressure Fuel Requirements
3745-73 Total Reduced Sulfur
3745-75 Infectious Waste Incinerator Limitations
3745-77 Title V Permits
3745-78 Air Pollution Control Fees
3745-79 Small Business Technical Assistance Program
3745-80 Statewide Motor Vehicle Anti-Tampering Program

2. 40 CFR 279 Subparts B and G, and 40 CFR 266 Subpart H are also hereby incorporated by reference as the Board of Health's Local Air Pollution Control Regulations. These local regulations are intended to be consistent with the federal regulations. As the federal regulations may from time to time be amended, such amendments shall also apply to these local regulations. Specific subparts of the CFR cited above include:

40 CFR 279 Standards for the Management of Used Oil
Subpart B – Applicability

Subpart G - Standards for Used Oil Burners Who Burn Off - Specification Used Oil For
Energy Recovery

40 CFR 266 Standards for the Management Of Specific Hazardous Wastes and Specific
Types of Hazardous Waste Management Facilities

Subpart H - Hazardous Waste Burned in Boilers and Industrial Furnaces

3. Such regulations shall become effective at the earliest date allowed by law.

Adopted by the Miami County Board of Health on August 16, 2001 by resolution number 2001-8-16-1. Effective September 20, 2001.

Amended by the Miami County Board of Health on October 17, 2001 by emergency resolution number 2001-10-17-1. Effective October 17, 2001.

Amended Schedule A

Uniform System of Fees for Miami County

Air Pollution Control Program

Any person who owns and/or operates a facility containing one or more sources of air contaminant emissions shall pay an annual fee in accordance with the following schedule. Such fees shall be paid annually, and are due during the first quarter of the calendar year, but no later than March 31st of such year.

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| 1. | Major facility-100 tons or greater actual emissions (after controls) per year of any air contaminant. | \$1500 |
| 2. | Minor facility-100 tons or greater, maximum potential yearly emissions of any air contaminant. | \$800 |
| 3. | Hazardous facility. | \$600 |
| 4. | Incinerator. | \$200 |
| 5. | Gasoline Dispensing Facility | \$15.00 for each dispensing position |
| 6. | Dry Cleaning Facility | \$100 |
| 7. | Other Facilities:
Maximum potential yearly emissions of: | |
| 1. | 5-25 tons | \$200 |
| 2. | More than 25 tons through 75 tons | \$400 |
| 3. | More than 75 tons through 100 tons | \$750 |
| VII. | Hazardous Waste Fuel Burning Facility or used Oil Burning Facility | \$0.01
Per gallon burned |

VIII. No person shall pay an annual fee in excess of \$5,000.

IX. The Board of Health reserves the right to charge a fee to a source or facility other than one listed in paragraphs I. through VIII. above if the costs associated with the managerial, technical, engineering, and or enforcement services attributable to such source or facility exceeds those considered to be normal or usual.

Exemptions

A facility may make application to the Health Commissioner for a reduction or waiver of the fee requirement. The Health Commissioner may grant such application in whole or in part if he/she determines that the imposition of such fee would constitute an unreasonable cost of doing business to the owner or operator of the facility. Any such reduction or waiver of the fee requirement shall be reviewed annually.

Definitions

1. The terms “facility”, “person”, “source”, gasoline dispensing facility”, “dry cleaning facility”, and “incinerator” shall have the same meaning as in the Miami County Health District’s Local Air Pollution Control Regulations.
2. The term “each dispensing position” shall mean each separate and distinct vehicle fueling point at a gasoline dispensing facility regardless of the number of individual gasoline grades or hoses. (Amended 10-17-2001).
3. The term “hazardous facility” shall mean a facility with one or more sources of air contaminant emissions consisting of asbestos, beryllium, mercury, or vinyl chloride.
4. For purposes of this fee schedule, “air contaminant” shall mean particulates, sulfur dioxide, organic compounds and/or lead, and for hazardous facilities “air contaminant” shall mean asbestos, beryllium, mercury, and/or vinyl chloride.
5. The terms “hazardous waste burning facility” and “used oil burning facility” shall mean any boiler or industrial furnace, as defined in 40 C.F.R.260.10, or which burns used motor oil and/or lubricating oil.
6. The term “maximum potential yearly emissions” shall mean the total weight of lead, organic compounds, particulates, or sulfur dioxide which is emitted, or in the absence of control equipment, would be emitted from a facility in any one calendar year.