



## Ohio Administrative Code Rule 3745-104-02 Threshold determination.

Effective: August 5, 2021

---

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions references in this rule, see paragraph (C) of rule 3745-104-01 of the Administrative Code titled "Referenced materials."]

(A) A threshold quantity of a regulated substance listed in rule 3745-104-04 of the Administrative Code is present at a stationary source if the total quantity of the regulated substance contained in a process exceeds the threshold.

(B) For the purposes of determining whether more than a threshold quantity of a regulated substance is present at the stationary source, the following exemptions apply:

(1) Concentrations of a regulated toxic substance in a mixture. If a regulated substance is present in a mixture and the concentration of the regulated substance is below one per cent by weight of the mixture, the amount of the substance in the mixture need not be considered when determining whether more than a threshold quantity is present at the stationary source. Except for oleum, toluene, 2,4-diisocyanate, toluene 2,6-diisocyanate, and toluene diisocyanate (unspecified isomer), if the concentration of the regulated substance in the mixture is one per cent or greater by weight, but the owner or operator can demonstrate that the partial pressure of the regulated substance in the mixture (solution) under handling or storage conditions in any portion of the process is less than ten millimeters of mercury, the amount of the regulated substance in the mixture in that portion of the process need not be considered when determining whether more than a threshold quantity is present at the stationary source. The owner or operator shall document this partial pressure measurement or estimate.

(2) Concentrations of a regulated flammable substance in a mixture.

(a) If a regulated substance is present in a mixture and the concentration of the regulated substance is below one per cent by weight of the mixture, the mixture need not be considered when determining



whether more than a threshold quantity of the regulated substance is present at the stationary source. Except as provided in paragraphs (B)(2)(b) and (B)(2)(c) of this rule, if the concentration of the regulated substance is one per cent or greater by weight of the mixture, then, for purposes of determining whether a threshold quantity is present at the stationary source, the entire weight of the mixture shall be treated as the regulated substance unless the owner or operator can demonstrate that the mixture itself does not have a national fire protection association flammability hazard rating of four. The demonstration shall be in accordance with the definition of flammability hazard rating four in the NFPA 704. The owner or operator shall document the national fire protection association flammability hazard rating.

(b) Gasoline. Regulated substances in gasoline, when in distribution or related storage for use as fuel for internal combustion engines, need not be considered when determining whether more than a threshold quantity is present at a stationary source.

(c) Naturally occurring hydrocarbon mixtures. Prior to entry into a natural gas processing plant or a petroleum refining process unit, regulated substances in naturally occurring hydrocarbon mixtures need not be considered when determining whether more than a threshold quantity is present at a stationary source. Naturally occurring hydrocarbon mixtures include any combination of the following: condensate, crude oil, field gas, and produced water, each as defined in rule 3745-104-01 of the Administrative Code.

(3) Articles. Regulated substances contained in articles need not be considered when determining whether more than a threshold quantity is present at the stationary source.

(4) Uses. Regulated substances, when in use for the following purposes, need not be included in determining whether more than a threshold quantity is present at the stationary source:

(a) Use as a structural component of the stationary source.

(b) Use of products for routine janitorial maintenance.

(c) Use of employees of foods, drugs, cosmetics, or other personal items containing the regulated substance.



(d) Use of regulated substances present in process water or non-contact cooling water as drawn from the environment or municipal sources, or use of regulated substances present in air used either as compressed air or as part of combustion.

(5) Activities in laboratories. If a regulated substance is manufactured, processed, or used in a laboratory at a stationary source under the supervision of a technically qualified individual, the quantity of the substance need not be considered in determining whether a threshold quantity is present. This exemption does not apply to the following:

(a) Speciality chemical production.

(b) Manufacture, processing, or use of regulated substances in pilot plant scale operations.

(c) Activities conducted outside the laboratory.