



Ohio Administrative Code

Rule 3745-17-08 Restriction of emission of fugitive dust.

Effective: August 25, 2023

[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 (AA) of rule 3745-17-01 of the Administrative Code titled "referenced materials."]

(A) Applicability:

(1) Except as otherwise specified in paragraph (A)(3) of this rule, paragraph (B) of this rule shall apply to any fugitive dust source which is located within the areas identified in appendix A to this rule. Except as additional time for achieving compliance is provided in paragraph (B) of rule 3745-17-04 of the Administrative Code, any such source shall comply with paragraph (B) of this rule by August 7, 1972 or the date of initial startup of the source, whichever is later.

(2) Notwithstanding the exemptions in paragraph (A)(3) of this rule, paragraph (B) of this rule shall apply to any fugitive dust source regardless of location if, in the director's judgment, probable cause exists to believe that such source is causing or contributing to a violation of rule 3745-15-07 of the Administrative Code. In such cases, the director may require the owner or operator of the fugitive dust source to apply for and obtain an operating permit in accordance with Chapter 3745-77 of the Administrative Code (for sources subject to the Title V permit program) or an a permit-to-install and operate in accordance with Chapter 3745-31 of the Administrative Code (for sources not subject to the Title V permit program), or require the owner or operator to submit and implement a control program which will bring the fugitive dust source into compliance with paragraph (B) of this rule as expeditiously as practicable.

[Comment: Applications requiring submittal prior to June 30, 2008, for sources not subject to the Title V program, were to be submitted in accordance with now rescinded Chapter 3745-35 of the Administrative Code.]



(3) Paragraph (B) of this rule shall not apply to:

(a) Any fugitive dust source which is located at a grain elevator having a permanent storage capacity of less than 2.5 million bushels.

(b) [Reserved.]

(c) Fugitive dust generated from publicly owned roadways and parking lots, provided the fugitive dust is not directly caused by the deposition of materials due to industrial, commercial, or construction activities.

(d) Fugitive dust generated from the tilling and wind erosion of farm land.

(e) Fugitive dust generated from any roadway or parking area at the "JSW Steel USA Ohio" or any subsequent owner or operator of the "JSW Steel USA Ohio" facility located at 540 Commercial avenue, Mingo Junction, Ohio (OEPA premise number 0641090010).

(f) Fugitive dust generated from residential wood burning appliances and pellet stoves.

(4) An air contaminant source can be subject to both rule 3745-17-11 of the Administrative Code and this rule if it is a fugitive dust source, as defined in paragraph (F)(5) of 3745-17-01 of the Administrative Code, and also emits, by means of one or more stacks, particulate matter that is subject to a limitation in rule 3745-17-11 of the Administrative Code.

(B) No person shall cause or permit any fugitive dust source to be operated; or any materials to be handled, transported, or stored; or a building or its appurtenances or a road to be used, constructed, altered, repaired, or demolished without taking or installing reasonably available control measures to prevent fugitive dust from becoming airborne. Such reasonably available control measures shall include, but not be limited to, one or more of the following which are appropriate to minimize or eliminate visible particulate emissions of fugitive dust:

(1) The use of water or other suitable dust suppression chemicals for the control of fugitive dust from the demolition of existing buildings or structures, construction operations, the grading of roads or the



clearing of land.

(2) The periodic application of asphalt, oil (excluding any used oil as defined in paragraph (A) of rule 3745-279-01 of the Administrative Code), water, or other suitable dust suppression chemicals on dirt or gravel roads and parking lots, and other surfaces which can cause emissions of fugitive dust.

(3) The installation and use of hoods, fans, and other equipment to adequately enclose, contain, capture, vent and control the fugitive dust. Such equipment shall meet the following requirements:

(a) The collection efficiency is sufficient to minimize or eliminate visible particulate emissions of fugitive dust at the point of capture to the extent possible with good engineering design.

(b) The control equipment achieves an outlet emission rate of not greater than 0.030 grain of particulate emissions per dry standard cubic foot of exhaust gases or there are no visible particulate emissions from the exhaust stack, whichever is less stringent.

(4) For ship loading operations at grain terminals, either of the following:

(a) Except during topping-off periods or during the loading of tween-deckers or tankers, the covering of the hatches and loading spouts with tarpaulin covers, to the extent practicable, and evacuation of the hatches to control equipment which is designed to achieve an outlet emission rate of 0.030 grain of particulate emissions per dry standard cubic foot of exhaust gases.

(b) The installation and use of control measures such as deadbox or bullet-type loading spouts which are equivalent to or better than the overall control efficiency of the measures described in paragraph (B)(4)(a) of this rule.

(5) The use of adequate containment methods during sandblasting or other similar operations.

(6) The periodic application of water or other suitable dust suppression chemicals, the installation of storage silos, bins or other enclosed structures, or the use of canvas or other suitable coverings, for all materials stockpiles and stockpiling operations, except temporary stockpiles and stockpiling operations for grain and grain products.



(7) The covering, at all times, of open bodied vehicles when transporting materials likely to become airborne.

(8) The paving of roadways and the maintaining of roadways in a clean condition.

(9) The prompt removal, in such a manner as to minimize or prevent resuspension, of earth or other material from paved streets onto which earth or other material has been deposited by trucking or earth moving equipment or erosion by water or other means.

(C) For purposes of determining compliance with paragraph (B) of this rule, the director shall consider a control measure to be adequate if it complies with the following:

(1) The visible particulate emission limitation contained in rule 3745-17-07 of the Administrative Code;

(2) If applicable, the control requirements contained in paragraph (B) of this rule; and

(3) The definition of reasonably available control measures in paragraph (R)(1) of rule 3745-17-01 of the Administrative Code.

(D) Any owner or operator of a facility which contains a fugitive dust source and which is located within any area identified in appendix A to this rule shall submit a certification or application for a permit-to-operate in accordance with paragraphs (A) and (B) of rule 3745-17-04 of the Administrative Code. This paragraph shall not exempt the owner or operator of a fugitive dust source which is not located within an area identified in appendix A to this rule from rule 3745-35-02 or 3745-77-02 of the Administrative Code.

[Comment: Applications requiring submittal prior to June 30, 2008, for sources not subject to the Title V program, were to be submitted in accordance with now rescinded Chapter 3745-35 of the Administrative Code.]