



January 10, 2022

Via Electronic Filing: Paul.Braun@epa.oh.gov

Mr. Paul Braun
Ohio EPA
Division of Air Pollution Control
PO Box 1049
Columbus Oh 43216-1049

Re: Early stakeholder outreach related to Ohio Administrative Code (OAC) 3745-100 Nitrogen Oxides Reasonably Available Control Technology (RACT) for the Toledo area.

Dear Mr. Braun:

On behalf of American Municipal Power, Inc., and the Ohio Municipal Electric Association, we appreciate this opportunity to provide early stakeholder comments regarding Ohio EPA's consideration of extending the existing NOx RACT rules requirements to sources in the Toledo area.

Background on AMP/OMEA

American Municipal Power, Inc. (AMP) is a nonprofit wholesale power supplier and services provider for 134-member municipal electric systems in the states of Ohio, Pennsylvania, Michigan, Virginia, Kentucky, West Virginia, Indiana, and Maryland and the Delaware Municipal Electric Corporation, a joint action agency with nine members headquartered in Smyrna, Delaware. AMP's mission is to serve members through public power joint action, innovative solutions, robust advocacy and cost-effective management of power supply and energy services. AMP offers a wide variety of services to help member communities improve the quality of municipal utility services to their customers. AMP provides these services on a cooperative, nonprofit basis for the mutual benefit of member communities.

AMP members receive their power supply from a diversified resource mix that includes wholesale power purchases through AMP and the open market, and energy produced at AMP and member-owned generating facilities utilizing fossil fuels, hydroelectric, wind, solar and other

DELAWARE DELAWARE MUNICIPAL ELECTRIC CORPORATION INDIANA CANNELTON KENTUCKY BENHAM • BEREA • PADUCAH • PRINCETON • WILLIAMSTOWN MARYLAND BERLIN MICHIGAN CLINTON • COLDWATER • HILLSDALE • MARSHALL • UNION CITY • WYANDOTTE OHIO AMHERST • ARCADIA • ARCANUM • BATAVIA • BEACH CITY BLANCHESTER • BLOOMDALE • BOWLING GREEN • BRADNER • BREWSTER • BRYAN • CAREY • CELINA • CLEVELAND • CLYDE • COLUMBIANA • COLUMBUS • CUSTAR • CUYAHOGA FALLS CYGNET • DESHLER • DOVER • EDGERTON • ELDORADO • ELMORE • GALION • GENOA • GEORGETOWN • GLOUSTER • GRAFTON • GREENWICH • HAMILTON • HASKINS • HOLIDAY CITY HUBBARD • HUDSON • HURON • JACKSON • JACKSON CENTER • LAKEVIEW • LEBANON • LODI • LUCAS • MARSHALLVILLE • MENDON • MILAN • MINSTER • MONROEVILLE MONTPELIER • NAPOLEON • NEW BREMEN • NEW KNOXVILLE • NEWTON FALLS • NILES • OAK HARBOR • OBERLIN • OHIO CITY • ORRVILLE • PAINESVILLE • PEMBERVILLE • PIONEER PIQUA • PLYMOUTH • PROSPECT • REPUBLIC • SEVILLE • SHELBY • SHILOH • SOUTH VIENNA • ST. CLAIRSVILLE • ST. MARYS • SYCAMORE • TIPP CITY • TOLEDO • TONTOGANY VERSAILLES • WADSWORTH WAPAKONETA • WAYNESFIELD • WELLINGTON • WESTERVILLE • WHARTON • WOODSFIELD • WOODVILLE • YELLOW SPRINGS PENNSYLVANIA BERLIN BLAKELY • CATAWISSA • DUNCANNON • EAST CONEMAUGH • ELLWOOD CITY • EPHRATA • GIRARD • GOLDSBORO • GROVE CITY • HATFIELD • HOOVERSVILLE • KUTZTOWN • LANSDALE LEHIGHTON • LEWISBERRY • MIFFLINBURG • NEW WILMINGTON • PERKASIE • QUAKERTOWN • ROYALTON • SAINT CLAIR • SCHUYLKILL HAVEN • SMETHPORT • SUMMERHILL WAMPUM • WATSONTOWN • WEATHERLY • ZELIENOPLE VIRGINIA BEDFORD • DANVILLE • FRONT ROYAL • MARTINSVILLE • RICHLANDS WEST VIRGINIA NEW MARTINSVILLE • PHILIPPI



renewable resources. Assets include the AMP Fremont Energy Center, a natural gas combined cycle in Fremont, Ohio, diesel, and natural gas peaking units, and hydroelectric, solar and wind projects throughout the region. AMP has actively worked over the past decade to diversify our power supply portfolio to include renewable resources and continues to explore additional opportunities for new renewable energy resources.

The Ohio Municipal Electric Association (OMEA) represents the Ohio and federal legislative interests of AMP and member Ohio municipal electric systems. Although closely aligned with AMP, the OMEA is a separate, nonprofit entity guided by a 16-member Board of Directors. However, subsequent "AMP" references herein also represent the interests and comments of OMEA.

In recognition of our unique position as both a wholesale power supplier and services provider, as well as the owner and operator of electric generating assets in Ohio, AMP offers the following comments for Ohio EPA's consideration.

Comments

Based on the videoconference verbal presentation and slides on November 10, 2021, the Ohio Environmental Protection Agency ("Ohio EPA" or "Agency") has the "[p]rimary goal" of "attainment and avoiding Toledo designation of nonattainment." Ohio EPA proposed to accomplish this by extending the state NO_x reasonably available control technology (RACT) rules to Lucas and Wood counties (and possibly others). Importantly, the slides Ohio EPA provided as part of the videoconference indicated that two of the last three ozone design values for the Cooley monitor (site i.d. 39-095-0035) exceeded the applicable standard.

AMP suggests that, along with other documents supporting this rulemaking effort, Ohio EPA provide emissions modeling or any other studies performed demonstrating that extension of the NO_x RACT rules to the Toledo area will have an appreciable impact on the regional air quality, given the limited number of large NO_x-emitting sources included in the presentation. A cursory review of the air permits associated with the facilities emitting over 100 tons per year of NO_x listed in the slide presentation indicates that several are already subject to Best Available Control Technology (BACT) requirements (like AMP's Fremont Energy Center) or that additional NO_x controls are not feasible.

If Ohio EPA determines that extending NO_x RACT provisions is necessary to continue attainment of the current standard, AMP urges the Agency to maintain the current exemptions contained in Ohio Administrative Code (OAC) 3745-110-03(K). As an example, the AMP Fremont Energy Center (AFEC) is currently subject to a NO_x BACT determination that imposes emission rates far below the existing RACT rule emission standard for turbines. Maintaining the exemptions would eliminate the obligation for AFEC to perform the OAC 3745-110-03(J) RACT study to demonstrate that additional NO_x emission controls are not feasible. In addition, AMP requests that Ohio EPA include language in OAC 3745-110-03(J) that clearly states that sources exempt under 3745-110-03(K) are not required to perform a RACT study. This approach is

consistent with what Ohio EPA indicated the Agency was going to do as part of the recent NOx RACT action for the Cincinnati and Cleveland areas.

We appreciate Ohio EPA providing interested stakeholders the opportunity to provide input to the agency in advance of developing RACT rules for the Toledo area.

Respectfully Submitted,



Adam Ward
AMP Senior Vice President
Member Services and External Affairs
American Municipal Power, Inc.
award@amppartners.org
614.540.1111



Michael Beirne
Executive Director
Ohio Municipal Electric Association
mbeirne@amppartners.org
614.540.0835