

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 3745-15-03

Rule Type: Amendment

Rule Title/Tagline: Submission of emission information.

Agency Name: Ohio Environmental Protection Agency

Division: Division of Air Pollution Control (DAPC)

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I. Rule Summary

1. Is this a five year rule review? Yes
 - A. What is the rule's five year review date? 11/29/2022
2. Is this rule the result of recent legislation? No
3. What statute is this rule being promulgated under? 119.03
4. What statute(s) grant rule writing authority? 3704.03(E)
5. What statute(s) does the rule implement or amplify? 3704.03(F)
6. Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires? No
 - A. If so, what is the citation to the federal law or rule? Not Applicable
7. What are the reasons for proposing the rule?

This rule is being amended after a review to fulfill the requirements of ORC 106.03 (5-yr review).
8. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

The rule provides a mechanism for the director to require the keeping and periodic submission of records and reports related to emissions of air contaminants. It further provides the director with authority to have the information recorded, compiled, and submitted in a manner and form prescribed by the director.

The amendments to this rule are minor and include updates to cross-references, correction of a typographical error, and removal of unnecessary restriction language.

- 9. Does the rule incorporate material by reference? Yes**
- 10. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

This rule contains references to the Ohio Administrative Code (OAC). While copies of these rules are generally available to the public through libraries and on-line sources, including the Ohio EPA website, ORC 121.76 (A) exempts such references from the provisions of ORC 121.71 through 121.75.

- 11. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Not Applicable

II. Fiscal Analysis

- 12. Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

0.00

Not applicable.

- 13. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

This rule provides a mechanism for the director to require the keeping and periodic submission of records and reports related to emissions of air contaminants. It further provides the director with authority to have the information recorded, compiled, and submitted in a manner and form prescribed by the director.

It is very difficult to estimate in dollars the cost of submitting periodic reports, including quarterly or PER reports. The type of reports necessary often depends on the size of the facility and type of facility. Depending on the applicable rules, the requirements can be very simple (e.g., minor NSR) to very complicated (e.g., major NSR). Submitting reports may take a facility a few minutes to prepare and comprise one page or it could take days to prepare and contain numerous pages. Therefore, the cost can vary across a wide range being as little as \$10 to \$5,000 (typical estimated cost to have a larger report completed by a consulting firm). Under the current program, a facility must submit quarterly reports for permits issued. The proposed amendments will not impact the cost of compliance.

14. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). Yes**
15. **Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). Yes**
16. **If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

Not applicable.

III. Common Sense Initiative (CSI) Questions

17. **Was this rule filed with the Common Sense Initiative Office? Yes**
18. **Does this rule have an adverse impact on business? Yes**
 - A. **Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No**
 - B. **Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No**
 - C. **Does this rule require specific expenditures or the report of information as a condition of compliance? Yes**

The rule provides a mechanism for the director to require the keeping and periodic submission of records and reports related to emissions of air contaminants. It further provides the director with authority to have the information recorded, compiled, and submitted in a manner and form prescribed by the director.

- D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No

IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).

19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes

- A. How many new regulatory restrictions do you propose adding to this rule? 0
- B. How many existing regulatory restrictions do you propose removing from this rule? 2

3745-15-03(C)(2) For the purposes of this rule, quarterly shall mean (replace shall mean with means)

3745-15-03(C)(2) ...and shall cover the previous calendar quarter. (remove shall)

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.
Not applicable.

- D. Please justify the adoption of the new regulatory restriction(s).

Not Applicable

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Part B - Local Governments Questions

1. Does the rule increase costs for:

A. Public School Districts	Yes
B. County Government	Yes
C. Township Government	Yes
D. City and Village Governments	Yes

2. Please estimate the total cost, in dollars, of compliance with the rule for the affected local government(s). If you cannot give a dollar cost, explain how the local government is financially impacted.

This rule provides a mechanism for the director to require the keeping and periodic submission of records and reports related to emissions of air contaminants. It further provides the director with authority to have the information recorded, compiled, and submitted in a manner and form prescribed by the director.

It is very difficult to estimate in dollars the cost of submitting periodic reports, including quarterly or PER reports. The type of reports necessary often depends on the size of the facility and type of facility. Depending on the applicable rules, the requirements can be very simple (e.g., minor NSR) to very complicated (e.g., major NSR). Submitting reports may take a facility a few minutes to prepare and comprise one page or it could take days to prepare and contain numerous pages. Therefore, the cost can vary across a wide range being as little as \$10 to \$5,000 (typical estimated cost to have a larger report completed by a consulting firm). Under the current program, a facility must submit quarterly reports for permits issued. The proposed amendments will not impact the cost of compliance.

3. Is this rule the result of a federal government requirement? Yes

- A. If yes, does this rule do more than the federal government requires? No**
- B. If yes, what are the costs, in dollars, to the local government for the regulation that exceeds the federal government requirement?**

Not Applicable

4. Please provide an estimated cost of compliance for the proposed rule if it has an impact on the following:

A. Personnel Costs

The majority of the cost of compliance for this rule is personnel costs for the preparation of each report.

B. New Equipment or Other Capital Costs

Not Applicable

C. Operating Costs

Not Applicable

D. Any Indirect Central Service Costs

Not Applicable

E. Other Costs

Not Applicable

5. Please explain how the local government(s) will be able to pay for the increased costs associated with the rule.

The existing requirements of this rule continue to require a cost of compliance that has existed for a number of years and has been funded through existing budgets. The amendments proposed as part of this action will not impose any additional cost for compliance.

6. What will be the impact on economic development, if any, as the result of this rule?

The existing requirements of this rule will continue to impact economic development in that any agency/local government or other entity operating an air contaminant source in the state of Ohio will have to incur additional costs for the source in order to address the air pollution control requirements of the state, and the requirement to submit periodic reports. As noted above, the cost of compliance is minimal compared to the annual operating budget of the facilities preparing the reports. The amendments to this rule do not add any additional costs of compliance.

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Part C - Environmental Rule Questions

Pursuant to Am. Sub. H.B. 106 of the 121st General Assembly, prior to adopting a rule or an amendment to a rule dealing with environmental protection, or containing a component dealing with environmental protection, a state agency shall:

- (1) Consult with organizations that represent political subdivisions, environmental interests, business interests, and other persons affected by the proposed rule or amendment.
- (2) Consider documentation relevant to the need for, the environmental benefits or consequences of, other benefits of, and the technological feasibility of the proposed rule or rule amendment.
- (3) Specifically identify whether the proposed rule or rule amendment is being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal environmental law or to participate in a federal environmental program, whether the proposed rule or rule amendment is more stringent than its federal counterpart, and, if the proposed rule or rule amendment is more stringent, the rationale for not incorporating its federal counterpart.
- (4) Include with the proposed rule or rule amendment and rule summary and fiscal analysis required to be filed with the Joint Committee on Agency Rule Review information relevant to the previously listed requirements.

(A) Were organizations that represent political subdivisions, environmental interests, business interests, and other persons affected by the proposed rule or amendment consulted? Yes

Please list each contact.

The draft rules were sent out for a 30-day interested party comment period ending July 8, 2022. The rules were released to Ohio EPA's electronic interested parties list, posted on Ohio EPA's regulations website and shared with interested industry parties. A response to comments is available upon request.

(B) Was documentation that is relevant to the need for, the environmental benefits or consequences of, other benefits of, and the technological feasibility of the proposed rule or amendment considered? Yes

Please list the information provided and attach a copy of each piece of documentation to this form. (A SUMMARY OR INDEX MAY BE ATTACHED IN LIEU OF THE ACTUAL DOCUMENTATION.)

ORC 3704.03, various chapters of the Administrative Code, the Clean Air Act and comments from interested parties were used in rule development. U.S. EPA's Startup, Shutdown and Malfunction (SSM) State Implementation Plan (SIP) call was considered for the proposed amendments.

- (C) Is the proposed rule or rule amendment being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal environmental law or to participate in a federal environmental program? No

Is the proposed rule or rule amendment more stringent than its federal counterpart?
Not Applicable

- (D) If this is a rule amendment that is being adopted under a state statute that establishes standards with which the amendment is to comply, is the proposed rule amendment more stringent than the rule that it is proposing to amend? No