

Rule Summary and Fiscal Analysis (Part A)**Ohio Environmental Protection Agency**

Agency Name

Division of Air Pollution Control (DAPC)

Division

Jennifer Hunter

Contact

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3745-15-08

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Circumvention.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **Yes**

2. Are you proposing this rule as a result of recent legislation? **No**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **3704.03(E)**

5. Statute(s) the rule, as filed, amplifies or implements: **3704.03(F)**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

This is a 5-year review of Chapter 15. Amendments are necessary to update the authorizing and amplifying statutes.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

This rule states that no person can install a device that conceals or dilutes air contaminant emissions in violation of rules. Amendments are necessary to update

the authorizing and amplifying statutes.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

Not Applicable.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so:

This rule is being refiled along with several other rules in this chapter. Other rules in the package do have changes but there were no changes to this rule as part of the refileing.

12. 119.032 Rule Review Date: **11/30/2006**

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

0

Not applicable.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

Not applicable.

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

There is no cost of compliance with this rule. This rule states that no person can install a device that conceals or dilutes air contaminant emissions in violation of rules.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **Yes**

You must complete the Environmental rule Adoption/Amendment Form in order to comply with Am. Sub. 106 of the 121st General Assembly.

Page E-1

Rule Number: 3745-15-08

Environmental Rule Adoption/Amendment Form

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.

Please see the attached interested part e-mail and e-mail notification list.

- (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

- (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 ?

Yes

Is the proposed rule or rule amendment more stringent than its federal counterpart ? **No**

- (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**

Not Applicable

From: Paul Braun
To: Aaron Walker; Adam Cowan; Adam Sackenheim; aDAPCRules; Aki Watanabe; Al Moyer; Alan Schreiner; Alexandra Boon; Allen Ellett; Amie Greene; Amy Jones; Amy Wainright; Amy Wright; Andrea Comanitz; Andrew Eribo; Andrew Kolesar; Andrus, Ronald; Andy Ruppenkamp; Anthony Sloma; April Bott; Ashish Kumar; Ayer, Matt; Ayers, Jerry; Baker, Jennifer; Baldwin, Nancy; Barbara Ashby; Barnett, Robert; Bartling, Laura; Baubles, Clark; Beckstedt, Robb; Benjamin Franz; Bernard Mount; Bernie Huff; Bill Davis; Bill Habig; Bill Hayes; Bob Hodanbosi; Bob Lopez; Bob Niemi; Bores, Dennis; Bowen, Paul; Brad Johnston; Bradley, Mike; Brandenberry, Steven; Brewer, Richard; Brian Duffy; Brian Galley; Brian Mensinger; Brown, Dirk; Brown, Lisa; Bruce French; Bruce VanScoy; Bryant, Ricky; Bukach, Tammy; Calderazzo, Deborah; Campbell, Stacie; Caplan, William; Carol Hester; Carol Ray; Caroline Depp; Cathryn Allen; Cecilia; Charles E. Kramek; Charles Herman; Charles Storrow; Charlie Howard; Chris Korleski; Chris Suits; Christie Myers; Christine Pedersen; Christopher Carr; Christopher Jones; Christopher Vinson; Christopher, Jamie; Chuck Barksdale; Cindy Hafner; Clifford, Todd; Clyde Miller; Colburn, Stacey; Concerned Citizens of Neave Twp.; Connair, Kevin; Cornett, Bruce; Craig Miller; Curt Spence; D. Bingle; Dahl, Jay; Dale Loudermilk; Dan Aleman; Dan Harris; Dan Monette; Dan Steen; Dave Moore; Dave Oas; Daved Abel; David Gedeon; David J. Schmitt; David Paul; David Rockman; Dawn Miller; Dax Blake; Dean Ponchak; Dean Spradlin; Debbie Hannah; Debra Reining; Delarm, Robert; Dennis Bush; Deron Smith; DeWalt, Doug; Don Clark; Don Hart; Don Rice; Don Waltermeyer; Don Williams; Donald T. fulkers; Dory Montazemi; Doug Abbott; Doug McWilliams; Drew Bergman; Drexelius, Bob; Duane Johnson; Dustin J. Binkman; Dwain Kincaid; Ed Saccoccia; Edward Kitchen; Elise Spriggs; Emily Rynders; Eric Tabor, PE(...)
Date: 6/26/2006 3:34:22 PM
Subject: Ohio EPA DAPC Rulemaking - OAC Chapter 3745-15 Five Year Review

Notice is hereby given that in accordance with Ohio Revised Code ("ORC") 119.032 (5-year rule review), the Ohio Environmental Protection Agency, Division of Air Pollution Control ("DAPC") has reviewed the following rules contained in Ohio Administrative Code ("OAC") Chapter 3745-15:

- 3745-15-01 Definitions
- 3745-15-02 Purpose
- 3745-15-03 Submission of emission information
- 3745-15-04 Measurement of emissions of air contaminants
- 3745-15-05 "De Minimis" air contaminant source exemption
- 3745-15-06 Malfunction of equipment; scheduled maintenance; reporting
- 3745-15-07 Air pollution nuisances prohibited
- 3745-15-08 Circumvention
- 3745-15-09 Severability

Our preliminary review indicates that these rules continue to be necessary and are in need of revision as follows:

The amplifying and authorizing statutes are being updated for all the rules of this chapter.

OAC rule 3745-15-01: Inclusion of an incorporation by reference section as required by ORC 121.72. Minor changes to grammar/format. Inclusion of a

definition for Clean Air Act.

OAC rule 3745-15-03 : Inclusion of DAPC's quarterly reporting requirement for permits-to-install and permits-to-operate currently being issued by DAPC. This is, in part, to address SB 265 requirements for inclusion of reporting requirements in the OAC.

OAC rule 3745-15-05: Inclusion of updates for de minimis sources to meet the requirements reflected in OAC Chapter 3745-77 (September 2002 amendment) that require insignificant emissions units subject to one or more requirements to be included on the state and federally enforceable side of the Title V permit.

OAC rule 3745-15-06: Inclusion of updates to the requirements for malfunction reporting to increase consistency with other state programs and clarity in Ohio's program.

OAC rule 3745-15-07: Inclusion of updates to clarify that public nuisance conditions consisting of odors caused solely by the emissions of odorous substances not subject to the listed Administrative Code Chapters are not regulated by the Agency.

As part of the rule-making process, DAPC is required by Section 121.39 of the Ohio Revised Code to consult with organizations that represent political subdivisions, environmental interests, business interests, and others affected by the rules. The DAPC is offering your organization the opportunity to comment on these rules before the division formally proposes them.

Attached, please find the draft language for OAC rules 3745-15-01 to 3745-15-09 along with a synopsis of the recommended changes. These rules are also available at <http://www.epa.state.oh.us/dapc/regs/regs.html>. We request that you provide us with any comments you may have to the changes that have been recommended by Friday July 28, 2006.

Please e-mail or mail your comments or suggestions to the following addresses:

E-mail: mike.ahern@epa.state.oh.us
Subject Line: "Comments on OAC Chapter 3745-15"

Mailing address: Mike Ahern
Re: Comments on OAC Chapter 3745-15
Ohio Environmental Protection Agency, DAPC
Lazarus Government Center
P.O. Box 1049
Columbus, Ohio 43216-1049

Phone: (614) 644-3631

Thank you,

Robert Hodanbosi, Chief
Division of Air Pollution Control
Ohio Environmental Protection Agency

LIST

Mail Envelope Properties (44A036AF.2DC : 194 : 56837)

Subject: Ohio EPA DAPC Rulemaking - OAC Chapter 3745-15 Five Year Review
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Files	Size	Date & Time
MESSAGE	4658	6/26/2006 3:34:07 PM
TEXT.htm	4317	
3745-15-09 IP.pdf	2943	5/30/2006 11:46:18 AM
3745-15-01 IP.pdf	23529	5/30/2006 11:53:14 AM
3745-15-02 IP.pdf	3076	5/30/2006 10:46:44 AM
3745-15-03 IP.pdf	11254	5/30/2006 9:28:04 AM
3745-15-04 IP.pdf	4099	5/30/2006 10:48:22 AM
3745-15-05 IP.pdf	12396	5/30/2006 11:19:12 AM
3745-15-06 IP.pdf	38272	5/30/2006 11:43:30 AM
3745-15-07 IP.pdf	4070	5/30/2006 11:45:04 AM
3745-15-08 IP.pdf	2876	5/30/2006 11:45:50 AM
3745-15 Synopsis IP.pdf	21156	6/26/2006 11:27:40 AM

Options

Expiration Date:	None
Priority:	Standard
ReplyRequested:	No
Return Notification:	None

Concealed Subject:	No
Security:	Standard

Junk Mail Handling Evaluation Results

Message is not eligible for Junk Mail handling

Message is from an internal sender

Junk Mail settings when this message was delivered

Junk Mail handling disabled by User

Junk List is not enabled

Junk Mail using personal address books is not enabled

Block List is not enabled