

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 3745-17-12

Rule Type: Amendment

Rule Title/Tagline: Additional restrictions on particulate emissions from specific air contaminant sources in Cuyahoga county.

Agency Name: Ohio Environmental Protection Agency

Division: Division of Air Pollution Control (DAPC)

Address: 50 West Town Street, Suite 700 PO Box 1049 Columbus OH 43216-1049

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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? 5/24/2023
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(A), 3704.03(E)
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 proposed after a review to fulfill ORC 106.03 (5-year review).
8. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

This rule establishes emission limitations on particulate emissions from specific air contaminant sources in Cuyahoga county.

Minor changes are being made for clarification, to upgrade citations and facility specific information, remove facility specific information for permanently shut down facilities, and to remove unnecessary restriction language within the rule.

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 and statutes 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 contains visible emission requirements for emission sources. These rules were originally promulgated in the late 1970's and have been around for 30+ years. The rules in this chapter are intended to assist Ohio in attaining and maintaining the National Ambient Air Quality Standard (NAAQS) for particulate matter and are part of Ohio's State Implementation Plan (SIP). Facilities subject to this rule have already

installed controls and/or made process changes to comply with these rules and would not have any new costs of compliance.

If a new facility were required to comply with the rules in this chapter, the cost of compliance varies widely and is facility specific. Costs would range from "no cost" for an option such as work practice standards (lower speed limit on plant roads) to several million dollars to install scrubbing equipment on the process exhaust stack.

14. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**
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.**

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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? No**
 - 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? No
- 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? 14

Paragraph (G) (Shall): "...3601 Trumbull avenue, Cleveland, Ohio (shall) comply with all ..."

Paragraph (H) (Shall): "...4530 East 71st street, Cuyahoga Heights, Ohio (shall not) cause ..."

Paragraph (K) (Shall): "...1971 Carter road, Cleveland, Ohio (shall not) cause or ..."

Paragraph (L) (Shall): "...4905 Warner road, Garfield Heights, Ohio (shall) comply with all the..."

Paragraph (L)(1) (Shall): "... from this operation (shall) either be ..."

Paragraph (L)(2) (Shall): "...emissions from all stacks (shall not) exceed..."

Paragraph (L)(3) (Shall): "... particulate emissions of fugitivedust (shall not) exceed..."

Paragraph (R) (Shall): "...4730 Warner road, Garfield Heights, Ohio (shall) comply with all the following..."

Paragraph (R)(1) (Shall): "...the particulate emissions (shall not) exceed..."

Paragraph (R)(2) (Shall): "...operating hours (shall not) exceed 0.1 hour ..."

Paragraph (R)(3) (Shall): "...the operating hours (shall not) exceed 3.0 hours..."

Paragraph (R)(4) (Shall): "Daily records (shall) be maintained for the operations ..."

Paragraph (X) (Shall): "...3341 Jennings road, Cleveland, Ohio (shall) comply with all ..."

Paragraph (X)(1) (Shall): "...there (shall) be no visible particulate emissions..."

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

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

Not Applicable

Rule Summary and Fiscal Analysis

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.

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- (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.

Ohio EPA invited interested parties to comment on these rules and a draft business impact analysis document during the period of January 19, 2023 to February 21, 2023. The rules were made available on Ohio EPA's website, announced to Ohio EPA's electronic interested parties list and Ohio's e-notification system. One comment was received in support of the proposed amendments. A list of interested parties will be furnished 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.)

Clean Air Act, Comments from interested parties, LSC Style and Formatting Manual.

- (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 *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