

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

Agency Name

Division of Air Pollution Control (DAPC)

Division

Lee Burkleca

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3745-21-09

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Control of emissions of volatile organic compounds from stationary sources and perchloroethylene from dry cleaning facilities.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **No**

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: **ORC 3704.03(E)**

5. Statute(s) the rule, as filed, amplifies or implements: **ORC 3704.03(A) and ORC 3704.03(E)**

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

These proposed changes to this rule have resulted primarily from the plans in the Cincinnati and Dayton metro counties to eliminate their vehicle inspection programs (E-check) at the end of 2005. To offset the increase in VOC and NOx emissions which would result from the termination of this program, new control strategies were developed which required these rule changes/additions. In addition, various facility specific rule revisions were made as described below.

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:

OAC rule 3745-21-09 deals with the control of volatile organic compounds (VOCs) emissions from numerous sources through out the state. The following is a list of the proposed changes to this rule:

VOC vapor pressure limitation for cold cleaning degreasing operations in the Cincinnati and Dayton metropolitan areas (includes a new paragraph 3745-21-09(O)(2)(e);

OAC rules 3745-21-01(V)(9) and OAC 3745-21-12(H)(4) were also amended to correct errors from the recent rule amendment (RACT) that became effective on May 27, 2005;

In OAC rule 3745-21-09(T)(4), which allows the acceptance of an alternative monitoring, record keeping and reporting program by the director by owners/operators of petroleum refineries, a new sentence was added for the Premcor Lima Refinery which indicates that the director has accepted an alternative leak detection and repair (LDAR) program at this facility;

OAC rule 3745-21-09(HH) has been removed as it has been determined the facility (Goodyear Tire and Rubber) closed between 1990 and 1992 and the process is no longer operational;

Paragraph (RR) of OAC rule 3745-21-09 was added to address site-specific requirements on reasonably available control technology (RACT) for VOC emissions from a Sherwin-Williams Diversified Brands, Inc. facility that produces aerosol cans and additional language added to paragraph (Y) of OAC rule 3745-21-09 which allows an exemption for facilities that have a total maximum annual usage of VOC that is less than or equal to 100 tons per year; and

In addition to an owner/operator name change in OAC rule 3745-21-09(VV) to Marathon Petroleum Company LLC (MAP), the fluid catalytic cracking unit (FCCU) at this facility became subject to New Source Performance Standards (NSPS) for Petroleum Refineries, 40 CFR, Part 60, Subpart J for carbon monoxide (CO), and the National Emission Standard for Hazardous Air Pollutants from Petroleum Refineries (Refinery MACT), 40 CFR, Part 63, Subpart UUU. On October 10, 2003, MAP submitted a request to streamline its Title V permit requirements pertaining to these standards, which are equivalent to or more stringent than OAC rule 3745-21-09(VV)(1). As a result of this request being approved, it is also appropriate to eliminate all language regarding the FCCU from OAC rule 3745-21-09(VV) as it would be no longer necessary in the rules. Therefore, in the proposed rules, (VV)(1) has been completely deleted.

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 rule contains references to the Ohio Administrative Code (OAC) and Ohio Revised Code (ORC). 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.

This rule also contains references to the Code of Federal Regulations (CFR). These rules are generally available through libraries, Ohio EPA and U.S. EPA websites. CFR references have also been dated to reference the specific version of the rules. ORC 121.75 (D) exempts such references from the requirements of ORC 121.71 through 121.74.

This rule also contains references to the United States Code (USC). These rules are generally available through libraries, Ohio EPA and Government Printing Office's websites. USC references have also been dated to reference the specific version of the rules. ORC 121.75 (D) exempts such references from the requirements of ORC 121.71 through 121.74.

The rule also contains references to analytical test methods used to determine parameters for materials subject to this rule or other materials utilized by regulators and impacted parties to determine or achieve compliance with these rules. These test methods and materials are commonly known and utilized by laboratories performing this type of analytical work. Copies of these test methods are available in libraries and the website for ASTM, NFPA, and US EPA Methods.

Referenced materials are cited, dated and availability noted in rule OAC 3745-21-01(AA).

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:

Not applicable

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:

Not Applicable.

12. 119.032 Rule Review Date: 3/25/2007

(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:

Estimated cost for the area sources affected by the vapor pressure limitation for degreasing operations is difficult to determine but indications are that they would be reasonably low based on the cost per ton of VOC reduction found in the Midwest RPO white paper on this control strategy.

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.

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Rule Number: 3745-21-09

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.

see attachment

- (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.)

Ozone Transport Commission (OTC) Model rule

Midwest Regional Planning Commission (RPO) white paper on Industrial Solvent Cleaning

- (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

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DAPC.Central-Office	Pending	epa.state.oh.us
DDAGW.Central-Office	Pending	epa.state.oh.us
DERR.Central-Office	Pending	epa.state.oh.us
DHWM.Central-Office	Pending	epa.state.oh.us
DSIWM.Central-Office	Pending	epa.state.oh.us
NEDO.Central-Office	Pending	epa.state.oh.us
NWDO.Central-Office	Pending	epa.state.oh.us
SEDO.Central-Office	Pending	epa.state.oh.us
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