

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 3745-21-09

**Rule Type:** Amendment

**Rule Title/Tagline:** Control of emissions of volatile organic compounds from stationary sources and perchloroethylene from dry cleaning facilities.

**Agency Name:** Ohio Environmental Protection Agency

**Division:** Division of Air Pollution Control (DAPC)

**Address:** 50 W. Town St. Suite 700 Columbus OH 43215

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#### **I. Rule Summary**

1. Is this a five year rule review? No
  - A. What is the rule's five year review date? 11/29/2026
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? ORC 3704.03(E)
5. What statute(s) does the rule implement or amplify? ORC 3704.03(A), ORC 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?

To revise certain date restrictions and facility specific RACT requirements for the control of VOC emissions in modification of the SIP.

**8. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

This rule identifies VOC emission and control requirements for several source categories that emit VOC. This rule is being amended as follows:

- removal of the "date-of-installation" restriction, 3745-21-09(U)(2)(f)

**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 online 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), the Federal Insecticide, Rodenticide, and Fungicide Act, and the Clean Air Act. These rules and acts 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 websites of the method's supporting organization (ASTM, ANSI, NFPA, NACE, etc.).

Referenced materials are cited, dated and availability noted in paragraph (C) of rule 3745-21-01 of the Administrative Code.

- 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 identifies VOC emission and control requirements for several source categories that emit VOC.

The cost of compliance with this rule varies widely and would be facility specific. Costs would range from "no cost" for an option such as a change in work practice standards (for example, cover VOC-containing materials) to several million dollars to install an oxidizer on a process exhaust stack. Ohio EPA generally does allow facilities to take the cost of compliance (as a \$/ton reduction) into account on a case-by-case basis.

The proposed revisions in this rulemaking will not increase the cost of compliance and may reduce the compliance costs in some instances.

- 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.**

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? Yes**

The rule itself does not impose penalties, however; violation of this rule could subject the owner or operator to potential civil, administrative or criminal penalties in accordance with ORC Chapter 3704.

If a facility is found in violation, Ohio EPA does not typically assign fines and penalties for first-time offenders, and prefers to obtain compliance through outreach first and, if needed, written notice of violations prior to any type of formal enforcement.

**C. Does this rule require specific expenditures or the report of information as a condition of compliance? Yes**

The rule requires periodic submission of reports that typically include deviations from requirements and exceedances of emissions limits.

**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**

The proposed rule revisions will not increase the cost of compliance and may reduce the compliance costs in some instances.

### **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? No**

**A. How many new regulatory restrictions do you propose adding to this rule?**

Not Applicable

- B. How many existing regulatory restrictions do you propose removing from this rule?**

Not Applicable

- 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

## 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 this rule during a 30 day comment period ending May 2, 2023. No comments were received. 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  
US EPA Control Technique Guidance Documents  
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