

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)

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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? 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 to make changes due to the reclassification of the Cleveland 2015 ozone nonattainment area from moderate to serious nonattainment, which triggers additional Clean Air Act (CAA) requirements for major stationary sources located in the serious nonattainment area.

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

This rule identifies volatile organic compound (VOC) emission and control requirements for several source categories that emit VOC.

The proposed amendments include:

Paragraphs (B)(2), (I)(2), (K)(3), (L)(1)(a)(ii), (O)(2)(c)(iii), (O)(3)(c)(v), (O)(4)(a)(iii), (T)(4), (W)(1)(a)(ii), (W)(1)(c)(ii), (Z)(1)(a)(vii), (Z)(1)(b)(ii)(e), (Z)(1)(b)(iii)(c), (DD)(3)(e), (DD)(16), and (DD)(17)(b)(iii) are being revised to move the provision currently in (B)(2) that any alternative or equivalent provisions be approved into the state implementation plan (SIP) to each of the specific paragraphs which allow for the use of an alternative or equivalent. This move will help to ensure that all of the necessary elements are kept together in one place and make it less likely for the SIP approval element to be overlooked.

Paragraph (F) is being revised to clarify the provisions apply to film and foil in addition to paper, consistent with U.S. EPA's 2007 Control Technique Guideline (CTG) for Paper, Film and Foil Coatings on which this rule is based. This was inadvertently omitted previously. Ohio EPA believes clarification is appropriate and necessary as the CAA requires adoption of the CTG.

Paragraphs (I)(2), (K)(3), (L)(1), and (T)(4) are being revised to change the terminology from 'alternative' to the more accurate and representative term 'equivalent'. It does not change the intent or Ohio EPA's interpretation.

Paragraphs (I) and (K)(3) are also being revised to require that an equivalent limitation be issued in a permit-to-install (PTI) or permit-to-install-and-operate (PTIO), rather than a permit-to-operate (PTO), consistent with U.S. EPA requirements that the limitation be permanent.

Paragraph (U)(2)(f) is being revised to reference the new definition of 'source-specific RACT'. By way of this new definition, this also changes the terminology from 'alternative emission limitation' to the more accurate and representative term that is based on an evaluation of the technological and economic feasibility. It does not change the intent or Ohio EPA's interpretation.

Paragraph (PP) is being removed and reserved in order to rescind the existing source-specific VOC RACT for Formica Corporation in OAC 3745-21-09(PP). These sources are now subject to OAC 3745-21-09(F), which is based on U.S. EPA's 2007 "Control

Techniques Guidelines for Paper, Film, and Foil Coatings." The attached CAA 110(l) demonstration shows that this revision will not interfere with the attainment of the National Ambient Air Quality Standards (NAAQS) or violate the anti-backsliding requirements of CAA Section 110(l).

In addition, the rule is being revised to remove requirements for sources that are permanently shut down. The removal of these sources is being performed to ease confusion over operations that no longer exist and to make these rules more reader friendly.

- 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 Revised Code (ORC). While copies of these rules and statutes are generally available to the public through libraries and on-line sources, ORC 121.75(A)(1)(a) exempts such references from the provisions of ORC 121.71 through 121.74.

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 Ohio EPA's website, ORC 121.75(A)(1)(d) exempts such references from the provisions of ORC 121.71 through 121.74.

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(A)(2)(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(A)(2)(a) exempts such references from the requirements of ORC 121.71 through 121.74.

This rule also contains references to the Clean Air Act (CAA). This act is generally available through libraries, Ohio EPA, and Government Printing Office's websites. References to this act have also been dated to reference the specific version of the act. ORC 121.75(A)(2)(a) exempts such references from the requirements of ORC 121.71 through 121.74.

The rule also contains references to organizations and their documents and/or other materials utilized by regulators and impacted parties to determine or achieve compliance with these rules. These organizations and materials are commonly known and utilized by sources subject to environmental regulations. Copies of these documents are available in libraries and the websites for AIRS, Control Technology Center, and SICM. References to these organization's documents have also been dated to reference the specific version of the document. ORC 121.75(B)(6) 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, USEPA, etc.). ORC 121.75(B)(6) exempts such references from the requirements of ORC 121.71 through 121.74.

Referenced materials are cited, dated, and availability noted in paragraph (JJ) 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?**

OAC Chapter 3745-21 has been in the OAC since 1972. The rules have evolved over the years to address requirements in the CAA to develop regulations as part of an effort

to achieve the NAAQS for CO and ozone within the state. These rules and additional technical support were submitted to U.S. EPA for review and approval as part of Ohio's SIP.

This Chapter has been modified over the years to incorporate requirements for categories of sources for which U.S. EPA has indicated that RACT should apply. In general, the levels of control that are available have been evaluated and presented in a series of CTGs issued by U.S. EPA. There are also rules based on information provided by U.S. EPA for other sources which were identified as non-CTG RACT.

Given the many and varied types of processes that are regulated under OAC Chapter 3745-21, it is difficult to give an exact cost of compliance with the rules in this chapter in a limited space. The cost of compliance with these rules can range from zero cost for a control technology such as a work practice or raw material change, to a few million dollars for the installation and operation of a mechanical control device. As part of the permitting process, facilities can perform a RACT analysis which allows them to determine, based on all technologies available, the best and most cost-effective control strategy for their facility.

It should be noted that CTG based rules similar to Ohio's rules can also be found in Ohio's neighbor states and in any state containing a moderate or higher ozone non-attainment area. Facilities wishing to locate in these types of areas will need to meet these requirements in all states.

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? No

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

This rule requires periodic submission of reports that typically include information regarding any 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

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? 1

New Restriction: OAC 3745-21-09(T)(4): "Any equivalent monitoring, recordkeeping and reporting program shall be approved by USEPA as a revision to the state implementation plan."

Offsetting Removed Restriction #1: OAC 3745-21-09(B)(2): "Any approval granted by the director in accordance with paragraphs (I)(2), (K)(3), (L)(1)(a)(ii), (O)(2)(c)(iii), (O)(3)(c)(v), (O)(4)(a)(iii), (T)(4), (W)(1)(a)(ii), (W)(1)(c)(ii), (Z)(1)(a)(vii), (Z)(1)(b)(ii)(e), (Z)(1)(b)(iii)(c), (DD)(3)(e), (DD)(16), and (DD)(17)(b)(iii) of this rule shall be approved by the USEPA as a revision of the state implementation plan." â replaced entire paragraph with "[Reserved.]"

Offsetting Removed Restriction #2: OAC 3745-21-09(S): ""Associated Materials" (facility ID 1677000053) or any subsequent owner or operator of the "Associated Materials" facility located at 3773 State road, Cuyahoga Falls, Ohio shall not cause, allow or permit the discharge into the ambient air of any VOCs after the date specified in paragraph (C)(20) of rule 3745-21-04 of the Administrative Code in excess of the following:" â replaced entire paragraph with "[Reserved.]"

B. How many existing regulatory restrictions do you propose removing from this rule? 16

Removed Restriction: OAC 3745-21-09(B)(2): "Any approval granted by the director in accordance with paragraphs (I)(2), (K)(3), (L)(1)(a)(ii), (O)(2)(c)(iii), (O)(3)(c)(v), (O)(4)(a)(iii), (T)(4), (W)(1)(a)(ii), (W)(1)(c)(ii), (Z)(1)(a)(vii), (Z)(1)(b)(ii)(e), (Z)(1)(b)(iii)(c), (DD)(3)(e), (DD)(16), and (DD)(17)(b)(iii) of this rule shall be approved by the USEPA as a revision of the state implementation plan." â replaced entire paragraph with "[Reserved.]"

Removed Restriction: OAC 3745-21-09(S): ""Associated Materials" (facility ID 1677000053) or any subsequent owner or operator of the "Associated Materials" facility located at 3773 State road, Cuyahoga Falls, Ohio shall not cause, allow or permit the discharge into the ambient air of any VOCs after the date specified in paragraph (C)(20) of rule 3745-21-04 of the Administrative Code in excess of the following:" â replaced entire paragraph with "[Reserved.]"

Removed Restriction: OAC 3745-21-09(JJ)(1): "The VOC emissions from the nitrile-butadiene rubber production operation shall be controlled by employing a continuous steam stripper following the degassing vessels to maximize the removal of residual monomers (acrylonitrile and butadiene)." â replaced entire paragraph with "[Reserved.]"

Removed Restriction: OAC 3745-21-09(JJ)(1): "The continuous steam stripper shall be designed and operated to achieve a residual monomer content, as determined by "Goodyear Method E-826," of not greater than nine hundred parts per million by weight (total acrylonitrile and butadiene) in the polymer (rubber) blend tanks immediately following the stripper," â replaced entire paragraph with "[Reserved.]"

Removed Restriction: OAC 3745-21-09(JJ)(1): "and all exhaust gases from the stripper shall be vented to the butadiene recovery operation or to a flare system which complies with paragraphs (DD)(10)(d), (DD)(10)(e), and (DD)(10)(f) of this rule." â replaced entire paragraph with "[Reserved.]"

Removed Restriction: OAC 3745-21-09(JJ)(1): "The owner or operator shall perform daily analyses of the residual monomer content in the polymer blend tanks" â replaced entire paragraph with "[Reserved.]"

Removed Restriction: OAC 3745-21-09(JJ)(1): "and shall maintain records of the results of the analyses at the facility for a period of three years." â replaced entire paragraph with "[Reserved.]"

Removed Restriction: OAC 3745-21-09(JJ)(1): "The owner or operator shall notify the director of any residual monomer content that exceeds nine hundred parts per million by weight." â replaced entire paragraph with "[Reserved.]"

Removed Restriction: OAC 3745-21-09(JJ)(1): "A copy of the record showing the exceedance shall be submitted to the director within forty-five days after the exceedance occurs." â replaced entire paragraph with "[Reserved.]"

Removed Restriction: OAC 3745-21-09(JJ)(2): "The VOC emissions from the butadiene recovery operation shall be vented to a flare system which complies with paragraphs (DD)(10)(d), (DD)(10)(e), and (DD)(10)(f) of this rule." â replaced entire paragraph with "[Reserved.]"

Removed Restriction: OAC 3745-21-09(PP): ""Formica Corporation - Evendale" (facility ID 1431150801) or any subsequent owner or operator of the "Formica Corporation - Evendale" facility located at 10155 Reading road, Cincinnati, Ohio shall comply, on and after May 25, 1988, with the either of the following requirements for the VOC emissions from each paper treater:" â replaced entire paragraph with "[Reserved.]"

Removed Restriction: OAC 3745-21-09(BBB): ""Emerald Performance Materials, LLC" (facility ID 1677010029) or any subsequent owner or operator of the "Emerald Performance Materials, LLC" facility located at 240 West Emerling avenue, Akron, Ohio shall comply with the following requirements by no later than the date specified in paragraph (C)(62) of rule 3745-21-04 of the Administrative Code:" â replaced entire paragraph with "[Reserved.]"

Removed Restriction: OAC 3745-21-09(BBB)(1): "For the agerite resin D process, the VOC emissions from the recovery system vents and product neutralization and distillation system vents, except wash kettles (or still feed) condenser vents, stills vacuum jet tailpipe vents, and process emergency safety relief devices, shall be vented to a flare that meets paragraphs (DD)(10)(d) to (DD)(10)(f) of this rule." â replaced entire paragraph with "[Reserved.]"

Removed Restriction: OAC 3745-21-09(BBB)(2): "For the superlite (trademark) process, the VOC emissions from the reactor process vent streams, except the process emergency safety relief devices, shall be vented to a control device that is designed and operated to achieve a control efficiency of at least ninety-

five per cent, by weight, as determined under paragraph (C) of rule 3745-21-10 of the Administrative Code." â replaced entire paragraph with "[Reserved.]"

Removed Restriction: OAC 3745-21-09(BBB)(3): "For the diphenylamine-based antioxidants process, the VOC emissions from the reactor process vent streams, except the emulsion recovery system tank vent, recovered MND tank vent, and process emergency safety relief devices, shall be vented to a control device that is designed and operated to achieve a control efficiency of at least ninety-five per cent, by weight, as determined under paragraph (C) of rule 3745-21-10 of the Administrative Code." â replaced entire paragraph with "[Reserved.]"

Removed Restriction: OAC 3745-21-09(BBB)(4): "For the DPPD/PHDA process, the VOC emissions from the reactor process vent streams, except the north and south still jet vents and process emergency safety relief devices, shall be vented to a control device that is designed and operated to achieve a control efficiency of at least ninety-four per cent, by weight, as determined under paragraph (C) of rule 3745-21-10 of the Administrative Code." â replaced entire paragraph with "[Reserved.]"

- 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).**
This new restriction in OAC 3745-21-09(T)(4) is being added to move the provision currently in OAC 3745-21-09(B)(2) that any alternative or equivalent provisions be approved into the state implementation plan (SIP) to each of the specific paragraphs which allow for the use of an alternative or equivalent. This move will help to ensure that all of the necessary elements are kept together in one place and make it less likely for the SIP approval element to be overlooked.

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.

These rules were sent to interested parties for a 30-day day comment period ending March 5, 2024. Comments were received and a responsiveness summary prepared. The comment period was announced via posting on Ohio EPA's website, e-mail to Ohio EPA's electronic interested parties list, and the draft comment period was announced via the state's e-notification system.

- (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, Code of Federal Regulations, U.S. EPA Reasonably Available Control Technology (RACT) Guidance Documents, and comments from interested parties.

- (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