

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

Agency Name

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

Division

**Bill Spires**

Contact

**50 West Town Street, Suite 700 PO Box 1049****614-644-3618****614-644-3681****Columbus OH 43216-1049**

Agency Mailing Address (Plus Zip)

Phone

Fax

**3745-21-10**

Rule Number

**AMENDMENT**

TYPE of rule filing

Rule Title/Tag Line

**Compliance test methods and procedures.****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(E), 3704.03(A)**

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

This rule is being filed as part of the five-year review process with amendments.

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 identifies compliance test methods for sources of VOC. This rule is being amended to include information on incorporation by reference and to correct format errors in the existing text.

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), USEPA and ASTM test methods, the Code of Federal Regulations (CFR) and Ohio Revised Code (ORC). Code of Federal Regulations. Information and Copies may be obtained by writing to: Superintendent of Documents, Attn: New Orders, PO Box 371954, Pittsburgh PA 15250-7594. The full text of the CFR is also available in electronic format at [www.access.gpo.gov/nara/cfr/](http://www.access.gpo.gov/nara/cfr/). The CFR compilations are also available for inspection and copying at most public libraries and The State Library of Ohio. 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.

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 and USEPA.

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.

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

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:

No changes are to be made to this rule. This rule is being refiled to keep it on the same jurisdictional timeframe as the rest of the package.

12. 119.032 Rule Review Date: **2/21/2008**

(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:

See Attached Fiscal Analysis

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: 3745-21-10

**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 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.)

Clean Air Act, Federal Control Technology Guideline (CTG) documents, LSC Style and Formatting Manual, 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**

(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

**OAC Chapter 3745-21 Draft Rule Language Interested Parties E-mail and Notification List**

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 the Ohio Administrative Code ("OAC"): 3745-21-01 to 3745-21-04, 3745-21-06 and 3745-21-08 to 3745-21-18. Our preliminary review indicates that these rules continue to be necessary and require changes. The changes are detailed in the attached synopsis. We are also suggesting new OAC rules 3745-21-19 to 3745-21-23. The rule amendments are related to the requirements for the U.S. EPA's rule for implementation of the eight-hour ozone standard published in the November 29, 2005 Federal Register (70 FR 71612) to adopt reasonably available control technology (RACT) for sources of volatile organic compounds in the eight counties within the Clean Air Act, Subpart 2 moderate nonattainment area (i.e. Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Medina, Portage, and Summit county).

DAPC is proposing the amendments and new rules to meet the minimum requirements associated with adopting RACT requirements for the Cleveland/Akron moderate nonattainment area. Historically, RACT rules were part of the state implementation plan requirements for moderate one-hour ozone nonattainment areas contained in the 1990 Clean Air Act Amendments. In Ohio, though, clean air quality was measured in these areas prior to the adoption of these rules. Ohio, therefore, requested that these areas be redesignated to attainment for the one-hour ozone standard. Having demonstrated that the one-hour ozone NAAQS had been attained, the RACT rules were no longer required for the one hour ozone plan. The RACT rules, though, are now required for the eight-hour ozone plan.

DAPC is also proposing an additional exemption to stage 2 vapor recovery requirements at gasoline dispensing facilities for pumps dispensing E85 gasoline.

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 OAC rules OAC 3745-21-1 to 3745-21-04, 3745-21-06 and 3745-21-08 to 3745-21-23. 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 August 23, 2006.











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

E-mail: [Bill.spires@epa.state.oh.us](mailto:Bill.spires@epa.state.oh.us)
















Mailing address: William F. Spires  
Ohio Environmental Protection Agency, DAPC  
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Columbus, Ohio 43216-1049  
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Thank you,















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















<b>Message Id:</b> 44C4FD4D.F84 : 194 : 56837			
<b>Subject:</b> Ohio EPA DAPC Rulemaking - Rules in OAC Chapter 3745-21 - Draft Rule Language			
<b>Created By:</b> <a href="mailto:Paul.Braun@epa.state.oh.us">Paul.Braun@epa.state.oh.us</a>			
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To: Frederick Jones (Fjones)	Read	7/28/2006 11:59 AM	
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To: Greg Smith (GSMITH)			
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To: Jim Orlemann (Jorleman)	Read	7/24/2006 2:20 PM	
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To: Mike Baker (MBAKER)			
To: Mike Hopkins (Mhopkins)	Read	7/24/2006 1:57 PM	
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<b>To Be Delivered:</b>	Immediate



**Fiscal Analysis**  
**Chapter 3745-21 of the Administrative Code**  
**“Carbon Monoxide, Photochemically Reactive Materials, Hydrocarbons, and**  
**Related Materials Standards”**

**Background:**

Chapter 3745-21 has been in the Ohio Administrative Code (OAC) since 1972. The rules have evolved over the years to address requirements in the Clean Air Act to develop regulations as part of an effort to achieve the National Ambient Air Quality Standards for carbon monoxide and tropospheric ozone within the state. These rules and additional technical support were submitted to U.S. EPA for review and approval as part of the State Implementation Plan.

This Chapter has been modified over the years to incorporate requirements for categories of sources for which U.S. EPA has indicated that reasonably available control technology (RACT) should apply. In general, the levels of control that are available have been evaluated and presented in a series of ‘Control Technology Guidelines’ (CTG) 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.

This rulemaking deals with the periodic five-year review of this Chapter, with the exception of OAC 3745-21-07. In addition, RACT rules addressing several source categories are being adopted and will be applicable in the eight-county Cleveland-Akron eight-hour ozone non-attainment area. Lastly, the rules are being amended to categorize the levels of control identified within these rules which are applicable to existing sources would also be considered applicable to similar new sources anywhere in the state.

**Specific rules cost of compliance:**

The following are the specific rules in this chapter with a discussion of the cost of compliance with each rule to all affected entities: including school districts, counties, townships and municipal corporations. This chapter affects a wide variety of regulated entities; which could include, for example, small painting and parts cleaning operations, gasoline dispensing facilities and large automobile assembly facilities, each of which may have emission units subject to the requirements of these rules. The following discussion is relevant to the existing and proposed rules.

**3745-21-01 Definitions**

There is no cost of compliance associated with this rule. This rule contains definitions applicable to the chapter; which Ohio EPA is proposing to amend.

### 3745-21-02 Ambient Air Quality Standards and Guidelines

There is no cost of compliance. This rule identifies the ambient air quality standards; which Ohio EPA is proposing to amend.

### 3745-21-03 Methods of Ambient Air Quality Measurement

There is no cost of compliance. This rule defines the applicable source testing procedures; which Ohio EPA is proposing to amend. The requirements to demonstrate compliance are within the individual rules.

### 3745-21-04 Attainment Dates and Compliance Time Schedules

There is no cost of compliance. This rule establishes attainment dates and compliance time schedules; which Ohio EPA is proposing to amend.

### 3745-21-06 Classification of Regions

There is no cost of compliance; which Ohio EPA is proposing to amend clerical changes. This rule identifies counties within priority classifications for purpose of rule 3745-07, which is not the subject of this rulemaking.

### 3745-21-08 Control of Carbon Monoxide Emissions from Stationary Sources

There is no cost of compliance with this rule revision package. An exemption is being provided for catalytic cracking systems at petroleum refineries.

### 3745-21-09 Control of Emissions of Volatile Organic Compounds from Stationary Sources

There is no cost of compliance with this rule revision. While Ohio EPA is proposing to amend this rule and extend the geographic applicability of the rules addressing automotive/transportation plastic parts and business machine parts coating to the Cleveland-Akron non-attainment area, there are no identified facilities that will be affected. Should such a facility be identified or this rule be extended to other areas of the state where such facilities of sufficient size to be affected by this rule exist, the costs associated with revisions to this rule would be as follows for a typical facility. There is a cost associated with either the introduction of a control technology or the reformulation of the coating used under this rule. For control of a medium to large facility, the estimated **capital cost**, which includes, equipment cost, installation cost with construction, testing and personnel, i.e. engineers, and supervisors; amounts to \$204,000 – \$798,000. The estimated **personnel/indirect cost**, annually, is \$92,000 - \$385,000. Personnel cost includes, operating labor, supervision, administration, and maintenance, materials, overhead, property taxes, insurance, administrative charges. The estimated annual **operating cost**, the control equipment ranges from \$615,000 -

\$5,160,000; Alternatively, a change in formulation is expected to range in cost from \$88,000 - \$486,000 per year in operating costs, depending on the size of the facility and the specific application. These cost estimates are based on a study conducted by the USEPA Alternative Control Technique Document: Surface Coating of Automotive/Transportation and Business Machine Plastic Parts (1994).

#### 3745-21-10 Compliance Test Methods and Procedures

There is no cost of control associated with this rule. This rule conveys compliance test methods and procedures.

#### 3745-21-11 Reasonably Available Control Technology Studies for Ozone Non-attainment Areas

Ohio EPA is proposing to amend this rule and extend the geographic applicability to the Cleveland-Akron non-attainment area and will no longer apply to Butler, Clermont, Franklin, Green, Hamilton, Lucas, Mahoning, Montgomery, Stark, Trumbull, Warren and Wood counties. This rule requires facilities emitting greater than one hundred tons per year of unregulated VOC emissions to perform a study and implement controls consistent with the results of that study. The sources potentially affected by this requirement vary and the potential control options do as well. If an owner(s) or operator(s) of a facility claims that the applicable limit is technically infeasible and /or economically unreasonable to achieve, the owner(s) or operator(s) shall conduct a detailed engineering study to determine the technical and economic feasibility of reducing the VOC emissions. If the owner(s) or operator(s) wish to conduct their own study, details concerning the requirements of conducting such a RACT study can be found under rule 3745-21-11.

The intent of this option is to provide a lower cost solution for the affected entity than the cost of compliance with the emission limits prescribed. The cost of the RACT study and the ultimate compliance solution should be less than the costs identified below. The cost associated with this option to conduct a RACT study is estimated to be less than \$30,000. Finally, this rule is not expected to have any capital, operational, indirect or other cost; Ohio EPA estimates the cost to be, one hundred per cent, personnel related.

#### 3745-21-12 Control of Volatile Organic Compound Emissions from Commercial Bakery Oven Facilities

Ohio EPA is proposing to amend this rule and extend the geographic applicability to the Cleveland-Akron non-attainment area. Costs associated with revisions to this rule are limited to the sources located in the Cleveland-Akron non-attainment area. There is a cost associated with the introduction of a control technology under this rule depending on the control technology chosen. This estimated **capital cost**, which includes, equipment cost, installation cost with construction, testing and personnel, i.e.

engineers, and supervisors; amounts to \$85,000. The estimated **personnel cost**, annually, is \$7,500. Personnel cost includes, operating labor, supervision, administration, and maintenance, plus material. The estimated annual **operating cost**, the control equipment ranges from \$16,500; plus \$1,000.00 every five years for the catalyst replacement. The estimated annual **indirect/other cost** includes the costs of overhead, property taxes, insurance, administrative charges, \$25,000. These cost estimates are based on a study conducted by the USEPA Guideline Series Control of Volatile Organic Compound Emissions from Bakery Oven Emissions, December, 1992. The dollar amounts have been calculated to reflect 2002 buying power.

#### 3745-21-13 Control of Volatile Organic Compound Emissions from Reactors and Distillation Units Employed in SOCM Chemical Production

Ohio EPA is proposing to amend this rule and extend the geographic applicability to the Cleveland-Akron non-attainment area. However, there are no costs associated with this rule because no affected facilities were identified in the Cleveland-Akron area.

#### 3745-21-14 Control of Volatile Organic Compound Emissions from Process Vents in Batch Operations

Ohio EPA is proposing to amend this rule and extend the geographic applicability to the Cleveland-Akron non-attainment area. Costs associated with this new rule are limited to the sources located in the Cleveland-Akron non-attainment area. There is a cost associated with the introduction of a control technology under this rule depending on the control technology chosen. This **capital cost**, which includes, equipment cost, installation cost with construction, testing and personnel, i.e. engineers, supervisors this is based on a facility with a flow rate of 150 scfm which is estimated to be \$250,000. The estimated **personnel cost**, annually, is \$15,000 which includes, operating labor, supervision, administration, and maintenance, plus material. The estimated annual **operating cost**, is \$15,000 this includes utilities. The estimated, annual **indirect/other cost** which includes the costs of overhead like, property taxes, insurance, administrative charges is \$20,000. These cost estimates are based on a study conducted by the USEPA Guideline Series Control of Volatile Organic Compound Emissions from Batch Processes-Alternative Control Techniques Information Document, February, 1994. The dollar amounts have been calculated to reflect 2002 buying power.

#### 3745-21-15 Control of Volatile Organic Compound Emissions from Wood Furniture Manufacturing Operations

Ohio EPA is proposing to amend this rule and extend the geographic applicability to the Cleveland-Akron non-attainment area. There is a cost associated with the introduction of a control technology under this rule depending on the control technology chosen. This estimated **capital cost**, which includes high volume low

pressure (HVLV) spray guns, cost for extra drying capacity, paint circulation system, and coating material storage which are estimated to be from \$10,000 to \$600,000 depending on the control option chosen. The estimated **personnel cost**, annually, will range from \$140,000 to \$250,000 depending on the control option chosen. The estimated annual cost for **operating cost**, the control equipment ranges from \$70,000 to \$190,000 again, depending on the control option chosen. The estimated annual **indirect/other cost**, which includes the costs of maintaining facilities, equipment, administrative salaries, supplies, and savings; due to less coating used ranges from (\$120,000) to (\$175,000). These cost estimates are based on a study conducted by the USEPA Guideline Series Control of Volatile Organic Compound Emissions from Wood Furniture Manufacturing Operations in April, 1996. Numbers in parentheses indicate a net savings. The dollar amounts have been calculated to reflect 2002 buying power.

#### 3745-21-16 Control of Volatile Organic Compound Emissions from Industrial Wastewater

Ohio EPA is proposing to amend this rule and extend the geographic applicability to the Cleveland-Akron non-attainment area. There is a cost associated with the introduction of a control technology under this rule depending on the control technology chosen. This estimated **capital cost**, which includes, equipment cost, installation cost with construction, testing and personnel, i.e. engineers, supervisors this is based on a facility with a wastewater flow of 300 liters per minute; which is estimated to be \$750,000 depending on the size of steam stripping technology needed which is based on flow. The estimated **personnel cost**, annually, is \$30,000 depending on the size of steam stripping technology needed which is based on flow. Personnel cost includes, operating labor, supervision, administration, and maintenance, plus material. The estimated annual **operating cost**, the control equipment ranges from \$250,000 again, depending on the size of steam stripping technology needed which is based on flow. The estimated annual **indirect/other cost**, which includes the costs of overhead like, property taxes, insurance, and administrative charges which is estimated to be \$150,000. These cost estimates are based on a study conducted by the USEPA Guideline Series Control of Volatile Organic Compound Emissions from Industrial Wastewater, September, 1992. The dollar amounts have been calculated to reflect 2002 buying power.

#### 3745-21-18 Commercial Motor Vehicle and Mobile Equipment Refinishing Operations

There is no cost of compliance with this rule revision package; which Ohio EPA is proposing to amend. There are no revisions to this rule.

#### 3745-21-19 Aerospace Manufacturing

Ohio EPA is proposing to adopt this rule with geographic applicability to the Cleveland-Akron non-attainment area. There is a cost associated with the introduction

of a control technology under this rule depending on the control technology chosen, although, some of the revised technologies can result in lower operating costs for certain operations. The facilities in the Cleveland-Akron non-attainment area are small and do not perform the major operations addressed by this rule, but do have smaller sources that are subject to the rule. The expected annual cost of compliance for units at these facilities is estimated to be below \$84,000. Below are the estimated breakdown of costs associated with a comprehensive aerospace facility involved in similar operations as the Ohio facilities, but who also perform the complete maintenance and repaint of aerospace equipment, which are the major emission generating activities.

This estimated **capital cost**, which includes high volume low pressure (HVLP) spray guns, cost for extra drying capacity, paint circulation system, and coating material storage which are estimated to be from \$106,000 to \$199,000 depending on the control option chosen. Both personnel and operating costs can be lowered through the introduction of HVLP technology (due to more efficient application of coatings). The following are for small or medium sized operations which most closely represent the current affected facilities in Ohio. The estimated **personnel cost**, annually, will range from \$386,000 to \$2,889,600 depending on the control option chosen. The estimated annual cost for **operating cost**, the control equipment ranges from (\$34,000) to \$374,350 again, depending on the control option chosen. The estimated annual **indirect/other cost**, which includes the costs of maintaining facilities, equipment, administrative salaries, supplies, and savings; due to less coating used ranges from \$31,700 to \$237,360. These cost estimates are based on Appendix B of the April 1994 report National Emission Standard for Hazardous Air Pollutants (NESHAP) for the Aerospace Industry – Background Information for Proposed Standards. Numbers in parentheses indicate a net savings.

#### 3745-21-20 Shipbuilding and Repair

There is no expected cost of compliance. This new rule establishes requirements for a source category identified by U.S. EPA as necessary in CAA Subpart 2 moderate non-attainment areas. Ohio EPA has not identified an affected facility in the Cleveland-Akron non-attainment area.

#### 3745-21-21 Storage of Volatile Organic Liquids in Fixed Roof Tanks and External Floating Roof Tanks

This new rule identifies requirements for tanks which store volatile organic liquids (other than petroleum) in the Cleveland-Akron non-attainment area. However, there are no costs associated with this rule because no affected facilities were identified in the Cleveland-Akron non-attainment area.