

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

Agency Name

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

Division

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**3745-21-15**

Rule Number

**NEW**

TYPE of rule filing

Rule Title/Tag Line

**OAC Rule 3745-21-15 Control of Volatile Organic Compound  
Emissions from Wood Furniture Manufacturing Operations.****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: **3704.03**

5. Statute(s) the rule, as filed, amplifies or implements: **3704.02**

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

U.S. EPA has stated that in order for the Cincinnati area to be redesignated to attainment, Ohio EPA must adopt rules to control emissions from Batch Operations. The adoption of this rule is needed for Ohio EPA to discontinue the E-Check program in the Cincinnati area.

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:

The proposed rule is a new rule under OAC Chapter 3745-21 that controls volatile organic compound (VOC) emissions from wood furniture manufacturing facilities in the Cincinnati area. The VOC control requirements are based on reasonably available control technology (RACT) for this industry. The VOC control requirements include VOC content limits for materials employed in finishing operations and strippable spray booth operations and work practices to minimize VOC emissions from other operations at the facility. Alternative control requirements are provided for finishing operations based on daily averaging of VOC emissions from finishing operations. Exemptions are provided for facilities that emit less than 25 tons of VOC per year and facilities that employ no more than 625 gallons per month or no more than 7,500 gallons per 12-month period. The compliance date for existing facilities is one year after the effective date of this rule.

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). While copies of these rules 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 identify sources and/or 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 are commonly known and utilized by sources performing this type of work. Copies of these documents are available in libraries and the website for USEPA.

Referenced materials are cited, dated and availability noted at the end of OAC rule 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:

(I) and (I)(5): corrected reference to "dip" coater to "continuous" coater.

Added language in (I)(5). Incorporated new (a) and (b); therefore removing old (b) because the old (b) was not acceptable to USEPA. Due to this change, cross references affected by the deletion were corrected.

What was previously (I)(5)(a) became (I)(5)(c) and was corrected to include a reference to the 30-day average being a "rolling" 30-day average. Also corrected language from "based on" to "determined by." Also clarified that the "finishing material" is "VOC content of the finishing material."

Changed (K)(2)(e) (and sublevels) to properly refer to "continuous" coaters rather than "dip" coaters.

Also changed (K)(2)(e)(i) and sublevels to: (1) remove the reference to a 30-day average. (2) change (b) from: "The VOC content (in pounds VOC per gallon) and solids content (in pounds of solids per gallon) for each material added to the dip coater reservoir," to "For each day of operation, the VOC content of the finishing material in the reservoir and the VOC content as calculated from records." Also removed (c). Similar changes were made to (K)(2)(e)(ii) and (K)(2)(e)(iii) was added. These changes were necessary because of changes made under paragraph (I)(5) to meet USEPA requirements.

Corrected typo in (K)(5)(g) "arecord" to "a record."

Changes were made to (L)(2)(c) that include: (1) remove the reference to a 30-day average in (i). (2) changed (ii) from "that compliant coatings, as determined by the procedures of paragraph (I)(5)(b) of this rule for the viscosity-based VOC content, are being used; and shall submit data, recorded pursuant to paragraphs (I)(5)(b)(i) and (I)(5)(b)(ii) of this rule, that demonstrate viscosity is an appropriate parameter for demonstrating compliance and that identify the target viscosity for compliant coatings" to "that compliant coatings are being used, as determined by the procedures of paragraph (I)(5)(b) of this rule for VOC content and viscosity measurements for a continuous coater; and shall submit data that demonstrates the correlation between the viscosity of the finishing material and the VOC content of the finishing material in the reservoir; or." (3) added (iii). These changes were necessary because of changes made under paragraph (I)(5) to meet USEPA requirements.

(L)(3)(b) was changed: From: "...If the change pertains to the use of a viscosity limit, the data specified under paragraphs (I)(5)(b)(i) and (I)(5)(b)(ii) of this rule." To: "...If the change pertains to the use of the procedures of paragraph (I)(5)(b) of this rule for the VOC content and viscosity measurements of a continuous coater, the owner or operator shall submit data that demonstrates the correlation between the viscosity of the finishing material and the VOC content of the finishing material in the reservoir." These changes were necessary because of changes made under paragraph (I)(5) to meet USEPA requirements.

The following changes were made to (L)(3)(e): (1) the last sentence was added to (i). (2) references to 30-day average were removed. (3) The following sentence was added to the end of (iii)(a) "and the amounts and VOC contents of each noncompliant coating used. Use of a noncompliant coating is a separate violation for each day the noncompliant coating is used.?? (4) paragraph (iii)(b) was changed from "(Compliance by viscosity-based VOC content) The compliance certification shall state that compliant coatings have been used each operating day in the semiannual reporting period, based on the viscosity of the material in the dip coater reservoir not being less than target viscosity, as determined by the procedures of paragraph (I)(5)(b) of this rule, or should otherwise identify the periods of use of noncompliant coatings and the reasons for the use of noncompliant coatings," to "(Compliance by VOC content and viscosity measurements for a continuous coater) The compliance certification shall state that compliant coatings, as determined by the procedures of paragraph (I)(5)(b) of this rule, have been used each operating day in the semiannual reporting period, or should otherwise identify the periods of use of noncompliant coatings, the reasons for the use of noncompliant coatings, and the amounts and VOC contents of each noncompliant coating used. Additionally, the certification shall state that the viscosity of the finishing material in the reservoir has not been less than the viscosity of the initial finishing material, that is, the material that is initially mixed and placed in the reservoir, for any day in the semiannual reporting period. Use of a noncompliant coating is a separate violation for each day the noncompliant coating is used." (5) paragraph (iii)(c) was added. These changes were necessary because of changes made under paragraph (I)(5) to meet USEPA requirements and to clarify the associated compliance certification requirements.

Fixed typo in (L)(3)(ii): "FoFor" to "For."

The last sentence was added to (L)(3)(vi) in order to clarify and be consistent with USEPA compliance certification requirements.

Changed (M)(1)(e)(i) because the renewal of a permit to operate should be included pursuant to current air permit procedures of Ohio EPA.

From: ".....application for a permit to operate or modification of a permit to operate in accordance with rule 3745-35-02....."

To: ".....application for a permit to operate, modification, or renewal of a permit to operate in accordance with paragraph (B) of rule 3745-35-02....."

12. 119.032 Rule Review Date:

(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:

The cost to a wood furniture manufacturing facility to comply with this rule will range from a cost of \$0 up to \$3,300 per ton of VOC reduction. There is also a possibility, under certain circumstances, that the facility could see an overall savings. This cost of control is similar to the cost of control associated with other VOC control rules under OAC Chapter 3745-21.

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: 3745-21-15

**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.
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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.

available 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.)

Control of Volatile Organic Compound Emissions from Wood Furniture Manufacturing Operations, EPA-453/R-96-007 (April 1996).

Subpart JJ of 40 CFR Part 63.

- (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