

Public Hearing
Ohio Environmental Protection Agency
Proposed amendment of Ohio Administrative Code (OAC) rule 3745-21-01 and
new OAC rules 3745-21-12, 3745-21-13, 3745-21-14, -3745-21-15, and 3745-21-16
and
Notice of Ohio EPA's intent to request U.S. EPA to Redesignate the Cincinnati
area to attainment for the one-hour ozone standard

Notice is hereby given that the Director of Environmental Protection ("Ohio EPA") proposes to amend Ohio Administrative Code (OAC) rule 3745-21-01, Definitions for Chapter 21- Carbon Monoxide, Photochemically Reactive Materials, Hydrocarbons, and related Materials Standards. Ohio EPA is also proposing the following new rules for Chapter 21:

OAC rule 3745-21-12: Control of Volatile Organic Compound Emissions from Commercial Bakery Oven Facilities.

OAC rule 3745-21-13: Control of Volatile Organic Compound Emissions from Reactors and Distillation Units Employed in SOCMI Chemical Production.

OAC rule 3745-21-14: Control of Volatile Organic Compound Emissions from Batch Operations.

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

OAC rule 3745-21-16: Control of Volatile Organic Compound Emissions from Industrial Wastewater.

These rules are prompted by the action of USEPA in the March 12, 2002 Federal Register in which USEPA classified the Ohio portion of the Cincinnati-Hamilton area as moderate nonattainment for the 1-hour ozone standard effective as of July 5, 2000. USEPA had previously redesignated the Cincinnati-Hamilton area as attainment for the 1-hour ozone in a Federal Register action on June 19, 2000. However, pursuant to a petition for review of USEPA's June 19, 2000 redesignation action, the United States Court of Appeals for the Sixth Circuit Court determined that USEPA had erred in redesignating the area to attainment before Ohio had fully adopted all of the RACT rules required under Part D, Subpart 2 of the Clean Air Act. The Court vacated the previous attainment classification and remanded the matter to USEPA for further action.

In order for the Ohio portion of the Cincinnati-Hamilton area to be classified as attainment for 1-hour ozone, Ohio EPA is required to promulgate RACT rules on VOC emissions in accordance with USEPA guidance. Such guidance is provided primarily in documents on control techniques guidelines (CTG) and alternative control techniques (ACT). CTG documents contain presumptive RACT requirements for specific source categories. ACT documents contain guidance on RACT for source categories at major sources.

The amendment to OAC rule 3745-21-01 is necessary to incorporate definitions applicable to each of the new rules proposed for Chapter 21 and to incorporate references required by S.B. 265. imposition of sanctions established under the Clean Air Act.

Pursuant to Section 121.39 of the Ohio Revised Code, DAPC was required to consult with interested parties affected by the rules before the division formally proposes them. On November 9, 2004, these rules went out for a 30 day review by interested parties.

At this time, Ohio EPA is submitting this rules package and additional technical information as part of a request to redesignate the Cincinnati area to attainment with respect to the one-hour ozone standard. This request does not affect the status of the Cincinnati area with respect to the eight-hour ozone standard. The technical information includes ambient air quality data indicating attainment of the one-hour ozone standard, a summary of emissions information indicating that the air quality improvements were due to permanent emission reductions and a projection of emissions indicating that the one-hour standard will be maintained at least ten years into the future.

Pursuant to Section 119.03 of the Ohio Revised Code, a public hearing on these rule changes will be conducted on April 14, 2005, 1:00 p. m., in Conference Room A, Hamilton County Department of Environmental Services, 250 William Howard Taft Road, Cincinnati, OH 45219.

All interested persons are entitled to attend or be represented at the hearing and give written or oral comments on these rule changes and the redesignation request. All oral comments presented at the hearing, and all written statements submitted at the hearing or by the close of business on April 15, 2005, will be considered by Ohio EPA prior to final action on this rule. Written statements submitted after April 15, 2005, may be considered as time and circumstances permit, but will not be part of the official record of the hearing.

These rules are available on the Web page for electronic downloading by clicking on "regulations" under the " topics" drop-down box. The URL is: <http://www.epa.state.oh.us/dapc/regs/regs.html>. Questions regarding accessing the web site should be directed to Arunee Niamlarb at 614-728-1342; other questions or comments about these rules should be directed to Bill Juris at Ohio EPA, (614) 644-3593, bill.juris@epa.state.oh.us, or mailed to Bill Juris. Questions or comments about the redesignation should be directed to Bill Spires at Ohio EPA, (614) 644-3618, bill.spires@epa.state.oh.us, or mailed to Bill Spires, Ohio EPA, Division Air Pollution Control, Lazarus Government Center, P.O. Box 1049, Columbus, Ohio 43216-1049.