

**Public Notice**  
**Ohio Environmental Protection Agency**  
**The Director of Ohio EPA's request to replace the current requirements**  
**For E-Check in the Cincinnati and Dayton maintenance areas with**  
**Proposed amendment of**  
**Ohio Administrative Code (OAC) rule 3745-21-01, OAC rule 21-04, OAC rule 3745-**  
**21-09, OAC rule 3745-21-12**  
**and**  
**Proposed new OAC rules 3745-21-17 and 21-18**  
**and**  
**Proposed Revisions and Five-Year Rule Review of**  
**Ohio Administrative Code Chapter 72**

Notice is hereby given that the Ohio Environmental Protection Agency, Division of Air Pollution Control (DAPC) proposes to amend:

OAC rule 3745-21-01:	Definitions
OAC rule 3745-21-04:	Attainment dates and compliance time schedules
OAC rule 3745-21-09:	Control of emissions of VOCs from stationary sources and perchloroethylene from dry cleaning facilities
OAC rule 3745-21-12:	Control of VOC emissions from Commercial Bakery Oven Facilities
OAC rule 3745-72-01:	Applicability
OAC rule 3745-72-02:	Definitions
OAC rule 3745-72-03:	Gasoline volatility standards and general provisions
OAC rule 3745-72-04:	Transfer documentation and record keeping
OAC rule 3745-72-05:	Liability
OAC rule 3745-72-06:	Defenses
OAC rule 3745-72-07:	Special provisions for alcohol blends
OAC rule 3745-72-08:	Quality assurance and test methods

and incorporate new rules:

OAC rule 3745-21-17:	Portable Fuel Containers and Spouts
OAC rule 3745-21-18:	Commercial Motor Vehicle and Mobile Equipment Refinishing Operations

The rule amendments and new rules are being proposed primarily as the result of the need for new control strategies for the reduction of volatile organic compound (VOC) emissions and nitrogen oxides (NOx) in the Cincinnati and Dayton metropolitan areas as a replacement for the proposed termination of the vehicle inspection program (E-Check) in those areas.

The anti-backsliding provisions of the eight-hour ozone implementation rule requires Ohio EPA to replace the emission reductions lost by the expiration of the E-Check program in Cincinnati and Dayton on December 31, 2005. Several alternative emission control options

were evaluated primarily on the basis of cost effectiveness and the ability to implement them for the next ozone season. As a result, the above rule changes and additions became necessary to realize the needed emission reductions for the Cincinnati and Dayton maintenance areas. This rulemaking addresses all of the needed emission reductions associated with the replacement of E-Check in the Dayton maintenance area and the VOC emission reductions associated with the replacement of E-Check in the Cincinnati area. An additional rulemaking will address the needed NO<sub>x</sub> reductions in the Cincinnati maintenance area.

The proposed amendments to OAC Chapter 3745-72 will require the use of low Reid vapor pressure fuel in the Cincinnati and Dayton metropolitan areas, in lieu of being just a contingency measure. The Cleveland metropolitan area will still maintain the requirement to use low Reid vapor pressure fuel as a contingency measure. As required by ORC 119.033, OAC Chapter 3745-72 is also subject to the five-year review process.

In the development of OAC Rule 3745-21-17 and OAC Rule 3745-21-18, DAPC has evaluated the design and use of the newly designed portable fuel containers (PFC's), and considers them a cost effective control measure for VOC emission reductions and recommends promulgating rules for their use in the state of Ohio. The proposed regulations will be nearly identical to the California Air Resources Board (CARB) regulations and will apply to all new gas cans and spouts sold in Ohio starting July 1, 2007.

In addition, OAC rule 3745-21-01(V)(9) and 3745-21-12(H)(4) are being amended to correct errors from rules that became effective May 28, 2005 and paragraph (RR) of OAC rule 3745-21-09 was added to address site-specific requirements on reasonably available control technology (RACT) for VOC emissions from a Sherwin-Williams Diversified Brands, Inc. facility that produces aerosol cans. Additional language was also added to paragraph (Y) of OAC rule 3745-21-09 which allows an exemption for facilities that have a total maximum annual usage of VOC that is less than or equal to 100 tons per year.

OAC rule 3745-21-09(HH) has been removed (deleted) as the facility (Goodyear Tire and Rubber) was closed between 1990 and 1992 and the process is no longer operational.

Two facility specific rules are being amended or added, OAC rule 3745-21-09(VV), Marathon Petroleum Company LLC and OAC rule 3745-21-09(T)(4)(a), Premcor Lima Refinery. The language in OAC rule 3745-21-09(VV)(1) will be completely deleted as it is no longer necessary and an alternative method of monitoring, record keeping and reporting for leak detection and repair will be added in 21-09(T)(4)(a).

In addition to the changes identified above, these rules also contain changes necessary to comply with S.B. 265 which addresses incorporation of referenced materials and changes to amend the authorizing and amplifying statutory authorities.

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

June 28, 2005 and July 1, 2005, these rules went out for a 30 day review by interested parties.

Pursuant to Section 119.03 of the Ohio Revised Code, two public hearing on these rule changes will be conducted as follows:

December 7, 2005, 10:00 a.m., in the first floor conference room at the Hamilton County Department of Environmental Services, 250 William Howard Taft Road, Cincinnati, OH 45219; and

December 7, 2005, 2:00 p.m., in Conference Room 2A, Ohio EPA Southwest District Office, 401 E. Fifth Street, Dayton, OH 45402.

All interested persons are entitled to attend or be represented at the hearings and give written or oral comments on these rule changes. All oral comments presented at the hearing, and all written statements submitted at the hearing or by the close of business on December 7, 2005, will be considered by Ohio EPA prior to final action on this rule. Written statements submitted after December 7, 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 either Lee F. Burkleca at Ohio EPA, (614)-728-1344, [lee.burkleca@epa.state.oh.us](mailto:lee.burkleca@epa.state.oh.us) or Alan Harness at 614-644-4838, [alan.hararness@epa.state.oh.us](mailto:alan.hararness@epa.state.oh.us) or mailed to Lee F. Burkleca or Alan Harness, Ohio EPA, Division Air Pollution Control, Lazarus Government Center, P.O. Box 1049, Columbus, Ohio 43216-1049.