

## Hearing Summary

Rule Package: OAC Chapter 3745-21, Adoption of mandatory Reasonably Available Control Technology (RACT) requirements for the Cincinnati and Cleveland 2015 ozone nonattainment areas and five year review.

Original filing date: November 29, 2021

Public comment start date: November 29, 2021

Public comment end date: January 3, 2022

Public hearing date: January 3, 2022

List of Rules: 3745-21-01, 3745-21-03, 3745-21-04, 3745-21-06 to 3745-21-29

Were there any participants in this public hearing beyond Ohio EPA staff or JCARR staff?

☒ Yes

☐ No

Were there comments received during the public comment period outside of those presented at this hearing?

☐ Yes

☒ No

This hearing summary has been compiled to meet the requirements of Section 119.03 of the Revised Code.

This hearing summary includes this cover sheet and the following attachments:

1. **Attachment A** - A copy of the public notice for this hearing.
2. **Attachment B** - A copy of the sign-in sheet for this hearing.
3. **Attachment C** - A copy of the script read into the record to begin and end the hearing.
4. **Attachment D** - A copy of the response to comments.

Ohio EPA's response to comments document includes the comments received, who commented, the agency response to comments, and a statement of whether or not the rule was changed due to the comments.

Ohio EPA digitally records all public hearings for rules. The digital recordings are available upon request in a WAVE (.wav) file format. These recordings may be sent out for transcription if necessary.

**Public Notice and Public Hearing**  
**Ohio Environmental Protection Agency**  
**Ohio Administrative Code (OAC) Chapter 3745-21, "Carbon Monoxide, Photochemically Reactive**  
**Materials, Hydrocarbons, and Related Materials Standards"**  
**Five-Year Rule Review and Reasonably Available Control Technology (RACT) for the Cincinnati and**  
**Cleveland 2015 Ozone Moderate Nonattainment Areas**

Notice is hereby given that the Ohio Environmental Protection Agency, Division of Air Pollution Control (DAPC) has performed a review of the above referenced rules primarily to satisfy the requirements of Section 106.03 and 106.031 of the Ohio Revised Code (five-year review). Upon review, Ohio EPA has determined that certain changes are needed and that all rules in the chapter remain necessary.

Ohio EPA has drafted revisions to OAC chapter 3745-21 to adopt mandatory Reasonably Available Control Technology (RACT) requirements for Cincinnati and Cleveland 2015 ozone nonattainment areas. The Cleveland and Cincinnati nonattainment areas are currently classified as marginal nonattainment for the 2015 ozone standard. The areas are required to meet the ozone standard by August 3, 2021, based on ozone monitoring data collected during the 2018-2020 ozone monitoring seasons, which extend from March 1 to October 31 each year.

The Cleveland and Cincinnati areas have failed to meet the ozone standard during the 2018-2020 ozone monitoring seasons as required and Ohio EPA anticipates that the areas will be reclassified to moderate nonattainment by U.S. EPA in accordance with the Clean Air Act (CAA). Reclassification to moderate nonattainment triggers additional CAA requirements, including VOC RACT requirements. This includes adoption of U.S. EPA Control Technique Guidelines (CTGs) as well as non-CTG VOC RACT for major stationary sources located in the moderate nonattainment areas. Some CTGs and non-CTG VOC RACT were previously adopted under prior ozone standards.

Ohio EPA is also amending these rules to address minor changes needed for clarification and Legislative Service Commission (LSC) formatting protocol.

Please see the rule synopsis, available electronically at the web address below, for a complete summary of the proposed rule amendments.

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 adopts them. On May 17, 2021 these rules went out for a 30-day review by interested parties. Ohio EPA's responses to comments received is available electronically on Ohio EPA's website at the URL listed below.

Ohio EPA has also prepared a draft RACT State Implementation Plan (SIP) which will be submitted to U.S. EPA along with the above-mentioned rules. Ohio EPA is also seeking public comment on the draft RACT SIP.

Pursuant to Part D of Title I of the CAA, Ohio EPA is required to establish a SIP for the attainment and maintenance of the NAAQS. The above-mentioned rules and RACT SIP are a part of Ohio's SIP for attainment and maintenance of the 2015 ozone NAAQS and the proposed amendments and RACT SIP will be submitted to United States Environmental Protection Agency (U.S. EPA) as a modification of the SIP.

Ohio EPA will hold an in-person and virtual public hearing on the rules on **Monday, January 3, 2022 at**

**10:00 AM.** The in-person hearing will be at the same time and date and will be located at Ohio EPA, Suite 700, 50 W. Town Street, Columbus, Ohio 43215. During the hearing, the public may submit written comments on the record about the proposed rules. If participating virtually, comments may be submitted electronically and may be submitted verbally if participating in person.

To facilitate the scheduling of oral presentations, persons intending to give testimony in-person at the hearing should notify Cathryn Allen at the Ohio EPA Public Interest Center, [cathryn.allen@epa.ohio.gov](mailto:cathryn.allen@epa.ohio.gov) or (614) 644-2160.

Citizens who want to participate virtually must register in advance for the meeting at: <https://register.gotowebinar.com/register/8634946818248390926>

All interested persons are entitled to attend or be represented at the hearing and give written or oral comments on these rule changes and SIP revisions. All oral comments presented at the hearing, and all written statements submitted at the hearing or by the close of business on January 3, 2022 will be considered by Ohio EPA prior to final action on this rule and SIP revisions. Written statements submitted after January 3, 2022 may be considered as time and circumstances permit but will not be part of the official record of the hearing.

These rules and associated rulemaking documents are available on DAPC's Web page for electronic downloading. The URL is: <https://epa.ohio.gov/dapc/DAPCRules>.

Questions regarding accessing the web site should be directed to Paul Braun at 614-644-3734; other questions or comments about these rules or SIP revisions should be directed to Holly Kaloz at Ohio EPA, (614) 644-3632, [holly.kaloz@epa.ohio.gov](mailto:holly.kaloz@epa.ohio.gov), or mailed to Holly Kaloz, Ohio EPA, Division Air Pollution Control, Lazarus Government Center, P.O. Box 1049, Columbus, Ohio 43216-1049.

Attendee Report:

Public Hearing: VOC RACT Rules (Statewide)

Report Generated:  
01/03/2022 11:54 AM  
EST

| Webinar ID  | Actual Start Date/Time  | Duration         | # Registered | # Attended |
|-------------|-------------------------|------------------|--------------|------------|
| 918-708-403 | 01/03/2022 09:28 AM EST | 1 hour 2 minutes | 12           | 12         |

Attendee Details

| Attended | Last Name  | First Name | Email Address                           | Organization                        | Webinar Question 1                                                                                                                                                                                                                                                                                                                                                                                   |
|----------|------------|------------|-----------------------------------------|-------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Yes      | Angelicola | Mary       | ma@industrialcompliancesolutions.com    | Industrial Compliance Solutions,LLC | on behalf of BWAY Corporation                                                                                                                                                                                                                                                                                                                                                                        |
| Yes      | Boyd       | Laura      | laura.boyd@cincinnati-oh.gov            | MSDGC                               |                                                                                                                                                                                                                                                                                                                                                                                                      |
| Yes      | Brown      | Carrie     | cbrown@thehcpa.org                      | HCPA                                |                                                                                                                                                                                                                                                                                                                                                                                                      |
| Yes      | Buzas      | Sarah      | SBuzas@cecinc.com                       | CEC, Inc.                           |                                                                                                                                                                                                                                                                                                                                                                                                      |
| Yes      | Fouche     | Greg       | gfouche@jcarr.state.oh.us               | JCARR                               | Household & Commercial Products Association                                                                                                                                                                                                                                                                                                                                                          |
| Yes      | Georges    | Nicholas   | ngeorges@thehcpa.org                    |                                     |                                                                                                                                                                                                                                                                                                                                                                                                      |
| Yes      | Johnston   | Matt       | matt.johnston@worthingtonindustries.com |                                     |                                                                                                                                                                                                                                                                                                                                                                                                      |
| Yes      | Kaufold    | Rebecca    | RKAUFOLD@SPARTANCHEMICAL.COM            | Spartan Chemical Company, Inc.      |                                                                                                                                                                                                                                                                                                                                                                                                      |
|          |            |            |                                         |                                     | Andrew Schall - President of Graphic Media Alliance. GMA is an Association supporting members of the Printing and Graphic Communication Industry. With the ongoing pandemic, supply chain issues, and labor shortages, many of our members find it difficult to sustain. Is there a proposed timeline in place for the proposed RACT changes, and has the current market conditions been considered? |
| Yes      | Schall     | Andrew     | aschall@graphicmedia.org                | Graphic Media Alliance              |                                                                                                                                                                                                                                                                                                                                                                                                      |
| Yes      | Schirra    | Christy    | cschirra@bricker.com                    | Bricker & Eckler LLP                |                                                                                                                                                                                                                                                                                                                                                                                                      |
| Yes      | Sorge      | Valerie    | sorge.valerie@gmail.com                 | Molson Coors                        |                                                                                                                                                                                                                                                                                                                                                                                                      |
| Yes      | paterson   | whitney    | wpaterson@jcarr.state.oh.us             |                                     |                                                                                                                                                                                                                                                                                                                                                                                                      |

All attendees did so virtually. There was no in-person attendance at Ohio EPA Main Office, Columbus, Ohio.

## **SAMPLE RULES SPEECH**

Jan. 3, 2021

Hello and welcome to Ohio EPA's virtual public hearing regarding OAC Chapter 3745-21, "Carbon Monoxide, Photochemically Reactive Materials, Hydrocarbons, and Related Materials Standards" Five-Year Rule Review and Reasonably Available Control Technology (RACT) for the Cincinnati and Cleveland 2015 Ozone Moderate Nonattainment Areas.

My name is Jessica Langdon and I'm hosting today's public hearing. Also with me from Ohio EPA is Amanda Payton, Ohio EPA's Rules Coordinator who is in-person. I'd like to note that we are recording this hearing. We will save all comments submitted during the hearing.

Before we get started, I'd like to go over a few items to help you navigate the GoTo platform.

On this slide here you will see an example screenshot of your Attendee interface. You should see something that looks like this on your computer desktop on the right-hand side of your screen. For this public hearing you are listening in using your computer audio. If you are having sound issues or if the slides stop advancing, try refreshing your browser. If that doesn't work, try logging off and logging back in.

Please submit public comments by clicking on the question mark icon and typing them into the Questions pane on your attendee interface. All comments submitted online will be read aloud for the whole audience to hear.

(You can also click on the document icon to view included handouts.)

For those attending in person, you may submit your testimony verbally by moving close to Ms. Payton's broadcast tablet, stating your name, and proceeding with your testimony when we call on you.

## **PUBLIC HEARING SPEECH**

Thank you for taking time to attend this hearing before Ohio EPA. The purpose of the hearing today is to obtain comments from any interested person regarding Ohio EPA's proposed rules.

Ohio EPA is proposing to amend the following rules of the Ohio Administrative Code:

Ohio EPA has drafted revisions to OAC chapter 3745-21 to adopt mandatory Reasonably Available Control Technology (RACT) requirements for Cincinnati and Cleveland 2015 ozone nonattainment areas. The Cleveland and Cincinnati nonattainment areas are currently classified as marginal nonattainment for the 2015 ozone standard. The areas are required to meet the ozone standard by August 3, 2021, based on ozone monitoring data collected during the 2018-2020 ozone monitoring seasons, which extend from March 1 to October 31 each year. The Cleveland and Cincinnati areas have failed to meet the ozone standard during the 2018-2020 ozone monitoring seasons as required and Ohio EPA anticipates that the areas will be reclassified to moderate nonattainment by U.S. EPA in accordance with the Clean Air Act (CAA). Reclassification to moderate nonattainment triggers additional CAA requirements, including VOC RACT requirements. This includes adoption of U.S. EPA Control Technique Guidelines (CTGs) as well as non-CTG VOC RACT for major stationary sources located in the moderate nonattainment areas. Some CTGs and non-CTG VOC RACT were previously adopted under prior ozone standards.

These rules have been filed with the Joint Committee on Agency Rule Review. Copies of the rules are available for public review on our website.

All interested persons are entitled to attend or be represented, and to present written comments concerning the proposed rules. All written comments received as part of the official record will be considered by the director of Ohio EPA.

To be included in the official record, written comments must be received by Ohio EPA by the close of business, **today, Jan 3, 2021**. These comments may be typed into the GoTo platform or spoken in-person today or emailed to [holly.kaloz@epa.ohio.gov](mailto:holly.kaloz@epa.ohio.gov). All emailed comments submitted for the record receive the same consideration as typed or in-person testimony given today.

Written statements submitted after today may be considered as time and circumstances permit but will not be part of the official record of the hearing.

This hearing affords citizens an opportunity to provide input. Therefore, we will not be able to answer questions today.

**YOU MAY NOW SUBMIT COMMENTS. I will read aloud any comments we receive in the GoTo platform. If you are attending in-person and would like to submit testimony, please raise your hand, and wait to be called on. I will keep the GoTo platform open until XXXXX to provide time for participants to type in comments.**

### **CLOSING**

We will close the hearing. After the hearing closes, we will accept written comments through 5:00 p.m. Today, Jan. 3, 2021. You can send those comments to the email address on the screen.

Thank you for your comments, cooperation and participation in Ohio EPA's decision-making process. The time is now \_\_\_\_\_ and this hearing is concluded.



## Division of Air Pollution Control Response to Comments

**Rule:** OAC Chapter 3745-21 Carbon Monoxide, Photochemically Reactive Materials, Hydrocarbons, and related Materials Standards

### **Agency Contact for this Package**

Division Contact: Holly Kaloz, DAPC, 614-644-3632, [holly.kaloz@epa.ohio.gov](mailto:holly.kaloz@epa.ohio.gov)

Ohio EPA held a public hearing on January 3, 2022, regarding the adoption of mandatory Reasonably Available Control Technology (RACT) requirements for the Cincinnati and Cleveland 2015 ozone nonattainment areas and the five year review of OAC Chapter 3745-21. This document summarizes the comments and questions received at the public hearing and during the associated 30 day comment period, which ended on January 3, 2022.

Ohio EPA reviewed and considered all comments received during the public comment period. By law, Ohio EPA has authority to consider specific issues related to protection of the environment and public health.

In an effort to help you review this document, the questions are grouped by topic and organized in a consistent format. The name of the commenter follows the comment in parentheses.

### **General Comments**

**Comment 1:** GMA is an Association supporting members of the Printing and Graphic Communication Industry. With the ongoing pandemic, supply chain issues, and labor shortages, many of our members find it difficult to sustain. Is there a proposed timeline in place for the proposed RACT changes, and has the current market conditions been considered?  
**(Andrew Schall, President of Graphic Media Alliance)**

**Response 1:** The deadline to comply with control technique guidelines (CTGs) for facilities located in the Cincinnati 2015 ozone nonattainment area (Butler, Clermont, Hamilton and Warren counties) is March 1, 2023. For facilities subject to non-CTG RACT, the deadline to submit a new or updated RACT study is within one year after the effective date of the rule.

Ohio EPA understands the challenges to the regulated community posed by the pandemic, supply chain issues and labor shortages. The compliance dates coordinate with the last year for attainment under the

moderate nonattainment timeline. Continued reductions in the Cincinnati area will help to ensure additional bumps don't occur in the future with additional federally mandated requirements.

With that in mind, Ohio EPA acknowledges that there may be rare circumstances that pose challenges for specific facilities, and in those instances, we typically work with the facilities on a case-by-case basis in collaboration with U.S. EPA Region 5. In the unusual circumstance a facility cannot comply with a requirement or meet an established deadline, Ohio EPA urges the facility to reach out early in the process so we can review the specific circumstances and work with the facility in collaboration with U.S. EPA to find alternatives, where alternatives are justified.

**End of Response to Comments**