

Hearing Summary

Rule Package: OAC rules 3745-21-09 and 3745-21-26, VOC RACT Cleanup

Original filing date: May 24, 2023

Public comment start date: May 24, 2023

Public comment end date: June 27, 2023

Public hearing date: June 27, 2023

List of Rules: OAC rules 3745-21-09 and 3745-21-26

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 script read into the record to begin and end the hearing.

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.

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

Public Notice

Proposed Rulemaking Governing OAC Rules 3745-21-09 and 3745-21-26

Notice is hereby given that the Director of Environmental Protection, under the authority of Sections 3704.03 of the Ohio Revised Code and in accordance with Chapter 119, proposes to file revisions to rules **3745-21-09 and 3745-21-26** of the Ohio Administrative Code with the Joint Committee on Agency Rule Review (JCARR):

These rules address control of emissions of carbon monoxide, photochemically reactive materials, hydrocarbons, and related materials regulations from various industrial and commercial processes.

The purpose of the revisions to these rules is to clarify Reasonably Available Control Technology (RACT) provisions which allow a facility to perform a detailed engineering study to support an alternate, source-specific emissions limit. Specifically, DAPC has drafted revisions to OAC rules 3745-21-09(U)(2)(f) and 3745-21-26(A)(3)(f) to remove the restriction on the availability of this option based on the date of installation. DAPC has also drafted revisions to OAC rule 3745-21-26(A)(3)(h) to add new source specific RACT requirements for the Schlage Lock Company LLC.

Pursuant to Part D of Title I of the Clean Air Act, Ohio EPA is required to establish a state implementation plan (SIP) for the attainment and maintenance of the National Ambient Air Quality Standards (NAAQS). The above-mentioned rules are a part of Ohio's SIP, and the proposed amendments will be submitted to USEPA as a modification of the SIP.

The public comment period will run until **June 27, 2023**. A public hearing on this proposed rulemaking will be held to consider public comments in accordance with Section 119.03 of the Ohio Revised Code. Ohio EPA will be holding an in-person and virtual public hearing on the rules on **June 27, 2023 at 10:30 AM in Columbus, Ohio**. 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 and verbally if participating in person.

Citizens who want to participate virtually must register in advance for the meeting at: <https://attendee.gotowebinar.com/register/5666540313235474773>

Registration for the in-person hearing is not required. Citizens intending to give testimony at the hearing should notify the Ohio EPA Public Interest Center, P.O. Box 1049, Columbus, Ohio 43216-1049, (614) 644-2160 or by emailing mary.mccarron@epa.ohio.gov. Prior registration will ensure that registrants are heard ahead of those individuals who register at the hearing. Oral testimony may be limited to five minutes, depending on the number of persons testifying. All interested persons are entitled to attend or be represented and to present oral and/or written comments

concerning the proposed rulemaking.

Written testimony should be sent to the attention of Amelia Brown at the Ohio EPA, Division of Air Pollution Control (DAPC), P.O. Box 1049, Columbus Ohio 43216-1049 or can be emailed to DAPC-comments@epa.ohio.gov. Written comments may also be submitted to the Hearing Officer at the public hearing. Written testimony will receive the same consideration as oral testimony. All testimony received at the hearing or by close of business on June 27, 2023, will be considered by Ohio EPA prior to final action on this rulemaking proposal. Written comments submitted after this date may be considered as time and circumstances permit.

Questions regarding this rule package should be directed to Amelia Brown, at the Division of Air Pollution Control (DAPC) at (614)644-3662.

Full copies of all proposed rules are available for review at any Ohio EPA district office and at the Ohio EPA central office. The proposed rules are also accessible on the DAPC rulemaking webpage at: <https://epa.ohio.gov/divisions-and-offices/air-pollution-control/regulations/proposed-rules> .

To request a reasonable accommodation due to a disability, visit <https://epa.ohio.gov/ada>

DAPC CO, Photochemically Reactive Materials, Hydrocarbons, and Related Materials Standards Proposed Rules

June 27, 2023

Hello and welcome to Ohio EPA's public hearing regarding the Division of Air Pollution Control's proposed rules. My name is Mary McCarron and I'm hosting today's public hearing. With me today from Ohio EPA's Division of Air Pollution Control is Paul Braun and our Rules Manager Mandi Payton. In a moment, we will move to the public hearing where we will take official comments on the proposed rules.

For those attending online, you may submit any comments you have about the proposed rules in the Questions pane at any time.

We will not be responding to any comments submitted during the public hearing today. I will read aloud any comments we receive in the GoTo platform.

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

On this slide 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. You may send your comments in at any time. All comments submitted will be read aloud for the whole audience to hear.

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

We will now begin the hearing.

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.

The director of Ohio Environmental Protection Agency, under the authority of Sections 3704.03 of the Ohio Revised Code and in accordance with Chapter 119, proposes to file revisions to rules 3745-21-09 and 3745-21-26 of the Ohio Administrative Code with the Joint Committee on Agency Rule Review (JCARR).

These rules address control of emissions of carbon monoxide, photochemically reactive materials, hydrocarbons, and related materials regulations from various industrial and commercial processes.

The purpose of the revisions to these rules is to clarify Reasonably Available Control Technology (RACT) provisions which allow a facility to perform a detailed engineering study to support an alternate, source-specific emissions limit. Specifically, Ohio EPA drafted revisions to OAC rules 3745-21-09(U)(2)(f) and 3745-21-26(A)(3)(f) to remove the restriction on the availability of this option based on the date of installation. Ohio EPA also drafted revisions to OAC rule 3745-21-26(A)(3)(h) to add new source specific RACT requirements for the Schlage Lock Company LLC.

Pursuant to Part D of Title I of the Clean Air Act, Ohio EPA is required to establish a state implementation plan (SIP) for the attainment and maintenance of the National Ambient Air Quality Standards (NAAQS). The above-mentioned rules are a part of Ohio's SIP, and the proposed amendments will be submitted to USEPA as a modification of the SIP.

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 and in the handouts section in GoTo.

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, June 27, 2023. These comments may be typed into the GoTo platform today or emailed to DAPC-Comments@epa.ohio.gov. All emailed comments submitted for the record receive the same consideration as typed comments 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 IN WRITING. I will read aloud any comments we receive in the Questions pane. For those attending in person that would like to comment, please raise your hand and when we call on you, please state your name and spell it before proceeding with your testimony. I will keep the hearing open until 11:00 a.m. to provide time for participants to type in comments.

CLOSING

After the hearing closes, we will accept written comments through 5:00 p.m. today. 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.