

# CSI - Ohio

The Common Sense Initiative

## Business Impact Analysis

Agency Name: Ohio Environmental Protection Agency

Regulation/Package Title: OAC Chapter 3745-21, "Carbon Monoxide, Photochemically Reactive Materials, Hydrocarbons, and Related Materials Standards"

Rule Number(s): OAC Rules 3745-21-01, 3745-21-03, 3745-21-04, 3745-21-06 to 3745-21-10, and 3745-21-12 to 3745-21-29

Date: 8-6-14

**Rule Type:**

☒ New

☐ Amended

☒ 5-Year Review

☐ Rescinded

The Common Sense Initiative was established by Executive Order 2011-01K and placed within the Office of the Lieutenant Governor. Under the CSI Initiative, agencies should balance the critical objectives of all regulations with the costs of compliance by the regulated parties. Agencies should promote transparency, consistency, predictability, and flexibility in regulatory activities. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117  
[CSIOhio@governor.ohio.gov](mailto:CSIOhio@governor.ohio.gov)

## **Regulatory Intent**

### **1. Please briefly describe the draft regulation in plain language.**

**Please include the key provisions of the regulation as well as any proposed amendments.**

The rules in Ohio Administrative Code (OAC) chapter 3745-21 establish requirements for the control of emissions of volatile organic compounds (VOCs) and carbon monoxide (CO) from stationary emission sources. VOCs are a precursor compound from which ozone is formed. Ozone is one of the six criteria pollutants for which a National Ambient Air Quality Standard (NAAQS) has been established under the Clean Air Act. CO is also one of the six criteria pollutants for which a NAAQS has been established. The intent of these rules is to limit emissions of VOCs and CO to allow the state of Ohio to attain and maintain the NAAQS for ozone and CO.

All of the proposed revisions and rules pertain to VOC emissions; there are no revisions to regulations on CO emissions. Ohio EPA is adding alternative monitoring and recordkeeping, reinserting a few rule exemptions, removing regulations pertaining to facilities that have been shut down, and making other minor revisions. Ohio EPA is also proposing a new rule for Surface Coating of Miscellaneous Metal and Plastic Parts for the Cleveland-Akron area. This rule is based on U.S. EPA's 2008 revised Control Technique Guidelines (CTG) and is strengthening of the previous CTGs covering these categories that were also adopted by Ohio during previous rulemakings. Prior to this rule's adoption, the surface coating of miscellaneous metal parts was regulated under OAC rule 3745-21-09(U) and the surface coating of automotive/transportation plastic parts and business machine plastic parts was regulated under OAC rule 3745-21-09(HH).

### **2. Please list the Ohio statute authorizing the Agency to adopt this regulation.**

<b>Rule Number</b>	<b>Authorizing Statute</b>	<b>Proposed Action</b>
3745-21-01	3704.03(E)	Amended
3745-21-03	3704.03(E)	Amended
3745-21-04	3704.03(E)	Amended
3745-21-06	3704.03(E)	No-change
3745-21-07	3704.03(E)	Amended
3745-21-08	3704.03(E)	Amended
3745-21-09	3704.03(E)	Amended
3745-21-10	3704.03(E)	Amended
3745-21-12	3704.03(E)	Amended
3745-21-13	3704.03(E)	Amended
3745-21-14	3704.03(E)	Amended
3745-21-15	3704.03(E)	Amended
3745-21-16	3704.03(E)	Amended
3745-21-17	3704.03(E)	Amended

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

[CSIOhio@governor.ohio.gov](mailto:CSIOhio@governor.ohio.gov)

3745-21-18	3704.03(E)	Amended
3745-21-19	3704.03(E)	Amended
3745-21-20	3704.03(E)	Amended
3745-21-21	3704.03(E)	Amended
3745-21-22	3704.03(E)	Amended
3745-21-23	3704.03(E)	Amended
3745-21-24	3704.03(E)	Amended
3745-21-25	3704.03(E)	Amended
3745-21-26	3704.03(E)	New
3745-21-27	3704.03(F)	Amended
3745-21-28	3704.03(E)	Amended
3745-21-29	3704.03(E)	Amended

- 3. Does the regulation implement a federal requirement? Is the proposed regulation being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program? If yes, please briefly explain the source and substance of the federal requirement.**

Section 110 of the Clean Air Act (CAA) requires all states to develop a plan for attaining and maintaining the NAAQS. The rules in OAC chapter 3745-21 establish reasonably available control technology (RACT) requirements for the control of VOC emissions from various industries and industrial processes. These rules are a part of Ohio's control strategies for the attainment and maintenance of the NAAQS for ozone and are a part of Ohio's state implementation plan (SIP) under Section 110 of the CAA.

- 4. If the regulation includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.**

The rules in this chapter do not exceed federal requirements. These rules are based in part on federal requirements such as the federal "Control Techniques Guidance" (CTG) and "Alternative Control Techniques" (ACT) guidance documents and do not exceed the requirements therein. States are required, under the Clean Air Act, to adopt rules for a CTG documents issued by U.S. EPA in moderate or worse non-attainment areas.

- 5. What is the public purpose for this regulation (i.e., why does the Agency feel that there needs to be any regulation in this area at all)?**

The rules in OAC Chapter 3745-21 serve as part of Ohio's strategies for the control of VOC emissions and are a part of Ohio's strategy for the attainment and maintenance of the NAAQS for ozone and CO as required in the Clean Air Act. The public purpose of this rule is to assist in the attainment of the NAAQS.

**6. How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?**

Ohio EPA measures the success of the rules in this chapter through the fact that ozone pollution in Ohio has been on the steady decline since the first of the rules in this chapter were promulgated in 1979. In fact, in 2011, Ohio achieved statewide attainment of the 1997 8-hr ozone NAAQS in particular through reductions in the emission of VOCs attributed to the rules in this chapter.

Additionally, the requirements in this chapter are utilized in environment permits issued to industry throughout the state. These permits identify the applicable air pollution control rules and regulations under which the source must operate and establishes monitoring, record keeping, testing and reporting requirements by which the sources can demonstrate compliance with the rules and regulations. Ohio EPA considers the rules a success when a source is issued a permit and can, thereby, commence operations in compliance with the applicable air pollution rules and regulations, including the rules and regulations in this chapter.

**Development of the Regulation**

**7. Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.**

**If applicable, please include the date and medium by which the stakeholders were initially contacted.**

Ohio EPA established an initial 30-day early stakeholder outreach period ending October 12, 2012. Ohio EPA Division of Air Pollution Control (DAPC) sent the notices of our request for comments electronically to the 1,250+ members of Ohio EPA's electronic Interested Parties list for DAPC rulemaking. DAPC also posted the notice on our website and placed the notice in the Director's Weekly Review publication.

**8. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?**

Ohio EPA received several comments from stakeholders during the Early Stakeholder Comment Period and made changes where appropriate. A "Synopsis of changes" document has been prepared and is being distributed with the interested parties draft to outline to potential commenters what changes have been made to the rules. Upon the close of the interested parties draft comment period, Ohio EPA will consider any additional comments and prepare a "response to comments" document detailing Ohio EPA's response to the comments and outlining any changes made to the draft language as a result of the comments.

Comment 1: It is suggested that a provision similar to OAC rule 3745-21-09(F)(2)(a)(1) be added to OAC rule 3745-21-09(F)(1) to accommodate very low solids coatings. (Rob Harmon, Bemis Company, Inc.)

Response 1: OAC rule 21-09(B)(6) already includes this provision.

Comment 2: Tembec BTL SR, Inc (facility ID 0448010370), emission units P001 to P003 were not subject to OAC rule 3745-21-07(M) and should not have appeared in the OAC rule 3745-21-07(M)(1) table. (Robert Kossow, Toledo Environmental Control)

Response 2: Tembec has been removed from the OAC rule 3745-21-07(M)(1) Emissions Units table.

Comment 3: Decorative Panels International, Inc. (facility ID 0448011193), emission unit K001 was not subject to OAC rule 3745-21-07(M) and should not have appeared in the OAC rule 3745-21-07(M)(1) table. (Robert Kossow, Toledo Environmental Control)

Response 3: In the past, the facility was exempt from the requirements of OAC rule 3745-21-07 because it used coatings that met the criteria of former OAC rule 3745-21-07(G)(9)(c) and (d). When the rule was last revised, these exemptions were inadvertently left out. Ohio EPA is adding paragraphs (M)(1), (M)(2) and (M)(3)(a) to the exemption in paragraph OAC rule 3745-21-07(M)(5)(d), which is the modern equivalent of former OAC rule 3745-21-07(G)(9)(c) and (d). Recordkeeping provisions for this exemption were also added in new paragraph (M)(5)(j) to allow subject emissions units to switch between exempt and non-exempt liquid organic materials, with respect to paragraph (M)(5)(d). Also note that this facility should appear in OAC rule 3745-21-07(M)(1); however, it is not subject to (M)(2) when using materials meeting the exemption of (M)(5)(d).

Comment 4: All emissions units associated with Manufacturers Enameling Corporation (facility ID 0448010240) have been removed from service and the facility is permanently shut down. (Robert Kossow, Toledo Environmental Control)

Response 4: Manufacturers Enameling has been removed from the OAC rule 3745-21-07(M)(1) Emissions Units table.

Comment 5: The equation and definition of term “k” in OAC rule 3745-21-10 (P)(2) is missing. (Akron Regional Air Quality Management District)

Response 5: The missing equation and term have been re-inserted into the rule.

Comment 6: It is suggested that the record keeping and reporting associated with catalytic oxidizers be modified to remove the requirements to maintain an average temperature difference across the catalyst bed to less than eighty per cent of the average temperature differences during the most recent, compliant performance test in OAC rule 3745-21-09(B)(3)(j)(vii) and (l)(iii). (Rob Harmon, Bemis Company, Inc.)

It is suggested that the catalytic oxidizer monitoring and recordkeeping of OAC rule 3745-21-09(B)(3) and (B)(4) be modified to include inspection and maintenance requirements as an alternative to the temperature difference across the catalyst bed. (Mathew Stanfield, Toledo Environmental Control)

Response 6: Instead of removing the requested requirements, Ohio EPA is adding an alternative monitoring and recordkeeping option for catalytic incinerators to paragraphs (B)(3)(j)(vii), (B)(3)(l)(iii), (B)(4)(b)(iii), and (C)(8)(g) in OAC rule 3745-21-09. The new option requires monitoring of and/or records of the catalyst bed inlet temperature (no change) and a catalytic oxidizer inspection and maintenance plan. This option was also added to OAC rules 3745-21-12 to -16, -23, -27, and -28.

Comment 7: The first entry in the table under OAC rule 3745-21-09(F)(2)(a)(ii) lists “pressure surface coatings (not including pressure sensitive tape and labels)” instead of “paper, film and foil surface coatings (not including pressure sensitive tape and labels)”. The revised language is consistent with the Control Techniques Guidelines (CTG) for Paper, Film and Foil Coatings. (Rob Harmon, Bemis Company, Inc.)

Response 7: This revision has been made.

Comment 8: The guidance for performance test operating conditions under OAC rule 3745-21-10(C)(3)(a) should be updated to coincide with current USEPA guidance. Per OAC rule 3745-21-10(C)(3)(a), a source is to be operated at or near maximum operating capacity during a test. (Rob Harmon, Bemis Company, Inc.)

Response 8: Ohio EPA has issued guidance on the applicability of the USEPA guidance (<http://epa.ohio.gov/portals/27/files/TESTMAX.pdf>). Ohio EPA already accepts testing conditions that are consistent with the USEPA guidance. Due to the availability of this guidance, the rule will not be changed.

Comment 9: It is suggested that there should be a clear acknowledgement added that states sites with site-specific SIP-approved provisions, as codified in 40 CFR Part

52, are subject to those requirements instead of the provisions of 3745-21.  
(Rob Harmon, Bemis Company, Inc.)

Response 9: Permits for those sites with site-specific SIP-approved provisions should contain language that indicates that the site-specific provisions apply instead of the rule-based provisions; therefore, additional rule language is not necessary.

Comment 10: It is suggested to add clarification that table 1 of OAC rule 3745-21-28 to indicate that the VOC content limitation excludes water and exempt solvents. Table 1 of “The Control Techniques Guidelines (CTG) for Miscellaneous Industrial Adhesives” includes the recommended VOC emission limits that were used in this rule. The CTG indicates that the VOC emissions limits exclude water and exempt solvents. (Laura Miracle, Akron Regional Air Quality Management District)

Response 10: This revision has been made.

Comment 11: Emissions units T224 and T225 associated with The Lubrizol Corporation, Wickliffe Facility (facility ID 0243150025) have been removed from service and are permanently shut down. (Greg A. Taylor, The Lubrizol Corporation)

Response 11: The Lubrizol Corporation, Wickliffe Facility has been removed from OAC rule 3745-21-07(K)(3) Emissions Units table. The two subject emissions units were the only units listed for the facility.

Comment 12: The bulk gasoline terminal testing requirements of OAC rule 3745-21-10(E) require a minimum gasoline throughput of at least 90% of the maximum throughput. This is more stringent than the NSPS Subpart XX requirements. If it is not the intent to be more stringent than the NSPS, I would propose to remove that requirement. (Sean Vadas, Akron Regional Air Quality Management District)

Response 12: The more stringent requirement is intended as explained in Engineering Guide 8. Therefore, the rule will not be revised as requested.

Comment 13: OAC rule 3745-21-10(F) provides the test method requirements for VOC leak detection. OAC rule 3745-21-10(F)(2) requires that the test procedures provided in USEPA Method 21 shall be used in the detection of leaks. OAC rule 3745-21-10(F)(3)(b) requires that a mixture of air and methane or n-hexane be used as calibration gases. Sections 7.4 and 8.1.1.2 of USEPA’s Method 21 allows for the use of other calibration gases in order to maintain the required response factor of less than 10 for each individual VOC to be

measured. I propose removing OAC rule 3745-21-10(F)(3)(b). (Sean Vadas, Akron Regional Air Quality Management District)

Response 13: The rule will not be revised because the existing OAC rule 3745-21-10(F)(3)(b) is equivalent to the corresponding USEPA requirements contained in 40 CFR Part 60, Subpart VV, specifically 40 CFR 60.485(b)(1).

Comment 14: Former rule OAC rule 3745-21-07(G)(9)(h), which exempts some phenolic urethane cold box resin binder system in foundry core-making and mold-making operations, was erroneously omitted during the last rule revision. It is suggested to re-insert this exemption. (Russ Murray, Ohio Cast Metal Association)

Response 14: Ohio EPA is re-inserting the exemption as paragraph OAC rule 3745-21-07(M)(5)(i).

Comment 15: For the PPG multipurpose plant (1677020163), emissions unit P080 should be removed from control requirements per OAC rule 3745-21-07 due to applicability under OAC rule 3745-21-14.

Also for PPG Barberton plant (1677020009), emission unit P098 should be removed because subject to 40 CFR Part 63, Subpart FFFF (MON MACT) compliance which is much more stringent. Emissions unit P099 should be removed from control requirements per OAC rule 3745-21-07 due to applicability under OAC rule 3745-21-14. (Greg Stallings, PPG Industries Barberton Facility)

Response 15: Ohio EPA cannot remove these emissions units from the rule. Emissions units P080 and P099 are not subject to OAC rule 3745-21-14 per OAC rule 3745-21-14(A)(2) therefore, they cannot be removed from OAC rule 3745-21-07. While emissions unit P098 is subject to the MACT standard, that doesn't exempt it from the requirements of OAC rule 3745-21-07.

Comment 16: It is suggested to remove several facilities/emissions units from OAC rule 3745-21-07 due to facility/emissions unit being shut down or otherwise exempt from the rule. (Regional Air Pollution Control Agency)

Response 16: The facilities and emissions units, including their requirements, have been removed from the rule; except for DuPont Electronic Polymers (all processes except for methylene chloride service only are exempt).

Comment 17: It is suggested to rename several emissions units and facilities in OAC rule 3745-21-07. (Regional Air Pollution Control Agency)

Response 17: The facilities and emissions units have been renamed.

Comment 18: It is suggested to add emissions units K003 (Florida Production) and R003 (Neaton Auto Products) to OAC rule 3745-21-07(M)(1). In addition, OAC rule 3745-21-07(M)(3)(d)(viii) (related to emissions unit K003 of Florida Production) should be struck since it is added to OAC rule 3745-21-07(M)(1). (Regional Air Pollution Control Agency)

Response 18: The facilities and emissions units have been added to the rule and OAC rule 3745-21-07(M)(3)(d)(viii) has been removed.

Comment 19: It is suggested that the phrase “percent by weight and pounds per gallon” be replaced by “percent by weight or pounds per gallon” in OAC rule 3745-21-28(H)(1)(a)(ii).

Response 19: This revision has been made.

Comment 20: It is suggested that the definition of “auto body refinishing facility in OAC rule 3745-31-01(M) be revised to include vehicles with a gross vehicle weight rating exceeding 8500 pounds. (Automotive Service Association of Ohio)

Response 20: This comment has been addressed as a part of the OAC rule 3745-31 rule revision.

**9. What scientific data was used to develop the rule or the measurable outcomes of the rule? How does this data support the regulation being proposed?**

The rules in this chapter are based upon CTG and ACT guidance documents prepared by U.S. EPA. U.S. EPA maintains a research and development facility at Research Triangle Park, North Carolina, where most of the CTG and ACT documents are developed. U.S. EPA considers not only the need for reduction of VOC emissions, but the emissions that can be achieved and the cost to the regulated parties on a cost per ton of VOC emissions reduced basis.

**10. What alternative regulations (or specific provisions within the regulation) did the Agency consider, and why did it determine that these alternatives were not appropriate? If none, why didn't the Agency consider regulatory alternatives?**

Ohio is required under the CAA to adopt rules for VOC RACT based on CTG documents in all moderate non-attainment areas in the state. For the 1997 8-hr ozone standard, the only moderate non-attainment area in the state was the Cleveland/Akron/Lorain area, so in this area there were no alternate regulations available and Ohio EPA was required to establish the

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

[CSIOhio@governor.ohio.gov](mailto:CSIOhio@governor.ohio.gov)

rules. For controlling VOCs in basic and marginal areas, such as the Cincinnati and Dayton/Springfield areas, Ohio is not required to adopt the CTG rules, however, the CTG rules are based on tested science developed by U.S. EPA and readily available for adoption. For example, in 2005, Ohio was in need of control strategies in both the Cleveland and Cincinnati areas to attain the 1997 ozone standard. It was not cost effective to adopt a separate standard for both areas, so several CTG based rules, such as OAC rules 3745-21-12 and 3745-21-13 were adopted and made applicable in both non-attainment areas.

**11. Did the Agency specifically consider a performance-based regulation? Please explain. *Performance-based regulations define the required outcome, but don't dictate the process the regulated stakeholders must use to achieve compliance.***

Ohio EPA considers the rules in OAC Chapter 3745-21 to be performance based. These rules discuss emission limits that must be met from the various processes, however, facilities are allowed to determine the various methods of controls they will use such as mechanical control, work practices, raw materials or a combination to attain the emission limits in the most economical and efficient way.

**12. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?**

The Ohio EPA is the only agency having jurisdiction over the control of air pollution, and is specifically directed, under Section 3704.03 of the Revised Code to develop rules for the control of emissions of air pollutants. The rules in this chapter are unique within the Ohio EPA and do not duplicate the rules of this or any other agency.

**13. Please describe the Agency's plan for implementation of the regulation, including any measures to ensure that the regulation is applied consistently and predictably for the regulated community.**

Ohio EPA's VOC RACT rules have been in place since the late 1970's. The VOC standards in this chapter are used in development of air pollution control permits issued under Ohio's New Source Review permitting program in OAC Chapter 3745-31 and Title V permitting program in OAC Chapter 3745-77. The permits list the emission standards that the facilities are required to achieve and the reporting and recordkeeping requirements to document that the standards are being achieved, all of which is included in OAC chapter 3745-21.

**Adverse Impact to Business**

**14. Provide a summary of the estimated cost of compliance with the rule. Specifically, please do the following:**

- a. Identify the scope of the impacted business community;

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

[CSIOhio@governor.ohio.gov](mailto:CSIOhio@governor.ohio.gov)

**b. Identify the nature of the adverse impact (e.g., license fees, fines, employer time for compliance); and**

**c. Quantify the expected adverse impact from the regulation.**

**The adverse impact can be quantified in terms of dollars, hours to comply, or other factors; and may be estimated for the entire regulated population or for a “representative business.” Please include the source for your information/estimated impact.**

Chapter 3745-21 has been in the OAC since 1972. The rules have evolved over the years to address requirements in the Clean Air Act to develop regulations as part of an effort to achieve the NAAQS for CO and ozone within the state. These rules and additional technical support were submitted to U.S. EPA for review and approval as part of the SIP.

This Chapter has been modified over the years to incorporate requirements for categories of sources for which U.S. EPA has indicated that RACT should apply. In general, the levels of control that are available have been evaluated and presented in a series of CTGs issued by U.S. EPA. There are also rules based on information provided by U.S. EPA for other sources which were identified as non-CTG RACT.

Given the varied types and sizes, and therefore degree of potential air pollution, of processes that are regulated under OAC chapter 3745-21, it is difficult to give an exact cost of compliance with the rules in this chapter in a limited space. The cost of compliance with these rules can range from a few hundred dollars for a control technology such as a work practice or raw material change, to a few million dollars for the installation and operation of a mechanical control device. Many of the rules provide options for complying with the rule and in many cases, facilities can perform a RACT analysis which allows them to determine, based on all technologies available, the best and most cost effective control strategy for their facility. Ultimately, the requirements imposed by these rules are incorporated into air pollution permits. These permits usually are already required under a different chapter of the revised code. However, many of the rules of this chapter identify the additional elements that will be required in the permits to address the requirements of these specific rules. These requirements will also include the methods for maintaining records and submitting reports. The estimated costs discussed above include any additional costs associated with the permit process as well as the cost of any recordkeeping or reporting required to fulfill the requirements of these rules.

It should be noted that CTG based rules similar to Ohio’s rules can also be found in Ohio’s neighbor states and in any state containing a moderate ozone non-attainment area. Facilities wishing to locate in these types of areas will need to meet these requirements in all states.

As noted above, the amendments being made to this rule do not add any additional requirements to affected facilities; however, there are two exceptions. As such, there is no additional cost of compliance associated with the amendments being made to this rule. One exception is for added record keeping that is required for facilities that switch between

exempt and non-exempt materials. Additional costs are minimal because many facilities that use this exemption already maintained these records for production purposes.

The second exception is for replacing the term "sources" with "existing sources" in the exemption in OAC rule 3745-21-07(M)(5)(g). Ohio EPA is making this revision to resolve a misinterpretation of this rule. The misinterpretation of OAC rule 3745-21-07(M)(5)(g) is that new sources in the most rural 60 counties and new sources in the most industrialized 21 counties would comply with OAC rule 3745-21-07(M)(1), (M)(2), (M)(3)(a) and (M)(4) but new sources in 7 counties which neighbor the 21 most industrial areas would be exempt. This misinterpretation creates a "donut" area between the rural and urban counties in which new sources would be construed to be exempt from the rules. This contradicts with Ohio EPA's intention and historical interpretation of the rule, policy and handling of facilities. One facility has interpreted this provision inconsistent with Ohio EPA. This one facility will either have to comply with the emission limit or become exempt via a different exemption in OAC rule 3745-21-07(M)(5). To comply with the emission limit, the facility can reformulate the raw materials or install emissions controls. A regenerative thermal oxidizer (RTO) would typically be used to control organic compound emissions. Based on published control costs and a conservative RTO size, capital cost can range from \$150,000 to \$500,000 and annual operating costs can range from \$50,000 to \$100,000. The annual cost for reformulating raw materials is typically less than the cost of emissions controls. The costs for obtaining an exemption range from \$500 to \$10,000 for plant personnel or a consulting firm to assemble the documentation for an exemption.

**15. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community?**

The state of Ohio is required by the Clean Air Act to enact rules based on CTG documents in moderate non-attainment areas. For this reason, most if not all of the rules in this chapter are applicable in the Cleveland/Akron/Lorain moderate ozone non-attainment area as part of the state's strategy for attaining and maintaining the 1997 ozone standard. For areas of the state which were designated basic non-attainment, such as the Cincinnati/Dayton non-attainment area, Ohio EPA adopted a smaller sub-set of these rules in order to achieve attainment, and did not make new CTG based rules applicable in these areas once the standard had been achieved.

**Regulatory Flexibility**

**16. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain.**

The rules in this chapter do not provide exemptions or alternatives. All facilities, wishing to operate the regulated processes in the applicable areas must achieve the emission limits outlined in the rules as required by the Clean Air Act.

**17. How will the agency apply Ohio Revised Code section 119.14 (waiver of fines and penalties for paperwork violations and first-time offenders) into implementation of the regulation?**

The Ohio EPA uses enforcement discretion regarding fines and penalties for facilities committing a first-time violation are typically waived. The procedures specified in the agency's "Compliance Assurance through Enforcement" program are used to ensure implementation of the regulations.

**18. What resources are available to assist small businesses with compliance of the regulation?**

The following resources are available:

- Ohio EPA's Office of Compliance Assistance and Pollution Prevention (OCAPP) is a non-regulatory program that provides information and resources to help small businesses comply with environmental regulations. OCAPP also helps customers identify and implement pollution prevention measures that can save money, increase business performance and benefit the environment. Services of the office include a toll-free hotline, on-site compliance and pollution prevention assessments, workshops/training, plain-English publications library and assistance in completing permit application forms. Additional information is available at <http://www.epa.ohio.gov/ocapp>.
- Ohio EPA also has a permit assistance web page ([http://www.epa.ohio.gov/dir/permit\\_assistance.aspx](http://www.epa.ohio.gov/dir/permit_assistance.aspx)) that contains links to several items to help businesses navigate the permit process, including the Permit Wizard, Answer Place, Ohio EPA's Guide to Environmental Permitting and eBusiness Center.
- Ohio EPA maintains the Compliance Assistance Hotline 800-329-7518, weekdays from 8:00 a.m. to 5:00 p.m.
- US. EPA Small Business Gateway also has information on environmental regulations for small businesses available at <http://www.epa.gov/smallbusiness/> and a Small Business Ombudsman Hotline 800-368-5883.
- Ohio EPA's DAPC maintains a SIP Development section through which SIP related rulemaking is performed. DAPC rule writer Paul Braun, the primary contact for this rulemaking, is available to answer questions. He can be reached by calling 614-644-3734 or by e-mail at [paul.braun@epa.ohio.gov](mailto:paul.braun@epa.ohio.gov).