

**MEMORANDUM**

TO: Amanda Payton, Ohio Environmental Protection Agency

FROM: Emily Kaylor, Regulatory Policy Advocate

DATE: August 8, 2016

RE: **CSI Review – Lead Emissions Rules (OAC 3745-71-01 and 3745-71-03)**

On behalf of Lt. Governor Mary Taylor, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Agency as provided for in ORC 107.54.

Analysis

This rule package consists of two amended rules submitted by the Ohio Environmental Protection Agency (OEPA) pertaining to lead emissions. It was submitted to the CSI Office for its statutorily required five-year review on June 15, 2016. The comment period closed on July 18, 2016 with no comments received.

The first rule contains the definitions and reference materials for the rest of the chapter, and the other rule prescribes the method for measuring lead levels in ambient air in accordance with the Clean Air Act. The amendments update four references to the 2015 Code of Federal Regulations. The testing methods described in OAC 3745-71-03 follow the federal standards and are considered the “state of the art” methods for monitoring lead levels.

During early stakeholder outreach, OEPA received no comments from the Division of Air Pollution Control interested parties list. Additionally, there are only adverse impacts if a business voluntarily chooses to monitor lead in their ambient air. OEPA generally determines where lead monitoring stations are necessary and will incur all costs associated with them. The BIA states

that the estimated cost for a business to establish and operate a monitoring station is between \$5,000 and \$20,000 annually depending on where and how the monitor is installed.

After reviewing the proposed rule and the BIA, the CSI Office has determined that the standards espoused by the CSI Office have been met and the purpose of the rule package is justified.

Recommendation

For the reasons explained above, the CSI Office does not have any recommendations for this rule package.

Conclusion

Based on the above comments, the CSI Office concludes that the Ohio Environmental Protection Agency should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.

cc: Mark Hamlin, Lt. Governor's Office