



## Common Sense Initiative

**Mike DeWine**, Governor  
**Jon Husted**, Lt. Governor

**Sean McCullough**, Director

### MEMORANDUM

**TO:** Amanda Payton, Ohio Environmental Protection Agency

**FROM:** Ethan Wittkorn, Regulatory Policy Advocate

**DATE:** July 23, 2021

**RE:** CSI Review – OAC Chapter 3745-18, 5-year review and Globe SO2 Emissions Limit (OAC 3745-18-01 to 3745-18-94)

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On behalf of Lt. Governor Jon Husted, 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This Ohio Environmental Protection Agency (EPA) rule package consists of 36 amended, 56 rescinded, one no change, and one new rule. The draft rules were submitted to the CSI Office on April 13, 2021, and the public comment period was open through May 17, 2021. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on April 13, 2021.

The rules in this package have been proposed as part of a statutory five-year review of the EPA's sulfur dioxide regulations. Specifically, the rules set sulfur dioxide emissions limits, measures to prevent these emissions, and emissions limits for specific areas. The rules proposed are part of Ohio's state implementation plan to meet the goals of the National Ambient Air Quality Standards required by the federal Clean Air Act. Amendments have been proposed to update references, update facility names and ownership information, remove references to facilities that have been closed, and establish emissions limits for Globe Metallurgical of Washington County to satisfy federal emissions requirements in the Muskingum River nonattainment area. Furthermore, many rules are proposed to

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be rescinded for counties that no longer have facility-specific emissions limits, which will be replaced by the new general emissions limit rule.

The EPA held two early stakeholder outreach periods in February and August of 2020. Notice was shared with the EPA's Division of Air Pollution Control's interested parties, numbering in excess of 3,500 contacts. Additionally, notice of the comment period was posted on the EPA website. No comments were submitted during that period. During the CSI public comment period, seven comments were received, which led to the correction of citations and the removal of references to idled facilities and facilities that have changed their functions.

Impacted communities include facilities that operate under air pollution control permits, and coal or other fossil fuel-fired facilities. Potential impacts of the rules include costs and time associated with a facility complying with sulfur dioxide emission limits specific to their county. Additionally, facilities are required to report information on compliance to the EPA and obtain permits to install and operate facilities. The EPA has estimated costs to facilities include up to \$250,000 for time and consulting fees to develop a compliance assurance plan and demonstrate emissions compliance, up to \$50,000 for laboratory equipment for necessary testing, annual costs of up to \$70,000 for daily material sampling, and up to \$400,000 in equipment and employee costs to perform validation tests. The proposed rules are necessary to enact and maintain sulfur dioxide standards required by the Clean Air Act.

### **Recommendations**

Based on the information above, the CSI Office has no recommendations on this rule package.

### **Conclusion**

The CSI Office concludes that the EPA should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.