



## 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:** September 9, 2021

**RE:** **CSI Review – Carbon Monoxide, Photochemically Reactive Materials, Hydrocarbons, and Related Materials Standards (OAC 3745-21-01, 3745-21-03, 3745-21-04, and 3745-21-06 to 3745-21-29)**

---

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 nine no change and seventeen amended rules. The draft rules were submitted to the CSI Office on May 17, 2021, and the public comment period was open through June 18, 2021. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on May 17, 2021.

The proposed rules in this package set emission controls of volatile organic compounds (VOCs) and carbon monoxide (CO) from stationary sources of emissions to meet requirements established in the Clean Air Act. Amendments have been made to the rules to increase clarity, to remove restrictive language, and to add language to adopt Reasonably Available Control Technology (RACT) for the Cincinnati and Cleveland ozone nonattainment areas. The adoption of RACT for these areas is a result of the Cincinnati and Cleveland nonattainment areas having failed to meet ozone standards during the last monitoring phase ending in 2020. As a result, the Clean Air Act requires that RACT

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

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

requirements be adopted.

During the early stakeholder outreach period, the EPA shared notice with stakeholders of the Division of Air Pollution that have requested inclusion on rule making processes. Additionally, notice was posted on the EPA website for wider public consumption. During this period, several comments were submitted that led the EPA to add clarifying language to the rules, to update definitions, and to remove control requirements that are no longer applicable.

Impacted communities include stationary facilities that emit VOCs and CO. Adverse impacts include potential costs of compliance to limit and monitor these emissions. These can range from simple solutions at no cost, such as a change of the raw materials in use to solutions in excess of a few million dollars, such as the installation of mechanical control devices in facilities. During the permitting process, facilities may perform RACT analysis to help determine the most effective and cost-efficient control solutions for their given facility. The EPA argues that the proposed rules help it work towards the control of VOC emissions, CO, and ozone to ensure the state is in compliance with 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.