

MEMORANDUM OF RESPONSE

To: Caleb White, Business Advocate

From: Mandi Payton, Rules Coordinator

Date: April 24, 2024

Memorandum of Response to CSI Review – Cleveland Area Reclassification to Serious Ozone Nonattainment (OAC 3745-21-01, 3745-21-04, 3745-21-09, 3745-21-11, 3745-21-12, 3745-21-14, 3745-21-16, 3745-21-21, 3745-21-22, 3745-21-24, 3745-21-25, 3745-21-26, 3745-21-27, 3745-21-28, 3745-31-01, 3745-31-21, 3745-110-02, 3745-110-03, and 3745-110-04)

Recommendations

On April 24, 2024, Ohio EPA received the recommendations for the Ohio EPA's Division of Air Pollution Control's Cleveland Area Reclassification to Serious Ozone Nonattainment rules (OAC 3745-21-01, 3745-21-04, 3745-21-09, 3745-21-11, 3745-21-12, 3745-21-14, 3745-21-16, 3745-21-21, 3745-21-22, 3745-21-24, 3745-21-25, 3745-21-26, 3745-21-27, 3745-21-28, 3745-31-01, 3745-31-21, 3745-110-02, 3745-110-03, and 3745-110-04).

In summary, the CSI memorandum stated that:

“The business community impacted by the rules includes stationary facilities that emit VOCs and CO, any facility intending to install a source of air pollution, and facilities located in Ashtabula, Butler, Clermont, Cuyahoga, Geauga, Hamilton, Lake, Lorain, Medina, Portage, Summit, or Warren County, and new or modified units statewide that contain stationary sources with a PTE of more than either 100 TPY of NOx or 50 TPY for facilities in the Cleveland nonattainment zone. The adverse impacts created by the rules include the potential costs associated with limiting and monitoring emissions which can range from no financial cost for a change in work practice or raw material to the cost of a few million dollars for the installation and operation of a mechanical control device, the costs associated with obtaining a PTI or PTIO which can range from \$100 to around \$30,000, potential requirements to install emissions control equipment which can range from \$500,000 to \$2 million, reporting requirements, limitations on emissions, and the costs associated with RACT studies which can range from \$5,000 to \$30,000. The CSI Office adverse impacts to business contained in these rules are very significant, OEPA does not have discretion to eliminate these adverse impacts due to constraints in federal law and regulation. The OEPA states that the adverse impacts to business are necessary to comply with the National Ambient Air Quality Standards required under the Clean Air Act and to reduce air pollution in the state in accordance with federal requirements.

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

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

Next Steps

Currently, it is Ohio EPA's plan to move forward with the original filing of these rules with the Joint Committee on Agency Rule Review.

If you have any questions, please contact Mandi Payton at amanda.payton@epa.ohio.gov.