

## **RULE SYNOPSIS**

### **Draft rule language for Ohio Administrative Code (OAC) Chapter 3745-21 Carbon Monoxide, Photochemically Reactive Materials, Hydrocarbons, and related Materials Standards**

The Ohio EPA Division of Air Pollution Control (DAPC) has completed draft rule language for OAC Chapter 3745-21. Please note, this evaluation was not a five-year review conducted pursuant to Ohio Revised Code (ORC) Section 106.03. DAPC receives comments and requests at any time, not just during five-year review periods. In order to prevent rules from undergoing constant revisions and re-openings, DAPC determines if a rule revision must occur at the that time or if it can be held until more substantial revisions are necessary. Since the last five-year review, DAPC has received a comment from the five-year review that DAPC received after the draft comment period, an approved alternative monitoring protocol for a facility, questions from a consultant, local air agencies and DAPC staff, and a request for relief from the requirements of OAC rule 3745-21-28. In addition, DAPC is now taking action on a deferred comment from the previous five-year review. Based on this review, the following changes to this chapter will be proposed:

1. OAC rule 3745-21-01 (Definitions)

DAPC received a question from internal staff if the phrase “plastic parts coated on the main (body) paint line in automobile and light duty truck assembly plants and truck assembly plants” in paragraph (D)(35) of OAC rule 3745-21-01 correctly includes the term “truck assembly plants.” This phrase was erroneously included twice in this definition. DAPC is thus removing the phrase “truck assembly plants” from paragraph (D)(35).

2. OAC rule 3745-21-09 (Control of Emissions of Volatile Organic Compounds from Stationary Sources and Perchloroethylene from Dry Cleaning Facilities)

DAPC corrected a variable definition in paragraph (C)(1)(a)(ii).

DAPC received a question from Southwest Ohio Air Quality Agency regarding the applicability of OAC rule 3745-21-19 to a facility. While investigating this question, DAPC determined that paragraphs (A), (U) and (HH) should be revised for clarity. In a previous rule-making action, DAPC promulgated OAC rule 3745-21-26, which replaced paragraphs (U) and (HH) for the Cleveland-area counties only. Any Cleveland-area specific criteria included in these paragraphs could now be removed since OAC rule 3745-21-26 now applied. The following revisions were made to paragraphs (A), (U) and (HH) of OAC rule 3745-21-09 to reduce confusion on the applicability of OAC rules 3745-21-09(U), 3745-21-19, 3745-21-20 and 3745-21-26:

- DAPC is removing paragraph (A)(6), which currently specifies applicability criteria for paragraph (HH) which previously was applicable only to the Cleveland-area

counties. DAPC is also removing paragraph (HH) and all references to paragraph (HH) in OAC rule 3745-21-09. OAC rule 3745-21-26 replaced paragraph (HH) as part of a previous rulemaking. This change does not change the applicability criteria or requirements of the existing rule.

- DAPC is removing references to paragraph (U) from the applicability criteria in paragraphs (A)(1) and (A)(3)(b). Paragraph (U) no longer applies to Cleveland area counties, which are included in paragraph (A)(1). In order to specify criteria for areas still subject to paragraph (U), DAPC is creating a new paragraph (A)(6) for the paragraph (U) provisions that were removed from paragraph (A)(1).
- DAPC is removing the introductory paragraph under paragraph (U), which is no longer necessary with the applicability revisions noted above. DAPC is also removing the Cleveland-area counties of Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Medina, Portage and Summit from paragraph (U)(2)(e)(ii). DAPC is removing paragraphs (U)(2)(k) and (U)(2)(l). These paragraphs reference rules that only apply to Cleveland area counties and paragraph (U) no longer applies to those counties.

DAPC received a comment during the public comment period of the previous five-year rule review. Due to the complexity of the comment and the amount of time necessary to review the comment with U.S. EPA, DAPC decided it was best to move forward with finalizing the five-year review of Chapter 3745-21 and committed to addressing this comment in the next revision to OAC Chapter 3745-21. The comment requested incorporation of an exemption from OAC rule 3745-21-29 into paragraph (C) of OAC rule 3745-21-09. OAC rule 3745-21-29 is a newer regulation governing surface coating of automobiles and light-duty trucks. The exemption is for aerosol coatings and coatings supplied in containers with a net volume of sixteen ounces or less, or a net weight of one pound or less. DAPC agrees with the comment and is adding an OAC rule 3745-21-29 exemption to paragraph (C) in OAC rule 3745-21-09. These exemptions are added as new paragraph (C)(10).

As allowed by OAC rule 3745-21-09(T)(4), BP-Husky Refining LLC, Toledo Refinery requested and received an approval of alternate monitoring, recordkeeping and reporting program in lieu of the leak detection requirements specified in OAC rule 3745-21-09(T)(1). Per standard procedure, DAPC is adding this approval to the end of paragraph (T)(4) as follows:

Pursuant to this paragraph, the alternative monitoring, recordkeeping and reporting program entitled "Request for Waiver of OAC 3745-21-09(T)(1)(a)(i) for Process Drains at BP-Husky Refining LLC, Toledo Refinery, Facility ID 04-48-02-0007" and dated November 23, 2015 is approved by the director as an acceptable alternative program for the " BP-Husky Refining LLC, Toledo Refinery " (facility ID 0448020007).

DAPC corrected a paragraph reference in paragraph (DDD)(4)(g)(i)(b)(iii).

3. OAC rule 3745-21-10 (Compliance Test Methods and Procedures)

As noted above, DAPC received a comment during the public comment period of the previous five-year rule review. The comment also requested incorporation of the reactive adhesive test method from OAC rule 3745-21-29 into paragraph (B) of OAC rule 3745-21-10. OAC rule 3745-21-29 is a newer regulation governing surface coating of automobiles and light-duty trucks. DAPC agrees with the comment and is revising paragraph (B)(4) to add the test method for reactive adhesives (40 CFR Part 63, Subpart PPPP, Appendix A).

4. OAC rule 3745-21-25 (Control of VOC emissions from reinforced plastic composites production operations)

DAPC received a question regarding paragraph (F)(3), which specifies the procedures for calculating emissions from subject facilities. There are three methods specified in three subparagraphs; however, paragraph (F)(3) states that emissions can be calculated using only two of the paragraphs. DAPC corrected this rule to specify all three paragraphs can be used for determining emissions.

5. OAC rule 3745-21-26 (Surface coating of miscellaneous metal and plastic parts)

DAPC received a comment after the public comment period expired for the previous five-year rule review. Since the comment period was past, DAPC committed to addressing this comment in the next revision to OAC Chapter 3745-21. The comment requested an exemption of gel coats applied to fiber-reinforced plastic (fiberglass composite) products removed from the mold or used as in-mold coatings in the production of fiberglass parts. DAPC agrees with this comment and is adding paragraph (A)(3)(a)(i)(p) to exempt surface coating of any metal or plastic parts or products for which the owner or operator is both subject to and required to comply with OAC rule 3745-21-25 for reinforced plastic composites production operations.

DAPC received a question from the Akron Regional Air Quality Management District regarding OAC rule 3745-21-26(G)(2). With respect to paragraph (G)(2) of OAC rule 3745-21-26, the commenter questioned if paragraph (B)(3)(k) of OAC rule 3745-21-09, which specifies reporting, should be replaced with paragraph (B)(3)(l) of OAC rule 3745-21-09, which specifies record keeping. Paragraph (B)(3)(j) of OAC rule 3745-21-09 is analogous to paragraph (C)(2) of OAC rule 3745-21-26 and paragraph (B)(3)(l) of OAC rule 3745-21-09 is analogous to paragraph (C)(3) of OAC rule 3745-21-26 so this change would work. DAPC agrees with the commenter however, the opening phrase in paragraph (G)(2) of OAC rule 3745-21-26 that specifies the appropriate paragraphs in paragraph (B)(3) of OAC rule 3745-21-09 is not necessary. An owner/operator would select the appropriate (B)(3) paragraphs of OAC rule 3745-21-09 in paragraph (G)(1) of

OAC rule 3745-21-26. It was determined that the existing rule language was correct, but it could be revised for better clarity. Therefore, DAPC is revising paragraph (G)(2) to remove the introductory phrase “In addition to paragraphs (B)(3)(j) and (B)(3)(k) of rule 3745-21-09 of the Administrative Code”. This phrase is not necessary because the referenced record-keeping and reporting requirements are specified in paragraph (G)(1).

DAPC corrected a typographical error in paragraph (G)(1).

6. OAC rule 3745-21-28 (Miscellaneous industrial adhesives and sealants)

A facility has requested relief from the requirements of OAC rule 3745-21-28 (Miscellaneous Industrial Adhesives and Sealants rule) by establishing a site-specific reasonably available control technology (RACT) rule for their adhesive spray operations. However, this rule does not have a provision to allow facilities to request an alternate RACT emissions limit if the rule-based limit is technically or economically infeasible. Similar provisions exist in other rules in OAC Chapter 3745-21. Therefore, DAPC is adding paragraph (C)(4) to allow facilities to request an alternate RACT emissions limit.

7. OAC rule 3745-21-29 (Control of volatile organic compound emissions from automobile and light-duty truck assembly coating operations, heavier vehicle assembly coating operations, and cleaning operations associated with these coating operations)

DAPC is correcting a typographical error in the reference in paragraph (F)(2) related to the analytical procedure for determining the VOC content of reactive adhesives.