

RULE SYNOPSIS

Draft rule language for Ohio Administrative Code (OAC) Rule 3745-21-09, "Control of emissions of volatile organic compounds from stationary sources and perchloroethylene from dry cleaning facilities"

The Ohio EPA Division of Air Pollution Control (DAPC) has completed draft rule language for the incorporation of two exemptions in OAC rule 3745-21-09. The amendments affect paragraph (C), "Surface coating of automobiles and light-duty trucks" and paragraph (DDD), "Gasoline dispensing facilities (stage II vapor control systems)".

On January 14, 2013, this rule was sent out for an 11 day comment period. Ohio EPA received several comments in support of the rulemaking and made one change based on the comments. Paragraph (DDD)(4)(d) was amended to include the term "heavier vehicle assembly facility" to include these types of facilities in the exemption since they operate essentially identical systems to automotive or light-duty truck assembly plants.

With the exception of the above change, the rule language being proposed is identical to that presented in the public draft. The changes made for the public draft are as follows:

1. **Paragraph (C), "Surface Coating of automobiles and light-duty trucks"**

DAPC has amended paragraph (C) of OAC rule 3745-21-09 to include a change in the allowable VOC content of coatings used in lines coating fewer than 35 vehicles per day. The daily vehicle quantity is based on an existing exemption in paragraph (U)(2)(d) of this rule.

The allowable uncontrolled VOC content for these facilities, found in new paragraph (C)(6), is 5.0 pounds per gallon for guidecoats, automotive primer-sealers and automotive primer-surfacers, and 5.4 pounds per gallon for topcoats. Manufacturers may also use coatings containing 15.6 pounds of VOC per gallon of solids and 20.3 pounds of VOC per gallon of solids respectively if they employ a control system. The new rule language also contains recordkeeping and reporting for these coating lines.

2. **Paragraph (DDD), "Gasoline dispensing facilities (stage II vapor control systems)"**

On May 9, 2012, the US EPA Administrator signed a notice of final rulemaking determining that onboard refueling vapor recovery (ORVR) systems are in widespread use throughout the motor vehicle fleet which was published in the Federal Register on May 16, 2012 (77 FR 28772). In that notice the Administrator

also exercised her authority to waive the statutory requirement that Serious, Severe, and Extreme ozone nonattainment areas adopt and implement EPA programs requiring Stage II vapor recovery systems at certain gasoline dispensing facilities (GDFs). The current stage II vapor control requirements are applicable to GDFs in the Cleveland, Cincinnati, and Dayton metropolitan areas (24 counties in total). These counties had been designated as “moderate” ozone non-attainment under the 1990 Clean Air Act Amendments. U.S. EPA allows states to drop the Stage II vapor control requirements if the state “makes up” the emission reductions as part of the Stage II requirements removal. Ohio EPA has conducted an emissions analysis and has determined the Stage II program will no longer provide any emission reduction benefits in 2017. Ohio EPA will be working on a request to US EPA to amend our SIP to remove the Stage II program for existing stations, provided Ohio EPA can implement another emission reduction program to make up the emission reduction credits from the removal of Stage II.

In light of the formal declaration by U.S. EPA that the ORVR are in widespread use, Ohio EPA has determined that it is necessary to write an exemption into paragraph (DDD) of rule 3745-21-09 to allow new stations to avoid the requirements to install and operate unnecessary Stage II vapor controls. A number of new GDFs are being constructed and will be constructed prior to the approved phase-out date and Ohio EPA believes that the capital costs for installing a Stage II system for a short period of time are not warranted; therefore, DAPC has developed the proposed language in paragraph (DDD) with the help of potentially affected groups to assure that the language addresses the appropriate facilities, while not eliminating the requirements for existing stations prematurely.