

# OHIO CHEMISTRY TECHNOLOGY COUNCIL

The voice of Ohio's high-tech chemistry community . . .  
. . . making a better world for all Ohioans

88 E. Broad Street, Suite 1490  
Columbus, Ohio 43215  
(614) 224-1730  
[www.ohiochemistry.org](http://www.ohiochemistry.org)

RECEIVED  
2010 DEC 22 AM 11:30  
OFFICE OF THE DIRECTOR  
OHIO EPA

## Officers & Directors

### **Chair**

Carl F. Darling  
*Americas Styrenics, Inc.*

### **Vice Chair**

Joseph Lazevnick  
*The Lubrizol Corporation*

### **Treasurer**

Pat Conrath  
*Ineos*

### **Directors**

Ken Armstrong  
*RPM International Inc.*

Richard Bauer  
*PPG Industries*

Doug Church  
*The Elco Corp.*

Jere Ellison  
*ISP Columbus*

Tom Freeman  
*Dover Chemical Corporation*

Jeff Fritz  
*DuPont*

Garrett Geer  
*Dow Chemical USA*

Ray Hahn  
*Jones-Hamilton Co.*

Richard Jackson  
*ASHTA Chemicals*

Hubert Litt  
*Millennium Inorganics*

Sue Matz  
*LyondellBasell*

Karen Murphy  
*Ashland Inc.*

Rob Paxton  
*Shepherd Chemical Co.*

Karl Schnapp  
*BASF Corp.*

Kevin Soucy  
*Sunoco*

Jay Taylor  
*Emery Oleochemicals, Inc.*

Anne Tyler  
*Capital Resin Corp.*

### **Professional Staff**

Jack R. Pounds  
*President*

Christina A. Materni  
*Executive Vice President*

December 21, 2010

Honorable Ted Strickland  
Governor  
State House  
Columbus, Ohio 43215  
**ATT: JENNIFER LYNCH**

Honorable John Kasich  
Governor-Elect  
19th Floor Riffe Center  
Columbus, Ohio 43215  
**ATT: WAYNE STRUBLE**

Re: Limiting the Number of Ohio Business Activities Forced into  
the U.S. EPA Air Permitting Requirements

Dear Governor Strickland and Governor-Elect Kasich:

In behalf of the members of the Ohio Chemistry Technology Council, and the companies whose letters of support are attached, I respectfully request your support of immediate action to prevent chaotic regulatory risks and uncertainty that will impede business investment in Ohio in 2011 and beyond.

The U.S. Environmental Protection Agency (U.S. EPA) has recently promulgated regulations that for the first time classify carbon dioxide, methane, and other designated "greenhouse gases" (GHGs) as pollutants subject to regulation under the federal Clean Air Act. U.S. EPA's regulations mandate permitting, beginning January 2, 2011, before constructing new sources or modifying existing sources, and for operating existing sources, that are classified as "major" under the Clean Air Act. Ohio's current air pollution permitting regulations define "major sources" as facilities that have potential emissions of a regulated pollutant of 100 tons per year or more, or in some cases 250 tons per year or more. These thresholds were established over thirty years ago, long before the idea that ubiquitous carbon dioxide, methane, and other GHGs could be deemed "air pollutants" within the

Hon. Ted Strickland  
Hon. John Kasich  
December 21, 2010

Page Two of Two

meaning of the Clean Air Act. U.S. EPA estimates that over six million sources of GHG emissions in the U.S. exceed the 100/250 tons per year "major source" permitting thresholds, including small apartment complexes, fast food restaurants, dairy farms, landfills, and hospitals. U.S. EPA has therefore promulgated a so-called "Tailoring Rule" to increase the thresholds for GHG permitting to 75,000 tons per year, or in some cases 100,000 tons per year.

State regulations must therefore be revised prior to January 2, 2011, to remove any doubt that the 100/250 tons per year "major source" permitting thresholds are not applicable to GHGs, and that instead the 75,000/100,000 tons per year permitting thresholds in U.S. EPA's Tailoring Rule apply. We therefore support and urge immediate issuance of emergency rules, and proposal of permanent rules, to raise the Ohio's "major source" permitting thresholds to 75,000/100,000 tons per year for GHGs. These rules should have an explicit "sunset" provision that immediately and automatically terminates GHG permitting in Ohio if and when Congress, the Courts, or the Executive Branch postpones, suspends, or invalidates the current U.S. EPA rules that require GHG emission permitting.

I understand the many demands upon you and your staffs at this time, but time is of the essence to prevent substantial harm to Ohio's economy and citizens in 2011.

Sincerely,



Jack R. Pounds  
President

C: Hon. Chris Korleski, Director, Ohio EPA  
Mr. Kent Marcus, Office of the Governor  
Ms. Laura Powell, Deputy Director, Ohio EPA  
Mr. Drew Bergman, Ohio EPA



L. J. Sauers, Ph.D., DABT  
Vice President  
Global Sustainability

The Procter & Gamble Company  
Two Procter & Gamble Plaza  
Cincinnati, OH 45202  
(513) 983-4375 phone  
(513) 983-8175 fax  
sauers.lj@pg.com  
www.pg.com

December 17, 2010

Honorable Ted Strickland  
Governor, State of Ohio  
State House  
Columbus, OH 43215

Honorable John Kasich  
Governor-Elect, State of Ohio  
340 East Gay Street  
Columbus, OH 43215

**Re: Limiting the Number of Ohio Business Activities  
Forced into the U.S. EPA Air Permitting Requirements**

Dear Governor Strickland and Governor-Elect Kasich:

The Procter and Gamble Company supports the recommendation of the Ohio trade associations for an immediate emergency rule, submitted to Ohio EPA on behalf of interested parties on November 23, 2010, to increase the greenhouse gas permitting thresholds in Ohio's regulations to match the Federal thresholds that will apply in Ohio beginning January 2, 2011. Without changes to Ohio regulations, Ohio would have much more stringent permitting requirements for greenhouse gases than Federal regulations which would apply to other states in the U.S. This would have the undesirable effect of increasing Ohio EPA's permitting burden which could slow permitting of changes that businesses of all sizes need to remain competitive. We also support the proposed revisions to Ohio's regulations which ensure that any changes made at the Federal level that may limit applicability of greenhouse gas permit rules would also apply in Ohio.

Sincerely,

THE PROCTER & GAMBLE COMPANY

L. J. Sauers, Ph.D., DABT  
Vice President – Global Sustainability



The Chemical Company

*For inclusion with OCTC, et. al. letter  
No separate delivery*

December 17, 2010

Governor Ted Strickland  
Columbus, OH

Governor-elect John Kasich  
Columbus, OH

Dear Governor Strickland and Governor-elect Kasich:

BASF Corporation, which presently owns and operates nine facilities in the State of Ohio, is in full support of the need for Ohio to adopt the greenhouse gas permit thresholds contained in the U.S. EPA's final rule known as the "Tailoring Rule." As a company that manufacturers in Ohio and one that just recently broke ground on an expansion project at our Elyria facility, we place a high value in having a predictable and sensible air permit regulatory program in place.

Thank you for considering our position.

Regards,

A handwritten signature in black ink, appearing to read "Michael E. Heltzer". The signature is fluid and cursive, with a long horizontal line extending to the right.

Michael E. Heltzer  
Government Affairs Manager



December 17, 2010

Mr. Jack Pounds  
President  
Ohio Chemistry Technology Council  
88 East Broad Street, Suite 1490  
Columbus, Ohio 43215

Dear Jack:

I am writing to confirm Lubrizol's full support of the need for Ohio to adopt the green house gas (GHG) permit thresholds contained in the U.S. EPA's final rule known as the "Tailoring Rule."

As a successful, growing, \$5.0 billion global specialty chemical company that was founded 82 years ago in Cleveland, Ohio, is headquartered in Wickliffe and employs more than 2,100 people in Ohio and 6,800 worldwide, it is essential to our business for Ohio to have a predictable and efficient air permit regulatory process in place.

Sincerely,

The Lubrizol Corporation

A handwritten signature in black ink, appearing to read "David J. Enzerra", is written over the typed name.

David J. Enzerra  
Director of Public Affairs



American Electric Power  
1 Riverside Plaza  
Columbus, OH 43215-2373  
AEP.com

December 17, 2010

Honorable Ted Strickland  
Governor, State of Ohio  
State House  
Columbus, Ohio 43215

Honorable John Kasich  
Governor-Elect, State of Ohio  
340 East Gay Street  
Columbus, Ohio 43215

Re: Limiting the Number of Ohio Business Activities Forced into the U.S. EPA  
Air Permitting Requirements

Dear Governor Strickland and Governor-Elect Kasich,

American Electric Power supports the recommendation of the Ohio trade associations for an immediate emergency rule to increase the greenhouse gas permitting thresholds that will apply in Ohio beginning January 2, 2011, and to limit the scope and duration of federally-mandated greenhouse gas permitting in Ohio.

Sincerely,

A handwritten signature in black ink that reads "John M. McManus".

John M. McManus  
Vice President  
Environmental Services

c: Kent Marcus, Esq. - Governor's Office  
Jennifer Lynch - Governor's Office  
Christopher Korleski - OEPA

December 20, 2010

Honorable Ted Strickland  
Governor  
State House  
Columbus, Ohio 43215

Honorable John Kasich  
Governor-Elect

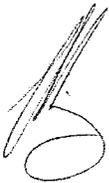
Dear Governor Strickland and Governor-Elect Kasich.

Our company is in full support of the need for Ohio to adopt the green house gas (GHG) permit thresholds contained in the U.S. EPA's final rule known as the "Tailoring Rule". As a chemical manufacturer in the State of Ohio, we are constantly struggling to maintain our competitiveness against suppliers from Mexico and Asia, who clearly are not under the same level of environmental regulatory oversight as we are here.

We have just started to come out of an economic recession unlike any since the 1930's, and any changes to the GHG permit thresholds would be devastating to Ohio businesses. The Ohio manufacturing location for INEOS ABS is set to receive the highest amount of investment of any of our five global manufacturing sites this year, but if the "Tailoring Rule" is not approved for Ohio, we may be forced to delay the investments in business sustainability projects and move to longer-term environmental studies next year while the business investment projects are done in other locations.

Please help keep Ohio competitive with the rest of the United States and our competitors in Mexico and Asia by supporting the Tailoring Rule.

Sincerely,



Clinton A. Herring  
Managing Director, INEOS ABS (USA) Corporation



ISO 9001:2000 Certified

J. Steel Hutchinson  
President

A Fine Chemical  
Manufacturer  
Since 1928

December 16, 2010

Dear Governor Strickland:

Our company is in full support of the need for Ohio to adopt the green house gas (GHG) permit thresholds contained in the U.S. EPA's final rule known as the "Tailoring Rule". GFS Chemicals is a central Ohio based specialty batch chemical that does business globally from Columbus. We have roughly 90 full and part time employees. The unintended consequences of not implementing the "Tailoring Rule" will certainly cause unnecessary chaotic regulatory risks and uncertainty that will impede business investment in Ohio in 2011 and beyond.

State regulations must therefore be revised prior to January 2, 2011, to remove any doubt that the 100/250 tons per year "major source" permitting thresholds are not applicable to GHGs, and that instead the 75,000/100,000 tons per year permitting thresholds in U.S. EPA's Tailoring Rule apply. We therefore support and urge immediate issuance of emergency rules, and proposal of permanent rules, to raise the Ohio's "major source" permitting thresholds to 75,000/100,000 tons per year for GHGs. These rules should have an explicit "sunset" provision that immediately and automatically terminates GHG permitting in Ohio if and when Congress, the Courts, or the Executive Branch postpones, suspends, or invalidates the current U.S. EPA rules that require GHG emission permitting.

Thank you for your prompt attention to this matter.

Sincerely,  
GFS Chemicals, Inc.

A handwritten signature in black ink, appearing to read "J. Steel Hutchinson".

J. Steel Hutchinson  
President & CEO

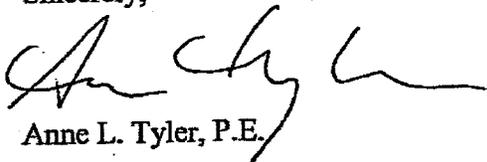
December 16, 2010

Dear Governor Strickland and Governor-Elect Kasich,

Capital Resin Corporation is in full support of the need for Ohio to adopt the green house gas (GHG) permit thresholds contained in the U.S. EPA's final rule known as the "Tailoring Rule".

In order for Industry to appropriately plan any growth or capital investments, it is critical to have predictable, sensible air permit programs in place.

Sincerely,



Anne L. Tyler, P.E.

EHS&S Manager  
Capital Resin Corporation  
[atyl@capitalresin.com](mailto:atyl@capitalresin.com)  
614/586-1607



## ISP Lima LLC

1220 South Metcalf Street Lima, Ohio 45804 Ph: 419-998-8720

---

December 16, 2010

Ohio Chemistry Technology Council  
88 East Broad Street  
Suite 1490  
Columbus, Ohio 43215

Attention: Jack R. Pounds  
President

Dear Mr. Pounds:

Our company is in full support of the need for Ohio to adopt the green house gas (GHG) permit thresholds contained in the U.S. EPA's final rule known as the "Tailoring Rule".

Our business is expecting to expand in 2011 and 2012. It is imperative that Ohio have a predictable, sensible air permit program. Air permit applications that are being prepared are based on an expectation that Ohio EPA is the regulating authority. If the regulating authority changes mid stream, it is anticipated that a clear line of authority may take some time and wasted effort to be identified. This period of uncertainty will inevitably delay implementation of our plans.

Please do what you can to influence our state government to implement GHG permit thresholds prior to the January 2, 2011 deadline.

Sincerely,

A handwritten signature in cursive script that reads "Paul Taylor".

Paul Taylor, PhD.

Senior Technical Director, Operations



---

Americas Styrenics  
Hanging Rock Plant  
925 County Road 1 A  
Ironton, Ohio 45638

December 17, 2010

Honorable Ted Strickland  
Governor  
State House  
Columbus, Ohio 43215

Honorable John Kasich  
Governor-Elect  
Address  
Address

Re: Limiting the Number of Ohio Business Activities Forced into the U.S. EPA Air Permitting Requirements

Dear Governor Strickland and Governor-Elect Kasich:

Americas Styrenics LLC fully supports the need for Ohio to adopt the green house gas (GHG) permit thresholds contained in the U.S. EPA's final rule known as the "Tailoring Rule". Americas Styrenics is one of the leading producers of polystyrene in the Americas with plants in Ohio located in both Ironton and Marietta. It is very important to both our current and future operations in Ohio that we have sensible and predictable environmental regulations to work within.

We therefore support immediate issuance of emergency rules, followed by permanent rules, to raise the Ohio's "major source" permitting thresholds to 75,000/100,000 tons per year for GHGs. These rules should have an explicit "sunset" provision that immediately and automatically terminates GHG permitting in Ohio if and when Congress, the Courts, or the Executive Branch postpones, suspends, or invalidates the current U.S. EPA rules that require GHG emission permitting. As you are aware, state regulations must be revised prior to January 2, 2011 when the federal rules will take effect.

Thank you for your immediate attention to this very urgent matter which is very important to Americas Styrenics LLC as it is to all businesses in Ohio.

Sincerely,  
Carl Darling  
Carl Darling  
Site Manager  
Americas Styrenics

*Honorable Ted Strickland  
Governor  
State House  
Columbus, Ohio 43215*

*Honorable John Kasich  
Governor-Elect  
State House  
Columbus, Ohio 43215*

*Our company is in full support of the need for Ohio to adopt the green house gas (GHG) permit thresholds contained in the U.S. EPA's final rule known as the "Tailoring Rule"*

*Dover has growth plans in 2011 and beyond. These growth plans could require Dover to add additional steam boiler capacity. To adequately plan and manage our growth, we need to have an air permit regulatory program in place that allows companies to know what is required and expected. We hope that you will work with the Ohio Chemistry Technology Council and other manufacturing associations in developing an outcome that benefits Ohio manufacturing.*

*Sincerely,*



*Thomas J. Freeman  
Executive Vice President- Operations  
Dover Chemical Corporation*



**Columbus**

1979 Atlas Street • Columbus, OH 43228 • Tel: 614-876-3637 • Fax: 614-876-9532

---

December 16, 2010

Ohio Chemistry Technology Council  
88 East Broad Street  
Suite 1490  
Columbus, Ohio 43215

Attention: Jack R. Pounds  
President

Dear Mr. Pounds:

Our company is in full support of the need for Ohio to adopt the green house gas (GHG) permit thresholds contained in the U.S. EPA's final rule known as the "Tailoring Rule".

Our business is expecting to expand in 2011 and 2012. It is imperative that Ohio have a predictable, sensible air permit program. Air permit applications that are being prepared are based on an expectation that Ohio EPA is the regulating authority. If the regulating authority changes mid stream, it is anticipated that a clear line of authority may take some time and wasted effort to be identified. This period of uncertainty will inevitably delay implementation of our plans.

Please do what you can to influence our state government to implement GHG permit thresholds prior to the January 2, 2011 deadline.

Sincerely,

A handwritten signature in black ink, appearing to read 'Phil Popovec', with a long horizontal flourish extending to the right.

Phil Popovec  
Site General Manager



**INEOS**

P. O. Box 628  
Lima, OH 45802  
1900 Ft. Amanda Rd.  
Lima, OH 45804

Tel: 419-226-1200  
Fax: 419-226-1274

December 20, 2010

Honorable Ted Strickland  
Governor  
State House  
Columbus, Ohio 43215

Honorable John Kasich  
Governor-Elect

Dear Governor Strickland and Governor-Elect Kasich,

Our company is in full support of the need for Ohio to adopt the green house gas (GHG) permit thresholds contained in the U.S. EPA's final rule known as the "Tailoring Rule".

INEOS the world's #1 producer of acrylonitrile, and our Lima Ohio facility is one of the most cost effective plants on the planet, having the ability to competitively provide high quality product to consumers throughout the Americas, Europe, and Asia. However, we own three other acrylonitrile plants – one in Texas and two in Europe – and we are constantly modifying our production and investment plans based upon the relative economics of our plants. As such, any regulatory move which would render our Lima plant less competitive could have a direct, adverse impact on the level of investment and employment in Lima.

Please help keep Ohio competitive with the rest of the United States and our global competitors by supporting the Tailoring Rule.

Sincerely,

Patrick M. Conrath  
Site Director, INEOS Lima Chemicals