



Early Stakeholder Outreach — OAC Chapter 3745-21 – Carbon Monoxide, Photochemically Reactive Materials, Hydrocarbons, and Related Materials Standards

Ohio EPA prepares early stakeholder outreach fact sheets to ensure stakeholders are brought into the review process as early as possible and to obtain additional input and discussion before development of interested party draft rules.

What does OAC Chapter 3745-21 cover?

The rules in Ohio Administrative Code (OAC) Chapter 3745-21 establish requirements for the control of emissions of volatile organic compounds (VOCs) and carbon monoxide (CO) from stationary emission sources. VOCs are a precursor compound from which ozone is formed. Ozone and CO are two of the six criteria pollutants for which a National Ambient Air Quality Standard (NAAQS) has been established under the Clean Air Act. The intent of these rules is to limit emissions of VOCs and CO to allow the state of Ohio to attain and maintain the NAAQS for ozone and CO.

These rules establish emission limits which qualify as reasonable available control technologies (RACT) for emissions of volatile organic compounds (VOC) from stationary sources in Ohio. These limits are used in air pollution control permits issued to these sources.

Why are these rules being sent out for Early Stakeholder Outreach?

The first step in the rule-making process is for Ohio EPA to identify that a rule needs to be amended, rescinded, or created. In response to EO 2011-01K, Ohio EPA has added an additional step to ensure stakeholders are brought into the rule process as early as possible. This additional interested party notification and request for information will allow for early feedback before the rule language has been developed by the Agency.

What changes are being considered?

At this time, Ohio EPA is considering changes that may be required under the Clean Air Act (CAA) in the event the Cleveland and Cincinnati ozone nonattainment areas are reclassified from marginal to moderate nonattainment.

The Cleveland and Cincinnati nonattainment areas are currently classified as marginal nonattainment for the 2015 ozone standard. The areas are required to meet the ozone standard by August 3, 2021, based on ozone monitoring data collected during the 2018-2020 ozone monitoring seasons, which extend from March 1 to October 31 each year.

How can I provide input?

The Agency is seeking stakeholder input on the rules. When preparing your comments, be sure to:

- explain your views as clearly as possible;
- describe any assumptions used;
- provide any technical information and/or data used to support your views;
- explain how you arrived at your estimate for potential burdens, benefits or costs;
- provide specific examples to illustrate your views; and
- offer alternatives.

Written comments will be accepted through close of business **Monday, January 11, 2021**. Please submit input to:

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Columbus, Ohio 43216-1049
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What if I have questions?

These rules can be found on Ohio EPA's website for electronic downloading at: http://epa.ohio.gov/dapc/regs/3745_21.aspx or contact Mr. Braun (information provided above).

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Based on ozone monitoring data through October 31, 2020, Ohio EPA anticipates that the Cleveland and Cincinnati areas will fail to meet the ozone standard by August 3, 2021 as required, and will be reclassified to moderate nonattainment by U.S. EPA in accordance with the CAA. Reclassification to moderate nonattainment triggers additional CAA requirements, including VOC Reasonably Available Control Technology (RACT) requirements. This includes adoption of U.S. EPA Control Technique Guidelines (CTGs) as well as non-CTG VOC RACT for major stationary sources located in the moderate nonattainment areas. Some CTGs and non-CTG VOC RACT were previously adopted under prior ozone standards. Ohio EPA anticipates revisions to the currently effective requirements will be necessary to ensure they meet requirements under the 2015 standard.

Who will be regulated by these rules?

The rules in this Chapter apply to all point sources emitting VOCs in the state of Ohio. The revisions would affect point sources emitting VOCs in the Cleveland 2015 ozone nonattainment area (Cuyahoga, Geauga, Lake, Lorain, Medina, Portage and Summit counties) and the Cincinnati 2015 ozone nonattainment area (Butler, Clermont, Hamilton and Warren counties).

What is the rulemaking schedule?

Upon completion of the Early Stakeholder Outreach portion of this rulemaking, Ohio EPA will make any changes necessary to the rule language and make a draft of the rule language available to the public for a 30-day review.

What input is the Agency seeking?

The following questions may help guide you as you develop your comments.

- Is the general regulatory framework proposed the most appropriate? Should the Agency consider any alternative framework?
- What options are available for improving an identified concept? What options are available for improving the existing rules?
- Are there considerations the Agency should take into account when updating the existing rules? Are there considerations the Agency should take into account when developing a specific concept?
- Is there any information or data the Agency should be aware of when developing program concepts or rule language?

Contact

For more information, contact Paul Braun at paul.braun@epa.ohio.gov or (614)644-3734.