

RULE SYNOPSIS

Draft rule language for Ohio Administrative Code (OAC) Chapter 3745-21
Carbon Monoxide, Photochemically Reactive Materials, Hydrocarbons,
and related Materials Standards – 5 Year Review and Reasonably Available
Control Technology (RACT) for the Cincinnati and Cleveland 2015 Ozone
Moderate Nonattainment Areas

The Ohio EPA Division of Air Pollution Control (DAPC) has completed a review of the rules in Ohio Administrative Code (OAC) chapter 3745-21 to fulfill the requirements of Ohio Revised Code (ORC) 106.03 (5-year review). In addition, Ohio EPA has drafted revisions to OAC chapter 3745-21 to adopt mandatory Reasonably Available Control Technology (RACT) requirements for the Cincinnati and Cleveland 2015 ozone nonattainment areas.

Changes Made as a Result of Comments on the Draft Rule Amendments

A draft of amended rules was released to interested parties for a 30-day comment period ending June 18, 2021. Following are the changes made as a result of the comments received and additional discussions with U.S. EPA Region 5.

1. OAC 3745-21-01(B)(15): Removed the term “or legally and practicably enforceable by the state” from the definition of Potential to Emit (PTE). In order for these rules to be approved by U.S. EPA, the definition of PTE for the purposes of RACT may only consider limitations that are federally enforceable.
2. OAC 3745-21-07(M)(1): The “TRC Buyer Co. dba "The Ruscoe Company" Plant II,” Facility ID: 1677010204, which was included in the interested parties draft is being removed and will not be proposed with the rule for adoption at this time. Additional investigation of the processes at the facility is required to determine if the facility should be regulated under this paragraph. If, after investigation by Ohio EPA, it is determined that the facility does belong under this paragraph, it will be added in a future rulemaking.
3. OAC 3745-21-09(C)(9): Corrected erroneous citation to 3745-21-09(C)(8).
4. OAC 3745-21-09(EEE) - Portable oil and gas sources:
 - a. Added new paragraph OAC 3745-21-09(EEE) requiring portable oil and gas sources which relocate to a nonattainment county to apply for a permit to incorporate applicable requirements of U.S. EPA’s Oil and Gas CTG.
 - b. Added Oil and Gas CTG as referenced material in 3745-21-01(JJ)(2)(rrrrr).
 - c. Added reference to OAC 3745-21-09(EEE) in the definition of CTG in OAC 3745-21-01(B)(5)(a).
5. OAC 3745-21-11(A)(2): Clarified that sources controlled by non-CTG RACT should be considered in determining the applicability for a RACT study, and added comment to clarify that, for the purposes of this rule, “controlled by” is not limited to physical pollution controls but may include other types of controls such as VOC content limitations, operational limits or work practices.

6. OAC 3745-21-18(C)(3)(k): In the interested party draft, Ohio EPA included a table of previously approved equivalent application methods. Upon further review, Ohio EPA determined that the inclusion of this material required further development and has removed the table pending discussions with USEPA. Ohio EPA will address the issue in a future rulemaking. This does not alter or negate the previous director approvals.

Original Draft Changes to the Rules in OAC Chapter 3745-21

The following are the original draft changes that were distributed for interested party review ending June 18, 2021. These changes remain in the rules unless, as noted above, they were amended based on comments received:

5-Year Rule Review

The rules in this chapter 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 is one of the six criteria pollutants for which a National Ambient Air Quality Standard (NAAQS) has been established under the Clean Air Act. CO is also one of the six criteria pollutants for which a NAAQS has been established. 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.

Based on this review, DAPC has identified that the rules in this chapter remain necessary and require amendment. The following is a discussion of the amendments DAPC is proposing to this chapter:

1. Minor Style and Typo Changes: Ohio EPA is making various minor changes to correct typos and update the rule language throughout this chapter to meet legislative service commission (LSC) style and formatting guidelines. These changes are being made throughout the chapter, are minor in nature, and do not affect the scope or intent of the rules.
2. Test Method, Publications, Referenced Materials: Ohio EPA is making various minor changes to update test method, publication and referenced material titles, effective dates, addresses and web sites. These clarifying changes are being made throughout the chapter, are minor in nature, and do not affect the scope or intent of the rules.
3. Removal of Restriction Language: Ohio EPA reviewed the rule language in this chapter and removed unneeded restriction language in rules throughout the chapter. The removal of these restrictions will be utilized to fulfill the requirements of Ohio Revised Code (ORC) 121.95(F).

4. OAC Rule 3745-21-01 Definitions:

Paragraph (D)(49): The definition of “clear coating” has been revised to include dyes. Specifically, the wording of the revised definition reads as follows:

"Clear coating" means a ~~colorless~~ coating which contains binders and may contain dissolved dyes, but no pigment, and is formulated to form a transparent film.

The word change is to clarify the definition. The original definition language comes from two control technique guidance (CTG) documents; "Control of Volatile Organic Emissions from Existing Stationary Sources• Volume VI: Surface Coating of Miscellaneous Metal Parts and Products" (OAQPS No. 1.2-101, June 1978), and "Control Techniques Guidelines for Miscellaneous Metal and Plastic Parts Coatings" (EPA-453/R-OS-003, September 2008). The definitions in those documents do not share the exact same wording but do share 2 common criteria: (1) being transparent and (2) not containing pigment, which is reflected in the current definition. The amendment to add “and may contain dissolved dyes” clarifies that the coating may be tinted as long as the 2 primary criteria are met. The tinted clear coat would need to meet the same VOC content limit as a colorless clear coat.

Paragraph (II)(27): A definition has been added for “motor vehicle adhesive” to match the definition in the control technique guidelines (CTG) document for Miscellaneous Industrial Adhesives. The definition reads as follows:

"Motor vehicle adhesive" means an adhesive, including glass bonding adhesive, used at a facility that is not an automobile or light-duty truck assembly coating facility, applied for the purpose of bonding two vehicle surfaces together without regard to the substrates involved.

5. OAC Rule 3745-21-04 Compliance Time Schedules:

Paragraph (C) and various sub paragraphs: Facility specific regulations were updated to match current information in STARS2 including facility names and addresses. Facilities in paragraphs (C)(45) and (C)(53) were deleted and [Reserved.] because the facilities are listed as permanently shut down in STARS2.

6. OAC Rule 3745-21-07 Control of Emissions of Organic Materials from Stationary Sources:

Facility information including facility names, addresses, and facility IDs were updated in facility specific regulations throughout this rule to match information in STARS2.

Paragraph (M)(1): This paragraph is being revised pursuant to early stakeholder comments received. Specifically, the revisions consist of the following:

- a. Name change: Plaskolite, Inc. to Plaskolite, LLC, Facility ID: 0125040915.

- b. Deleting Plaskolite, LLC, Facility ID: 0125040915 emission units P015, P042, and R001 from the table in OAC rule 3745-21-07(M)(1). Emission unit R001 is permanently shut down. Emission units P015 & P042 are scrubbers and were originally installed as an odor control device and later added to OAC rule 3745-21-07(M). These units were tested and the emissions from these units are so low (i.e., 0.89 lb/hr.) that the 85% reduction required by this rule is not feasible.
- c. Ineos ABS (USA), Facility ID: 1431010054 Corporation. Deleting emission units P001, P022, and P048 from the table in OAC rule 3745-21-07(M)(1). Pursuant to OAC rule 3745-21-07(M)(5)(f), the general control requirements established in accordance with paragraph (M) of OAC rule 3745-21-07 are not applicable since these emissions' unit are batch operations regulated by the RACT requirements for VOC in OAC rule 3745-21-14.
- d. Avery Dennison STD, Bldg 5, Facility ID: 0243111362 emission unit P071 was originally listed in the table of paragraph (M)(1) in the 2008 version of the rule under facility ID 0243110099 but was removed with the 4/8/2016 amendments to the rule. In the 2016 synopsis, the listed reason for removing it was that the facility was permanently shut down effective 12/31/2007. But this emission unit was still operating under a new facility ID 0243111362 at the time. As such, emission unit P071 and the new facility ID have now been reinstated back into the table of paragraph (M)(1) of this rule.
- e. Day-Glo Color Corp, Facility ID: 1318006552. Deleting emission units P001 and P002 from paragraph (M)(1) of this rule. These emission units are subject to the requirements of OAC rule 3745-21-07(M)(3)(c)(ii) which restricts the uncontrolled VOC emissions to less than 40 lbs./day and thus, are not subject to the requirements of OAC rule 3745-21-07(M)(1).
- f. Adding "TRC Buyer Co. dba "The Ruscoe Company" Plant II, " Facility ID: 1677010204, emission units P025, P026, P028, P030, P031, P032, P033, P034, P035 and P036 to the table in OAC rule 3745-21-07(M)(1). The facility meets the requirements of OAC rule 3745-21-07(M)(3)(a) and has submitted notification as required under OAC 3745-21-07(M)(3)(b).

Paragraph (M)(5): This paragraph is being amended to add an exemption for "No-bake resin." This exemption was a part of the 1999 rulemaking under OAC rule 3745-21-07(G)(9)(i). When this rule was updated in 2008 this exemption was erroneously left out. There is no specific indication as to why this exemption was left out. Therefore, DAPC intends to reinstate this exemption back into the rule in paragraph (M)(5)(j).

The language being reinserted in this paragraph matches the omitted language and reads as follows:

“Paragraph (M)(2) of this rule shall not apply to the use of a phenolic urethane no-bake resin binder system in foundry core-making and mold-making operations. (In a phenolic urethane no-bake resin binder system, sand is mixed with a two-part liquid urethane resin binder and a liquid catalyst, which regulates the speed of the resin curing reaction.)”

7. OAC Rule 3745-21-09 Control of emissions of volatile organic compounds from stationary sources and perchloroethylene from dry cleaning facilities:

Facility information including facility names, addresses, and facility IDs were updated in facility specific regulations throughout this rule to match information in STARS2.

8. OAC Rule 3745-21-18 Commercial Motor Vehicle and Mobile Equipment Refinishing Operations

Paragraph (C)(3)(k): This paragraph allows facilities to use, "Any other coating application method that the applicable facility demonstrates, and Ohio EPA determines achieves emissions reductions equivalent to [High Volume/Low Pressure] HVLP or electrostatic spray application methods. This demonstration shall be submitted for approval to the director of Ohio EPA. Any equivalent coating application method approved by the Director shall be submitted to the U.S. environmental protection agency as a revision to the Ohio state implementation plan for ozone." The following language is being added to the rule as a mechanism to allow the approvals to become a part of Ohio's SIP.

“The following manufacturers have submitted demonstrations that their equipment achieves emission reductions equivalent to HVLP or electrostatic spray application methods, and their equipment has been approved by the director as an equivalent method under this paragraph.”

<u>Spray Gun Model</u>	<u>Approval Date</u>
▪ DeVilbiss CVI Spray Gun with #510 air cap transfer efficiency	3/6/2009
▪ DeVilbiss GTI Pro Spray Gun with T2 air cap transfer efficiency	3/6/2009
▪ DeVilbiss non-HVLP GFG-670 Spray Gun	5/16/2007
▪ DeVilbiss TEKNA Pro TE10	9/13/2011
▪ DeVilbiss TEKNA Pro TE20	9/13/2011
▪ DeVilbiss TEKNA ProLite TE10	9/13/2011
▪ DeVilbiss TEKNA ProLite TE20	9/13/2011
▪ ITW Tekna Spray Gun with 7E7 air cap transfer efficiency	3/6/2009
▪ IWATA W400-LV Spray Gun	5/23/2006
▪ SATAjet RP Spray Guns	9/13/2006

9. OAC Rule 3745-21-28 Miscellaneous Industrial Adhesives and Sealants

Paragraph (A)(3): This paragraph is being revised pursuant to early stakeholder comments received. Specifically, the revisions to this rule consist of adding the following two exempt conditions in addition to the ones listed in paragraph (A)(3)(a) through (A)(3)(j).

- a. The addition of paragraph (A)(3)(k) of this rule. Rule 3745-21-25 of the Administrative Code for Control of Volatile Organic Compound Emissions from Reinforced Plastic Composites Production Operations.
- b. The addition of paragraph (A)(3)(l) of this rule. Rule 3745-21-29 of the Administrative Code for 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.

Adding these two exemptions brings the rule in line with the CTG for Miscellaneous Industrial Adhesives. The CTG provides that, “The miscellaneous industrial adhesives product category does not include adhesives that are addressed by CTGs already issued for categories listed under Clean Air Act (CAA) Section 183(e) or by earlier CTGs.” The two added exemptions refer to rules which interpret CTG documents for their categories, therefore, adhesives included in these rules should not also be subject to the requirements in OAC rule 3745-21-28.

RACT for the Cincinnati and Cleveland 2015 Ozone Moderate Nonattainment Areas

The Cleveland (Cuyahoga, Geauga, Lake, Lorain, Medina, Portage and Summit county) and Cincinnati (Butler, Clermont, Hamilton and Warren counties) 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. This determination is based on ozone monitoring data collected during the 2018-2020 ozone monitoring seasons, which extend from March 1 to October 31 each year.

The Cleveland and Cincinnati nonattainment areas have failed to meet the ozone standard during the 2018-2020 ozone monitoring seasons as required and Ohio EPA anticipates they 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 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. U.S. EPA's CTGs, along with Alternative Control Technology (ACT) documents which are the basis for some non-CTG VOC RACT, are available at <https://www.epa.gov/ground-level-ozone-pollution/control-techniques-guidelines-and-alternative-control-techniques>. Some CTGs and non-CTG VOC RACT were previously adopted under prior ozone standards.

DAPC has drafted the following revisions to ensure the rules meet RACT requirements for the Cleveland and Cincinnati areas under the 2015 ozone standard:

1. OAC Rule 3745-21-01 Definitions and incorporation by reference

Paragraph (B)(5) of this rule was revised to correct the definition of CTG to be inclusive of paragraphs (N) and (V).

2. OAC Rule 3745-21-04 Compliance Time Schedules

Paragraph (B)(3)(b) of this rule is being revised to correct an inadvertent omission in the existing rule. The revision requires submission of a certification or operating permit application related to the requirements for solvent metal cleaning operations in OAC rule 3745-21-09(O)(2)(e), and packaging rotogravure printing lines, publication rotogravure printing lines, or flexographic printing lines in OAC rule 3745-21-09(Y)(4) in the Cleveland nonattainment area.

Paragraph (B)(3)(c) of this rule is being revised to require submission of a certification or operating permit application related to the expansion of requirements for paper coating lines, metal furniture coating lines, large appliance coating lines, and packaging rotogravure printing lines, publication rotogravure printing lines, or flexographic printing lines to the Cincinnati nonattainment area.

Paragraph (C)(5) of this rule is being revised to establish compliance deadlines for the expansion of requirements for paper coating lines in OAC rule 3745-21-09(F)(2) to the Cincinnati nonattainment area.

Paragraph (C)(8) of this rule is being revised to establish compliance deadlines for the expansion of requirements for metal furniture coating lines in OAC rule 3745-21-09(I)(4) to the Cincinnati nonattainment area.

Paragraph (C)(10) of this rule is being revised to establish compliance deadlines for the expansion of requirements for large appliance coating lines in OAC rule 3745-21-09(K)(6) to the Cincinnati nonattainment area.

Paragraph (C)(32) of this rule is being revised to establish compliance deadlines for the expansion of requirements for packaging rotogravure printing lines, publication rotogravure printing lines, or flexographic printing lines in OAC rule 3745-21-09(Y)(4) to the Cincinnati nonattainment area.

3. OAC Rule 3745-21-09 Control of emissions of volatile organic compounds from stationary sources and perchloroethylene from dry cleaning facilities

Paragraph (A)(6) of this rule is being revised to remove the Cincinnati nonattainment area from the applicability for OAC 3745-21-09(U), as these requirements are

superseded with the expansion of OAC rule 3745-21-26 to include the Cincinnati nonattainment area.

Paragraph (F)(2) of this rule is being revised to expand requirements for paper coating lines to the Cincinnati nonattainment area. These requirements are based on U.S. EPA's CTG for Paper, Film, and Foil Coatings (2007).

Paragraph (I)(4) of this rule is being revised to expand requirements for metal furniture coating lines to the Cincinnati nonattainment area. These requirements are based on U.S. EPA's CTG for Metal Furniture Coatings (2007).

Paragraph (K)(6) of this rule is being revised to expand requirements for large appliance coating lines to the Cincinnati nonattainment area. These requirements are based on U.S. EPA's CTG for Large Appliance Coatings (2007).

Paragraph (U)(2)(e)(ii): The exemption is being removed for the four counties in the Cincinnati area and the paragraph is being [Reserved].

Paragraph (Y)(4) of this rule is being revised to expand requirements for packaging rotogravure printing lines, publication rotogravure printing lines, or flexographic printing lines to the Cincinnati nonattainment area. These requirements are based on U.S. EPA's CTG for Flexible Package Printing (2006).

4. OAC Rule 3745-21-11 Reasonably available control technology studies for ozone nonattainment areas

This new rule is being promulgated to require facilities in the Cincinnati and Cleveland nonattainment areas with the potential to emit 100 tons per year or more of VOC, where not already controlled by other requirements in OAC chapter 3745-21, to submit a RACT study within one year of the effective date of the rule. This new rule also requires facilities in the nonattainment areas that have existing site-specific RACT established to submit an updated RACT study within one year of the effective date of the rule.

5. OAC Rule 3745-21-19 Control of volatile organic compound emissions from aerospace manufacturing and rework facilities

This rule is being revised to expand requirements for aerospace manufacturing and rework facilities to the Cincinnati nonattainment area. These requirements are based on U.S. EPA's CTG for Aerospace (1997).

6. OAC Rule 3745-21-20 Control of volatile organic compound emissions from shipbuilding and ship repair operations (marine coatings)

This rule is being revised to expand requirements for shipbuilding and ship repair operations (marine coatings) to the Cincinnati nonattainment area. These

requirements are based on U.S. EPA's CTG for Ship Building and Ship Repair Operations (Surface Coating) (1996).

7. OAC Rule 3745-21-21 Storage of volatile organic liquids in fixed roof tanks and external floating roof tanks

This rule is being revised to expand requirements for storage of volatile organic liquids in fixed roof tanks and external floating roof tanks to the Cincinnati nonattainment area. These requirements are based on U.S. EPA's ACT for Volatile Organic Liquid Storage In Floating and Fixed Roof Tanks (Surface Coating) (1994).

8. OAC Rule 3745-21-22 Control of volatile organic compound emissions from offset lithographic printing and letterpress printing facilities

This rule is being revised to expand requirements for offset lithographic printing and letterpress printing facilities to the Cincinnati nonattainment area. These requirements are based on U.S. EPA's CTG for Lithographic Printing and Letterpress Printing (2006).

9. OAC Rule 3745-21-23 Control of volatile organic compound emissions from industrial solvent cleaning operations

This rule is being revised to expand requirements for industrial solvent cleaning operations to the Cincinnati nonattainment area. These requirements are based on U.S. EPA's CTG for Industrial Cleaning Solvents (2006).

10. OAC Rule 3745-21-24 Flat wood paneling coatings

This rule is being revised to expand requirements for flat wood paneling coatings to the Cincinnati nonattainment area. These requirements are based on U.S. EPA's CTG for Flat Wood Paneling Coating (2006).

11. OAC Rule 3745-21-26 Surface coating of miscellaneous metal and plastic parts

This rule is being revised to expand requirements for surface coating of miscellaneous metal and plastic parts to the Cincinnati nonattainment area. These requirements are based on U.S. EPA's CTG for Miscellaneous Metal and Plastic Parts Coatings (2008).

12. OAC Rule 3745-21-27 Boat manufacturing

This rule is being revised to expand requirements for boat manufacturing to the Cincinnati nonattainment area. These requirements are based on U.S. EPA's CTG for Fiberglass Boat Manufacturing Materials (2008).

13. OAC Rule 3745-21-28 Miscellaneous industrial adhesives and sealants

This rule is being revised to expand requirements for miscellaneous industrial adhesives and sealants to the Cincinnati nonattainment area. These requirements are based on U.S. EPA's CTG for Miscellaneous Industrial Adhesives (2008).

14. 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

This rule is being revised to expand requirements for automobile and light-duty truck assembly coating operations, heavier vehicle assembly coating operations, and cleaning operations associated with these coating operations to the Cincinnati nonattainment area. These requirements are based on U.S. EPA's CTG for Automobile and Light-Duty Truck Assembly Coatings (2008).