

Rule Synopsis

Draft rule language for Ohio Administrative Code (OAC) Chapter 3745-72 Low Reid Vapor Pressure Fuel Requirements – 5 Year Review

The Ohio EPA Division of Air Pollution Control (DAPC) has completed draft rule language for OAC Chapter 3745-72. The draft amendments are being made as a result of the 5 year review of the rules as required in Ohio Revised Code (ORC) 119.032. The rules in this chapter contain the requirements of Ohio's low Reid vapor pressure program. This program was initiated as a replacement for the automotive inspection and maintenance program (E-Check) in the Cincinnati and Dayton metropolitan areas. The program now serves as part of Ohio's attainment and maintenance program for the national ambient air quality standards (NAAQS) for ozone.

Changes made to the Proposed Rules

On August 29, 2015, these rules were originally filed with the Joint Committee on Agency Rule Review (JCARR). On September 5, 2015, the rule were placed into "to-be-refiled" status with the JCARR to discuss potential changes due to comments received. Based on Ohio EPA's review of the rules and comments, the following changes will be made to the rules:

OAC Rule 3745-72-01

1. The intro paragraph discussing the location of information on the version and availability of referenced materials was removed from the rule because the rule no longer has any referenced materials.
2. Paragraph (B) was added which allows the rules to become no longer effective in the Cincinnati or Dayton area upon the date of approval by USEPA of the removal, suspension or replacement of these requirements in Ohio's state implementation plan for these areas.

OAC Rule 3745-72-02

1. Ohio EPA is adding paragraph (B)(14), a definition of the term "Ohio state implementation plan." The term is used in the new paragraph (B) in refilled rule OAC 3745-72-01.
2. Ohio EPA is amending paragraph (B)(19) to remove the reference to ASTM D323 and add the following, "...the standard test method for R.V.P. in 40 CFR 80.46." This brings the definition in line with the federal requirements in 40 CFR 80.46 and the sampling requirements in paragraph (A) of rule 3745-72-08 of the Administrative Code.
3. Ohio EPA is adding paragraph (B)(24), a definition of the term "U.S. EPA" or "USEPA." The term is used in the new paragraph (B) in refilled rule OAC 3745-72-01.
4. Ohio EPA is adding paragraph (C)(2)(d), information on the version and availability of Section 110 of the Clean Air Act which is referenced in new paragraph (B)(14) of this rule.
5. Ohio EPA is removing paragraphs (C)(1)(a) and (C)(2)(e), information on the version and availability of American Society for Testing Materials (ASTM) standard ASTM D323. The standard is no longer referenced in this chapter.

The changes mentioned above are in addition to, and supersede changes made for original filing, which are discussed below.

Changes originally proposed to the JCARR

On February 13, 2015, these rules were sent out for a 30-day comment period. No changes were made as a result of comments received. Based on the 5-year review, the following changes to this chapter were proposed to the Joint Committee on Agency Rule Review (JCARR):

1. Minor Style and Typo Changes: Ohio EPA is making various minor changes to correct typos and update the rule language in 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 changes are being made throughout the chapter, are minor in nature, and do not affect the scope or intent of the rules.
3. OAC rule 3745-72-01 (Applicability)

Ohio EPA is deleting the following provisions:

OAC rule 3745-72-01(B) and (C) provides for low RVP to be a contingency measure under the 1-hour ozone standard in certain areas of the state. The 1-hour ozone standard has been revoked and replaced with the 8-hour ozone standard and contingency measures are no longer required under the 1-hour ozone standard. The low RVP contingency requirements were never triggered or implemented since the requirements became applicable under this rule. Ohio EPA is deleting these requirements.

3. OAC rule 3745-72-02 (Definitions)

Ohio EPA is revising the following definition:

72-02(B)(8) "Importer" This term is being revised to more clearly define what Ohio EPA considers to be a better description of the term importer for the purpose of this rule.

Ohio EPA is deleting the following definition:

72-02(B)(13) "Motor Fuel System" This term is not used anywhere in the rules and thus is being deleted.

Ohio EPA is adding the following definition:

72-02(B)(14) "Person" This definition is being added since this term is used in the rules and thus needs to be defined.