

## 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 language in OAC rule 3745-21-09. The amendment affects paragraph (DDD), "Gasoline dispensing facilities (stage II vapor control systems)" to allow decommissioning of Stage II vapor control systems at existing Gasoline Dispensing facilities.

On September 5, 2013, DAPC made available for public comment a draft of proposed rule language. The comment period ended on October 7, 2013. DAPC received no comments on the draft language, therefore DAPC will leave the rule language as it was in the draft for proposal to the Joint committee on Agency Rule Review.

A Summary of revisions for this rulemaking is as follows:

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.

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 make amendment to paragraph (DDD) of this rule allowing existing GDFs to decommission their stage II systems. Ohio EPA previously amended this rule on April 29, 2013, exempting new GDFs from the Stage II requirements.

Specifically, Ohio EPA is deleting paragraph (DDD)(4)(g)(i)(b) from the rule and adding paragraphs (DDD)(5)(d) and (DDD)(5)(e). Paragraph (DDD)(5)(d) contains the requirements to be followed when decommissioning a Stage II system at an existing GDF. The requirements of paragraph (DDD)(5)(d) will

become effective January 1, 2014 or upon the effective date of the amended rule, whichever is later.

Paragraph (DDD)(5)(e) requires that, by January 1, 2017, all existing GDFs with a Stage II vapor control system will have decommissioned that system according to the requirements of paragraph (DDD)(5)(d). Paragraph (DDD)(5)(e) also allows exemptions from decommissioning for GDFs that can demonstrate that is either infeasible to remove their systems or a substantial economic hardship. This exemption allows an extension of one year to the deadline for these facilities.