

RULE SYNOPSIS

Phase III VOC RACT Rules

2nd Refile Amendments: The following are changes made after considering additional comments received after the 2nd refile which occurred on February 25, 2011 and during the proposal comment period which closed on February 11, 2011. These changes may supersede amendments made during both the initial refile proposal, and rule interested party (IP) draft phases of rule development (i.e. items noted in sections below). The proposal amendments and Initial draft amendments sections following this section are presented for historic purposes:

OAC rule 3745-21-01 “Definitions”

The following definitions are being added to paragraph (II) of rule 3745-21-01 of the Administrative Code pursuant to comments received:

"Digital Printing" means a print-on-demand method of printing in which an electronic output device transfers variable data, in the form of an image, from a computer to a variety of substrates. Digital printing methods include, but are not limited to, inkjet printing, electrophotographic printing, dye sublimation printing, thermal wax printing and solid ink printing.

OAC rule 3745-21-23 “Control of Volatile Organic Compound Emissions from Industrial Solvent Cleaning Operations”

The following changes are being made to rule 3745-21-23 of the Administrative Code pursuant to comments received:

Paragraph (A)(1)(c) adds clarifying language to allow processes that are exempt from the rule to be excluded when calculating whether or not the facility as a whole is subject to this RACT requirement.

Paragraph (J)(1) identifies that records to show a source is under the applicability threshold do not need to include the processes that are exempt from the rule.

OAC rule 3745-21-28 “Control Techniques Guidelines for Miscellaneous Industrial Adhesives”

The following change is being made to rule 3745-21-28 of the Administrative Code pursuant to comments received:

Paragraph (A)(2)(h) includes an exemption for digital printing operations.

Initial Refile Amendments: The following are changes made after considering comments received during the proposal comment period which closed on February 11, 2011. These changes may supersede amendments made during both the Proposal and Rule IP Draft phases of rule development (i.e. items noted in sections below). The proposal amendments

and Initial draft amendments sections following this section are presented for historic purposes:

OAC rule 3745-21-01 “Definitions”

The following definitions are being added to paragraph (EE) of rule 3745-21-01 of the Administrative Code pursuant to comments received:

"Screen Printing" means a process in which the printing ink passes through a web or a fabric to which a refined form of stencil has been applied. The stencil openings determine the form and dimensions of the imprint.

"Digital Printing" means a print-on-demand method of printing in which an electronic output device transfers variable data, in the form of an image, from a computer to a variety of substrates. Digital printing methods include, but are not limited to, inkjet printing, electrophotographic printing, dye sublimation printing, thermal wax printing and solid ink printing.

OAC rule 3745-21-23 “Control of Volatile Organic Compound Emissions from Industrial Solvent Cleaning Operations”

The following changes are being made to rule 3745-21-23 of the Administrative Code pursuant to comments received:

Paragraph (D) of this rule is amended by adding an exemption. The specific exemption is under paragraph (D)(1)(e) of this rule and reads "cleaning operations associated with digital printing."

Paragraphs (C)(6)(b)(i)(d) and (G)(7) correct cross references that were in error from the first revised filing.

OAC rule 3745-21-28 “Control Techniques Guidelines for Miscellaneous Industrial Adhesives”

The following change is being made to rule 3745-21-28 of the Administrative Code pursuant to comments received:

Ohio EPA is adding clarifying language in paragraph (A)(3) rule 3745-21-28. The Control Techniques Guidance (CTG) Document for Miscellaneous Industrial Adhesives issued by USEPA under Section 183 of the Clean Air Act provides that the Miscellaneous Industrial Adhesives category does not include adhesives already addressed under other CTG documents, including: aerospace coatings; metal furniture coatings; large appliance coatings; flat wood paneling coatings; paper, film, and foil coatings; offset lithographic printing and letterpress printing; flexible package printing; coil coating; fabric coating; and rubber tire manufacturing. Ohio EPA has added new paragraph (A)(3) to clarify that this rule does not apply to an adhesive if the adhesive is already regulated by one of the other CTG categories.

OAC rule 3745-110-03 “RACT limitations for emissions of NOx from stationary sources”

The following changes are being made to paragraph (L) of rule 3745-110-03 of the Administrative Code pursuant to comments received from Arcelor-Mittal Cleveland Inc.:

1. The comma between the words Cleveland and Inc. has been removed.
2. The NOx emission limitation for emissions unit P071 has been changed from 0.18 lb/MMBtu to 0.23 lb/MMBtu to reflect the BAT emission limit in the permit-to-install for this source.
3. The name of emissions units P905 and P906 has been changed from No. 2 BOF: Ladle Preheaters to No. 1 BOF: Ladle Preheaters.
4. The name of emissions units P925 and P926 has been changed from No. 1 BOF: Ladle Preheaters to No. 2 BOF: Ladle Preheaters.

Revised Amendments: On January 31, 2011, Ohio EPA made a revised filing of rule 3745-21-23 of the Administrative Code. Based on comments received, changes were made without altering the rule’s jurisdictional timeframe. The changes included the following:

Paragraphs (C)(6), (F)(2), (G)(2), (G)(3), and (G)(7) of this rule have been revised to address comments by the American Coatings Association. The specific changes to each paragraph are as follows:

Paragraph (C)(6). Additional language has been added to this paragraph to allow for additional alternate compliance options with the rule.

Paragraph (F)(2). This paragraph has been amended by incorporating reference to paragraph (C)(6) of this rule.

Paragraph (G)(2). This paragraph has been amended by incorporating reference to paragraph (C)(6) of this rule.

Paragraph (G)(3). This paragraph has been amended by incorporating reference to paragraph (C)(6) of this rule.

Paragraph (G)(7). This paragraph has been amended by incorporating record keeping requirements for those facilities complying with paragraph (C)(6)(d) of this rule.

Proposal Amendments: The following are changes made to the rules pursuant to Interested Party (IP) Review Comments. These changes are in addition to changes presented in the original December 9, 2009 draft and supersede the December 2009 changes where conflict exists. In addition to the specific changes below, minor typographical and formatting changes have occurred. The synopsis associated with the December 9, 2009 draft can be found at the end of this synopsis.

OAC rule 3745-21-01 “Definitions”

Paragraphs (D)(1), (D)(57), (D)(75)(b), and (D)(156) of this rule have been amended. Paragraph (D)(1) has been amended by splitting this paragraph up into two subparagraphs and paragraph (D)(57) has been amended by adding the definition “continuously monitor.” Paragraph (D)(75)(b) has been amended to change the reflectance requirement. In addition, a new definition “reactive adhesives” has been added and is defined in paragraph (D)(156) of this rule. This new definition has added pursuant to amendments made to OAC rule 3745-21-29.

During the months of March and April 2010, the American Paint Association began discussions with US EPA Region 5 concerning a petition for reconsideration they had originally submitted in September 2005, dealing with issues with pleasure craft coatings standards in the Federal CTG and incorporated in Table 4 in Ohio’s draft rule. Though no formal comments were submitted during the draft rule comment period, Ohio EPA, in concert with U.S. EPA, has decided to revise the definition contained in OAC rule 3745-21-01(D)(75)(b) as recommended in the petition, as follows:

Revise paragraph (D)(75)(b) by replacing reflectance figure of “95” as specified in the initial draft with the new reflectance figure of “90”.

Revised paragraph (B)(8) to correct citation where paragraphs had shifted during previous rulemakings. This restores the intended original cross reference to the VOC definition.

OAC rule 3745-21-09 “Control of Emissions of Volatile Organic Compounds from Stationary Sources”

Paragraph (B)(3)(a) of this rule has been amended by adding the following text “ ... or subject to rule 3745-21-24 or 3745-21-26 of the Administrative Code ...”

Paragraph (C)(2) of this rule has been amended by adding the following text to the end of the first sentence in this paragraph; “ ... and to other parts that are coated along with these bodies or body parts.”

Paragraph (BBB)(1) of this rule has been amended by striking out the language ... “not exceed 1.0 ton per year,” and adding the language “be vented to a flare that meets the requirements of paragraphs (DD)(10)(d), (DD)(10)(e), and (DD)(10)(f) of this rule.”

Paragraphs (JJ)(1), (JJ)(2), (LL)(1)(b), (TT)(1), (UU)(1), (UU)(2), (UU)(3), (UU)(4), and (ZZ)(1)(b) of this rule have been amended by adding the language: ... “(DD)(10)(e), and (DD)(10)(f).”

OAC rule 3745-21-21 “Storage of Volatile Organic Liquids in Fixed Roof Tanks and external Floating Roof Tanks”

Paragraphs (G)(1) and (G)(2) of this rule have been amended by replacing the text “twelve months from the effective date of this rule” with the specific date of “August 25, 2009.”

OAC rule 3745-21-23 “Control of Volatile Organic Compound Emissions from Industrial Solvent Cleaning Operations”

Paragraph (F)(1) of this rule has been amended to allow the use of technical data sheets and/or material safety data sheets (MSDS) to determine the volatile organic compound (VOC) content of the solvent material, provided the manufacturer or supplier used U.S. EPA Method 24 or equivalent to determine the VOC content of the material.

Paragraphs (A)(1)(c) and (J)(1) have been amended, consistent with other rules in this chapter, to provide additional flexibility for sources to demonstrate compliance with exemption from this rule via recordkeeping.

OAC rule 3745-21-26 “Control Techniques Guidelines for Miscellaneous Metal and Plastic Parts Coatings”

This rule is no longer a part of this package. Ohio EPA is taking additional time to review comments and perform a needed analysis to develop this rule. This rule will proceed under a separate comment period and public notice in the near future. However, references to this rule and definitions necessary for when this final rule is promulgated are still contained within other rules of this package. Ohio EPA is not removing those references or definitions in order to have them in place for final promulgation of this rule. Retaining these references and definitions does not affect the meaning of, or compliance with, the rules they are contained within.

OAC rule 3745-21-27 “Control Techniques Guidelines for Fiberglass Boat Manufacturing”

U.S. EPA submitted several comments to DAPC regarding this rule. Specifically, amendments have been made to paragraphs (D)(3)(a), (F), (H)(2)(a)(v), (I)(1)(a), and (M)(2) of this rule. DAPC has evaluated these comments, and amendments, to this proposed rule have been made, as necessary. See the responsive summary for the specific comments and changes that were made to the rule.

OAC rule 3745-21-28 “Control Techniques Guidelines for Miscellaneous Industrial Adhesives”

U.S. EPA submitted several comments to DAPC regarding this rule. Specifically, amendments have been made to paragraphs (A)(2)(d), Table 1 under (C)(1), (C)(1)(c), (C)(3), (D)(2), (E)(1), (H)(1)(a)(ii), and (H)(1)(b)(ii) of this rule. DAPC has evaluated these comments, and amendments to this proposed rule have been made, as

necessary. See the responsive summary for the specific comments and changes that were made to the rule.

OAC rule 3745-21-29 “Control Techniques Guidelines for Automobile and Light-Duty Truck Assembly Coatings”

U.S. EPA, Honda, and Ford Motor Company submitted several comments to DAPC regarding this rule. Specifically, amendments have been made to the title, paragraphs (C)(1)(e), (F)(2), (F)(3), (F)(7), (G)(1)(c), (G)(2)(d) to (G)(2)(h), (G)(2)(i), (H)(2)(a), (H)(2)(c) and (J) of this rule. DAPC has evaluated these comments, and amendments to this proposed rule have been made, as necessary. See the responsive summary for the specific comments and changes that were made to the rule.

OAC rule 3745-110-03 “RACT limitations for emissions of NOx from stationary sources”

This rule is being further amended by addition of two more site-specific rules pursuant to approved NOx RACT studies, and the addition of three more NOx emission requirements to paragraph (L) of this rule. Specifically, the two additional site-specific rules are for Republic Engineered Products (paragraph (M) of this rule) and for U.S. Steel (paragraph (N) of this rule). Paragraph (L) of this rule is a site-specific rule for ArcelorMittal Cleveland, Inc., and currently contains NOx emission limitations for seven emission units located at the facility. With this addition there are now a total of four site specific rules contained within this rule (i.e., paragraphs (K), (L), (M), and (N) of this rule).

Paragraph (H)(2) is being amended to clarify that the SIP approval of emission averaging programs must be obtained prior to the program becoming federally enforceable.

In addition, paragraph (K) of this rule, which reference’s the specific compliance test procedure for the “Northeast Ohio Regional Sewer District” has been deleted as this is a duplicated effort. The compliance test procedures are already specified in OAC rule 3745-110-05.

Initial Draft Amendments: The following is a discussion of the draft rules and amendments presented in the December 9, 2009 interested party draft package. The draft amendments below may be superseded by the Proposal Amendments discussed above:

OAC rule 3745-21-01: Definitions

Pursuant to the four new CTG rules being proposed for adoption, new definitions will be added to paragraphs (HH), (II), (JJ), and (KK) of this rule. In addition, several definitions applicable to various rules of this Chapter have been amended as needed.

OAC rule 3745-21-09: Control of volatile organic compound emissions from stationary sources.

The requirements of paragraphs (C), (U), and (HH) will be phased out only for sources in Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Medina, Portage, and Summit Counties. These sources will be required to comply with one of the two new CTGs in the future. This is discussed further below.

Paragraph (C)

This paragraph identifies VOC requirements for surface coating of automobile and light-duty trucks. OAC rule 3745-21-29, based upon a new CTG issued by USEPA for this source category, will replace this paragraph only for sources in Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Medina, Portage, and Summit Counties upon the compliance date for the new rule. Language is being suggested for addition to the beginning of this paragraph to identify the phasing out of this paragraph for these Counties.

Paragraph (U)

This paragraph identifies VOC requirements for surface coating of miscellaneous metal parts and products. OAC rule 3745-21-26, based upon a new CTG issued by USEPA for this source category, will replace this paragraph only for sources in Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Medina, Portage, and Summit Counties upon the compliance date for the new rule. Language is being suggested for addition to the beginning of this paragraph to identify the phasing out of this paragraph for these Counties.

Paragraph (HH)

This paragraph identifies VOC requirements for surface coating of automotive/transportation and business machine plastic parts. OAC rule 3745-21-26, based upon a new CTG issued by USEPA for this source category, will replace this paragraph only for sources in Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Medina, Portage, and Summit Counties upon the compliance date for the new rule. Language is being suggested for addition to the beginning of this paragraph to identify the phasing out of this paragraph for these Counties.

OAC rule 3745-21-23: Industrial cleaning solvents.

The following amendments are suggested:

- Correcting a typographical error in the table of standards. Specifically, the solvent cleaning operation for “ultraviolet ink and electron beam ink application equipment, except screen printing” will have the VOC content limitation standard amended from 4.2 pounds/gallon to correctly read 5.4 pounds/gallon.
- Due to the promulgation of a new CTG-based rule (i.e., boat manufacturing) an exemption has been added to paragraph (D)(2)(p) of this rule.
- Addition of the recordkeeping requirement in paragraph (J) for sources that claim exemption from this rule when VOC emissions are less than 15.0 pounds per day.

OAC rule 3745-21-24: Flat wood paneling coatings.

Amendments consist of adding the appropriate monitoring, record keeping and reporting requirements that were inadvertently omitted when this rule was originally promulgated.

On December 9, 2009, Ohio EPA issued in draft, proposed new rules for interested parties review. The following 4 rules were drafted pursuant to Control Technique Guidelines (CTG's) issued by U.S. EPA on September 30, 2008.

New OAC rule 3745-21-26: Miscellaneous metal and plastic parts coatings.

This is a new rule that will regulate the VOC content of various coatings that are applied to the surfaces of a varied range of metal and plastic parts and products. The rule incorporates three options for controlling the VOC emissions for facilities involved with these types of surface coating activities. These include the use of low-VOC content limit coatings only, a combination of the use of add-on controls and low-VOC content limit coatings, and the use of add-on controls only but achieving an overall VOC control efficiency of 90 percent. The rule also specifies application methods and work practices that should be incorporated with these coatings.

The RACT requirements specified in this rule are based upon US EPA's CTG document entitled "Control Techniques Guidelines for Miscellaneous Metal and Plastic Parts Coatings" dated September 2008.

This rule will apply to such sources located in Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Medina, Portage, and Summit Counties. The requirements of paragraph (U) and (HH) of OAC rule 3745-21-09 will no longer apply to these sources after the compliance date for facilities subject to the requirements of OAC rule 3745-21-26.

New OAC rule 3745-21-27: Fiberglass boat manufacturing.

This is a new rule that will regulate the VOC content of polyester resin coatings and the VOC content cleanup used in fiberglass boat manufacturing operations. In addition, this rule specifies the type of application equipment to be used when applying coatings and work practice standards to be followed to reduce VOC emissions.

The RACT requirements specified in this rule are based upon U.S. EPA's CTG document entitled "Control Techniques Guidelines for Fiberglass Boat Manufacturing" dated September 30, 2008.

This rule will apply to such sources located in Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Medina, Portage, and Summit Counties.

New OAC rule 3745-21-28: Miscellaneous industrial adhesives.

This is a new rule that will regulate emissions of VOCs from miscellaneous industrial adhesive application processes. The rule sets VOC limits for adhesives, sealants, adhesive primers, and sealant primers, as well as cleanup solvents. The rule also contains work practice standards to be followed to reduce VOC emissions.

The RACT requirements specified in this rule are based upon U.S. EPA's CTG document entitled "Control Techniques Guidelines for Miscellaneous Industrial Adhesives" dated September 30, 2008. This rule does not affect adhesives, sealants, adhesive primers, or sealant primers that are already regulated under Chapter 3745-112 of the Administrative Code.

This rule will apply to such sources located in Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Medina, Portage, and Summit Counties.

New OAC rule 3745-21-29: Automobile and light-duty truck assembly coatings.

This is a new rule that will establish VOC controls for reducing VOC emissions stemming from the use of coatings in automobile and light-duty truck assembly coating operations. This rule sets VOC limits for coatings as well as work practice standards to be followed to reduce VOC emissions.

The RACT requirements specified in this rule are based upon U.S. EPA's CTG document entitled "Control Techniques Guidelines for Automotive and Light-Duty Truck Assembly Coatings" dated September 30, 2008.

This rule will apply to such sources located in Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Medina, Portage, and Summit Counties. The requirements of paragraph (C) of OAC rule 3745-21-09 will no longer apply to these sources after the compliance date for facilities subject to the requirements of OAC rule 3745-21-26.

Summary of changes to specific rules under Chapter 3745-72 of the Administrative Code "Low Reid Vapor Pressure Fuel Requirements."

OAC rule 3745-72-02: Definitions.

Paragraph (B)(12) of this rule has been amended by adding the following text to the end of the sentence "... except as provided in paragraph (A) of rule 3745-72-07 of the Administrative Code."

OAC rule 3745-72-05: Liability.

Paragraphs (A)(3) and (E)(3) of this rule have been amended by replacing the word "produced" with the word "blended."

OAC rule 3745-72-06: Defenses.

Paragraph (A)(4)(b) of this rule has been amended by replacing the “or” at the end of the paragraph with the word “and.”

Summary of changes specific to rules under Chapter 110 of the Administrative Code “NOx Reasonably Available Control Technology.”

3745-110-01: Definitions

The amendments consist of adding a new definition to paragraph (B)(17) of this rule “lb per mmBtu,” and updating, as needed, the incorporated material dates in paragraph (C) of this rule. In addition, language in paragraph (C) contains minor revisions that are needed in order to more clearly define clarity and intent in this section of the rule.

OAC rule 3745-110-03: RACT limitations for emissions of NOx from stationary sources.

The amendments consist of adding site-specific NOx emission limits pursuant to RACT studies submitted by two facilities (i.e., Northeast Ohio Regional Sewer District, Southerly Wastewater Treatment Center, and ArcelorMittal Cleveland, Inc.). These site-specific rules have been incorporated into paragraphs (K) and (L) of this rule, respectively.