

## Publications

### Public Comment Period Opens as Ohio EPA Issues Draft Revisions to Reasonably Available Control Technology Requirements for Control of VOC and NOx Emissions

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Ohio EPA has proposed rules that will require additional Volatile Organic Compound (VOC) and Nitrogen Oxide (NOx) emission controls for certain manufacturing and industrial operations located in the Cincinnati and Cleveland 2015 ozone nonattainment areas. On May 17, 2021, Ohio EPA issued public notice of draft revisions to Ohio Administrative Code (OAC) Chapter 3745-21, "Carbon Monoxide, Photochemically Reactive Materials, Hydrocarbons, and Related Materials Standards." Ohio EPA then published notice of draft revisions to the NOx RACT rule (OAC 3745-110) on May 20, 2021.

The Cincinnati ozone nonattainment area includes facilities located in Butler, Clermont, Hamilton, and Warren Counties. The Cleveland ozone nonattainment area includes facilities located in Cuyahoga, Geauga, Lake, Lorain, Medina, Portage, and Summit Counties. Both the Cleveland and Cincinnati nonattainment areas failed to meet the ozone standard during the 2018-2020 ozone monitoring seasons and, thus, are going to be subject to more stringent RACT requirements due to the anticipated reclassification of the Cincinnati and Cleveland nonattainment areas from marginal to moderate. See our prior [Client Alert](#) regarding Ohio EPA's anticipated regulatory changes to address nonattainment of the 2015 Ozone NAAQS.

#### Draft Revisions to OAC 3745-21 for Control of VOCs

The purpose of Ohio EPA's draft revisions to OAC 3745-21 is two-fold: (1) to satisfy Ohio EPA's 5-year rule review requirements, and (2) to implement mandatory Reasonably Available Control Technology (RACT) requirements for the Cincinnati and Cleveland 2015 ozone nonattainment areas. Revisions stemming from the 5-year rule review requirements are mostly minor changes to provide rule clarification. However, the draft revisions to implement RACT requirements in the Cincinnati and Cleveland ozone nonattainment areas are more substantive in nature.

To ensure Ohio's rules meet RACT requirements for the Cleveland and Cincinnati ozone nonattainment areas, Ohio EPA proposed revisions to compliance schedule requirements for certain coating and printing line operations as well as a new rule (OAC 3745-21-11) to require facilities in the Cincinnati and Cleveland nonattainment areas with the potential to emit  $\geq 100$  tons per year of VOC and that are not already controlled pursuant to other requirements in OAC 3745-21 to submit a RACT study within one year of the effective date of the rule. Ohio EPA also proposed revisions to several sections of OAC Chapter 3745-21 to expand VOC control requirements to the Cincinnati nonattainment area for the following facilities/operations:

- Aerospace Manufacturing and Rework Facilities (See [3745-21-19](#))
- Shipbuilding and Ship Repair Operations (Marine Coatings) (See [3745-21-20](#))
- Storage of Volatile Organic Liquids in Fixed Roof Tanks and External Floating Roof Tanks (See [3745-21-21](#))
- Offset Lithographic Printing and Letterpress Printing Facilities (See [3745-21-22](#))
- Industrial Solvent Cleaning Operations (See [3745-21-23](#))
- Flat Wood Paneling Coatings (See [3745-21-24](#))
- Reinforced Plastic Composites Production Operations (See [3745-21-25](#))
- Surface coating of miscellaneous metal and plastic parts (See [3745-21-26](#))
- Boat Manufacturing (See [3745-21-27](#))
- Miscellaneous Industrial Adhesives and Sealants (See [3745-21-28](#))
- Automobile and Light-duty Truck Assembly Coating Operations, Heavier Vehicle Assembly Coating Operations and Cleaning Operations Associated with These Coating Operations (See [3745-21-29](#))

A copy of Ohio EPA's Public Notice, Business Impact Analysis, Synopsis of Changes, and revised rules are available on Ohio EPA's [website](#). Comments on the draft revisions to OAC 3745-21 are due to Ohio EPA on or before June 18, 2021.

## Draft Revisions to NOx RACT Rule OAC 3745-110

Like VOCs, NOx is a precursor compound which can form ozone. As such, the draft revisions to the NOx RACT Rule are a necessary counterpart to Ohio EPA's draft revisions to OAC 3745-21 to facilitate Ohio's attainment and maintenance of the NAAQS for ozone. The NOx RACT rule establishes NOx emission limits for four source categories: (1) boilers, (2) stationary combustion turbines, (3) stationary internal combustion engines, and (4) reheat furnaces. Ohio EPA's draft revisions to the NOx RACT Rule include expanding the requirements for NOx RACT to the Cincinnati nonattainment area, updating (i.e. ratcheting-down) the presumptive NOx RACT emissions limitations, and amending certain compliance requirements.

A copy of Ohio EPA's Public Notice, Business Impact Analysis, Synopsis of Changes, and revised rules are available on Ohio EPA's [website](#). Comments on the draft revisions to OAC 3745-110 are due to Ohio EPA on or before June 22, 2021.