

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHAPTER 100. AIR POLLUTION CONTROL**

Before the Air Quality Advisory Council on June 16, 2021  
Before the Environmental Quality Board on September 14, 2021

**RULE IMPACT STATEMENT**

Subchapter 7. Permits for Minor Facilities

Part 3. Construction Permits

252:100-7-15 [AMENDED]

Subchapter 8. Permits for Part 70 Sources and Major New Source Review (NSR) Sources

Part 7. Prevention of Significant Deterioration (PSD) Requirements for Attainment Areas

252:100-8-36.1 [AMENDED]

Subchapter 37. Control of Emission of Volatile Organic Compounds (VOCs)

Part 3. Control of VOCs in Storage and Loading Operations

252:100-37-16 [AMENDED]

Subchapter 39. Emission of Volatile Organic Compounds (VOCs) in Nonattainment Areas and Former Nonattainment Areas

Part 7. Specific Operations

252:100-39-45 [AMENDED]

**DESCRIPTION:** The Department of Environmental Quality (Department or DEQ) is proposing to make revisions in Subchapters 7, 8, 37, and 39 as part of the Department's review of Chapter 100 in response to Governor Stitt's Executive Order 2020-03. The Department is proposing to revise OAC 252:100-7-15(a)(2)(B)(i) to give regulatory clarity to when a construction permit is required by inserting the federal terms for pieces of equipment and processes subject to the New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP). The Department is proposing to correct the rule and statute references in OAC 252:100-8-36.1 to the proper legal form. The Department is proposing to add an exemption to OAC 252:100-37-16(c) to formalize the Department's interpretation that loading operations from condensate tanks at natural gas compressor stations are not considered loading facilities for the purposes of this section. In OAC 252:100-39-45, the Department is proposing to correct the approval process for facilities that incinerate petroleum solvent dry cleaning filters and to remove the outdated compliance schedule. The gist of this rule proposal and the underlying reason for the rulemaking is to remove outdated rule language and/or provide regulatory clarity.

**CLASSES OF PERSONS AFFECTED:** Classes of persons affected are the owners and operators of facilities that are subject to the requirements in OAC 252:100-7, -8, -37, and -39.

**CLASSES OF PERSONS WHO WILL BEAR COSTS:** The owners and operators of facilities that are subject to the requirements in OAC 252:100-7, -8, -37, and -39 will bear the costs.

**INFORMATION ON COST IMPACTS FROM PRIVATE/PUBLIC ENTITIES:** The Department has received no information on cost impacts from private or public entities pertaining to the proposed rule.

**CLASSES OF PERSONS BENEFITTED:** The proposed changes will benefit the owners and operators of the facilities subject to these regulations by removing outdated language and/or providing regulatory clarity.

**PROBABLE ECONOMIC IMPACT ON AFFECTED CLASSES OF PERSONS:** The Department anticipates no significant economic impact as a result of the proposed changes.

**PROBABLE ECONOMIC IMPACT ON POLITICAL SUBDIVISIONS:** The Department anticipates no economic impact on political subdivisions as a result of the proposed changes.

**POTENTIAL ADVERSE EFFECT ON SMALL BUSINESS:** The Department expects negligible adverse effect on small business as a result of the proposed changes.

**LISTING OF ALL FEE CHANGES, INCLUDING A SEPARATE JUSTIFICATION FOR EACH FEE CHANGE:** No fee changes are included in the proposed amendment.

**PROBABLE COSTS AND BENEFITS TO DEQ TO IMPLEMENT AND ENFORCE:** The Department anticipates there will be minimal costs associated with the implementation and enforcement of these proposed amendments.

**PROBABLE COSTS AND BENEFITS TO OTHER AGENCIES TO IMPLEMENT AND ENFORCE:** There are none. No other agencies will be implementing or enforcing the proposed rules.

**SOURCE OF REVENUE TO BE USED TO IMPLEMENT AND ENFORCE RULE:** Federal grants and fees will continue to be used as the sources of revenue to implement and enforce the proposed rules.

**PROJECTED NET LOSS OR GAIN IN REVENUES FOR DEQ AND/OR OTHER AGENCIES, IF IT CAN BE PROJECTED:** The proposed revisions should have little effect on net revenues for the Department and/or other agencies.

**COOPERATION OF POLITICAL SUBDIVISIONS REQUIRED TO IMPLEMENT OR ENFORCE RULE:** Cooperation of political subdivisions will not be required to implement or enforce the proposed rules.

**EXPLANATION OF THE MEASURES THE DEQ TOOK TO MINIMIZE COMPLIANCE COSTS:** The proposed amendments are intended to minimize compliance costs by removing outdated requirements and adding regulatory clarity.

**DETERMINATION OF WHETHER THERE ARE LESS COSTLY OR NONREGULATORY OR LESS INTRUSIVE METHODS OF ACHIEVING THE PURPOSE OF THE PROPOSED RULE:** The Department is not aware of any less costly or nonregulatory or less intrusive methods of achieving the purpose of the proposed rules.

**DETERMINATION OF THE EFFECT ON PUBLIC HEALTH, SAFETY AND ENVIRONMENT:** The proposed revision will have minimal effect on public health, safety, and the environment.

**IF THE PROPOSED RULE IS DESIGNED TO REDUCE SIGNIFICANT RISKS TO THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT, EXPLANATION OF THE NATURE OF THE RISK AND TO WHAT EXTENT THE PROPOSED RULE WILL REDUCE THE RISK:** The proposed changes are clarifying in nature and are not designed to reduce significant risks to the public health, safety, and the environment.

**DETERMINATION OF ANY DETRIMENTAL EFFECT ON THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT IF THE PROPOSED RULE IS NOT IMPLEMENTED:** If the proposed changes are not implemented, the Department does not anticipate any detrimental effect on the public health, safety, and the environment.

**PROBABLE QUANTITATIVE AND QUALITATIVE IMPACT ON BUSINESS ENTITIES (INCLUDE QUANTIFIABLE DATA WHERE POSSIBLE):** There will be minimal impact on business entities since the proposed changes are removing outdated requirements and/or adding regulatory clarity.

**THIS RULE IMPACT STATEMENT WAS PREPARED ON:** April 26, 2021  
**MODIFIED ON:**