

Public Hearing
Ohio Environmental Protection Agency
Five-Year Rule Review of Ohio Administrative Code (OAC)
Rules 3745-112-02 and 3745-112-08
‘Consumer Products’

Notice is hereby given that the Ohio Environmental Protection Agency, Division of Air Pollution Control (DAPC) has performed a review of the above referenced rules primarily to satisfy the requirements of Ohio Revised Code (ORC) 106.03 and 106.031 (5-year rule review).

Pursuant to Section 121.39 of the Ohio Revised Code, DAPC was required to consult with interested parties affected by the rules before the Division formally adopts them. On July 13, 2017, these rules went out for a 30-day review by interested parties. No comments were received on the rule or the draft business impact analysis document. No changes are being made to the rule language, only the supplemental information is being updated to correct a statutory reference.

Pursuant to Section 119.03 of the Ohio Revised Code, a public hearing on these rule changes will be conducted on **Monday, April 30, 2018 at 10:30 AM** at Ohio EPA, Lazarus Government Center, 50 W. Town Street, Suite 700, Columbus, Ohio. All visitors to Ohio EPA must register at the Security desk in the lobby upon arrival. Please bring photo identification (such as a valid driver's license). For security reasons, visitor's are required to wear their badge at all times while in the building. Please arrive early to complete these procedures.

Pursuant to Part D of Title I of the Clean Air Act, Ohio EPA is required to establish a state implementation plan (SIP) for the attainment and maintenance of the National Ambient Air Quality Standards (NAAQS). The above-mentioned rules are a part of Ohio's SIP and the proposed amendments will be submitted to USEPA as a modification of the SIP. The above-mentioned hearing shall be considered the public hearing for the SIP submittal.

All interested persons are entitled to attend or be represented at the hearing and give written or oral comments on these rule changes. All oral comments presented at the hearing, and all written statements submitted at the hearing or by the close of business on April 30, 2018, will be considered by Ohio EPA prior to final action on this rule. Written statements submitted after April 30, 2018, may be considered as time and circumstances permit, but will not be part of the official record of the hearing.

These rules are available on DAPC's Web page for electronic downloading. The URL is: <http://epa.ohio.gov/dapc/DAPCrules.aspx> and see the information under the "proposed rules" tab. Questions regarding accessing the web site should be directed to Paul Braun at 614-644-3734; other questions or comments about these rules should be directed to Mr. Braun at Ohio EPA, (614) 644-3734, paul.braun@epa.ohio.gov, or mailed to Paul Braun, Ohio EPA, Division Air Pollution Control, Lazarus Government Center, P.O. Box 1049, Columbus, Ohio 43216-1049. Persons submitting comments electronically are encouraged to follow-up with a hard copy via regular mail.

RULE SYNOPSIS

Ohio Administrative Code (OAC) Chapter 3745-112, "Consumer Products" Five-year review

The Ohio EPA Division of Air Pollution Control (DAPC) has completed a review of the rule language in Ohio Administrative Code (OAC) Chapter 3745-112, "Consumer Products", as required by Ohio Revised Code (ORC) Sections 106.03 and 106.031 (Five-year review). DAPC has determined that all the rules in this chapter are still necessary and that minor changes are necessary to OAC rules 3745-112-02 and 3745-112-08.

These rules were initially promulgated in September, 2007 by adopting the standards in the model rule developed for Consumer Products by the Ozone Transport Commission (OTC). These rules were a part of Ohio's strategies to attain the 1997 8-hr ozone National Ambient Air Quality Standard (NAAQS) and are now necessary to maintain the ozone NAAQS and assist with attaining the newer ozone NAAQS.

The rules in this chapter are performance based regulations. These rules set limits on the quantity of VOCs which may be contained in each listed product category. Producers of these products are allowed to determine their own method for achieving the VOC content limit.

On July 13, 2017, DAPC released the rules and a draft business impact analysis (BIA) document for public comment. And no public comments were received.

On December 6, 2012, OAC rules 3745-112-02 and 3745-112-08 were adopted with a typographical error to the authorizing statute in the administrative portion of the rule. In order to file these rules with the Joint Committee on Agency Rule Review, DAPC must amend the statute and file the rules as amended. The correct authorizing statute for these rules is ORC 3704.03(E). DAPC does not plan to make any other changes to these rules.