

**Public Hearing Notice**  
**Amendment of Rules in OAC Chapter 3745-103**  
**Acid Rain Permits and Compliance**

Notice is hereby given that in accordance with Ohio Revised Code (ORC) 119.032 (5-year rule review), the Ohio Environmental Protection Agency, Division of Air Pollution Control (DAPC) has reviewed the sixty-four rules contained in Ohio Administrative Code (OAC) Chapter 3745-103. These rules are related to the Acid Rain program for control of emissions of sulfur dioxide and nitrogen oxides from fossil-fuel fired electrical generating units. Our preliminary review indicates that twenty of these rules continue to be necessary and require no changes, forty-three require amendment, and one must be rescinded and replaced with a new rule.

The following twenty rules remain necessary and require no change:

3745-103-09, 3745-103-11, 3745-103-17, 3745-103-23, 3745-103-26, 3745-103-29, 3745-103-33, 3745-103-36, 3745-103-37, 3745-103-38, 3745-103-39, 3745-103-41, 3745-103-43, 3745-103-50, 3745-103-61

The following forty-three rules require amendment:

3745-103-01, 3745-103-02, 3745-103-03, 3745-103-04, 3745-103-05, 3745-103-06, 3745-103-07, 3745-103-08, 3745-103-12, 3745-103-13, 3745-103-14, 3745-103-15, 3745-103-16, 3745-103-18, 3745-103-19, 3745-103-20, 3745-103-21, 3745-103-22, 3745-103-24, 3745-103-25, 3745-103-27, 3745-103-28, 3745-103-31, 3745-103-32, 3745-103-34, 3745-103-35, 3745-103-42, 3745-103-44, 3745-103-45, 3745-103-47, 3745-103-48, 3745-103-51, 3745-103-52, 3745-103-55, 3745-103-56, 3745-103-57, 3745-103-58, 3745-103-59, 3745-103-60, 3745-103-62, 3745-103-63, 3745-103-65, 3745-103-66

The following rule will be rescinded and replaced by a new rule with the same number:

3745-103-53

DAPC is proposing amendments to forty-three rules for four reasons: (1) to revise the comment at the head of rules containing citations of referenced materials, to match language prescribed by the Legislative Services Commission; (2) to provide current effective dates for referenced materials; (3) to update the rule language in four rules to make it match the corresponding text in those federal acid rain rules that have been amended since the last 5-year review; and (4) to correct minor errors of punctuation or grammar. Of the forty-three rules, thirty-five require amendment only because of reason (1). The eight rules subject to reasons (2), (3) or (4) are 3745-103-01, 3745-103-03, 3745-103-04, 3745-103-16, 3745-103-24, 3745-103-25, 3745-103-35 and 3745-103-56.

Rule 3745-103-53 is being rescinded and replaced in order to correct a problem in formatting that cannot be addressed in any other way. Also, a revision is being applied to the comment at the head of the rule pertaining to citations of referenced materials.

Of the twenty “no change” rules, five are exempt from filing requirements because they have no content except a title and a “(Reserved)” heading. Those five rules are

3745-103-30, 3745-103-40, 3745-103-46, 3745-103-49, 3745-103-54

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 May 11, 2011 these rules went out for a 30-day review by interested parties. No comments were received.

Pursuant to Section 119.03 of the Ohio Revised Code, a public hearing on these rule changes will be conducted on Monday, October 3, 2011 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, visitors are required to wear their badge at all times while in the building. Please arrive early to complete these procedures.

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 October 3, 2011, will be considered by Ohio EPA prior to final action on this rule. Written statements submitted after October 3, 2011, 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 Ohio EPA DAPC's Web page for electronic downloading: <http://www.epa.ohio.gov/dapc/regs/regs.aspx#acid>. Questions regarding accessing the web site should be directed to Arunee Niamlarb at 614-728-1342; other questions or comments about these rules should be directed to Dana Thompson at Ohio EPA, (614) 644-3701, [dana.thompson@epa.state.oh.us](mailto:dana.thompson@epa.state.oh.us), or mailed to Dana Thompson, 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.