

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

**Public Notice
Proposed Rulemaking Governing
Diesel School Bus Retrofit Grant Rules**

Notice is hereby given that the Director of Environmental Protection, under the authority of Section 3704.144 of the Ohio Revised Code and in accordance with Chapter 119, proposes to amend the following rules of the Ohio Administrative Code:

<u>Rule #</u>	<u>Title:</u>	<u>Type of filing:</u>
3745-49-50	Definitions.	New and Rescission
3745-49-51	Permitted uses, eligibility, and prioritization.	Amendment
3745-49-52	Grant administration.	Amendment

These rules address the permitted uses, eligibility, prioritization, and administration of the Clean Diesel Retrofit grants.

The purpose of this rule making is to propose new, amended, rescinded rules in Ohio Administrative Code (OAC) Chapter 3745-49, to the Joint Committee on Agency Rule Review (JCARR) to satisfy the requirements of Section 119.032 of the Ohio Revised Code (five-year review). Specific changes to the rules include:

- County Boards of Developmental Disabilities have been added to these rules as eligible recipient for diesel retrofit grants due to a statutory change in section 3704.144 of the Revised Code.
- A definition for “approved idle reduction technology” has been added to these rules as a technology eligible to receive grant money for.
- The language regarding “offsetting the additional cost of using ultra low sulphur diesel fuel if ultra low diesel fuel is not reasonably available in a particular geographic region” has been removed since this is the only diesel fuel that is available.
- The language for which years of school buses are eligible has been changed from “1994 or newer” to “1996 to 2006.”
- Many small changes to due to the standards of the “Rule Drafting Manual” published by the Legislative Service Commission, grammatical errors, or punctuation errors.
- One change was made to correctly incorporate an external standard into these rules.

The public comment period will run until Monday, October 17, 2011. A public hearing on this proposed rule making will be held to consider public comments in accordance with Section 119.03 of the Ohio Revised Code. This hearing will be held Monday, October 17, 2011 at 10:30 AM in Conference Room A at Ohio EPA, Lazarus Government Center, 50 W. Town Street, Suite 700, Columbus, Ohio.

To facilitate the scheduling of oral presentations, persons intending to give testimony at the hearing should notify the Ohio EPA Public Interest Center, P.O. Box 1049, Columbus, Ohio 43216-1049, (614) 644-2160. Prior registration will ensure that registrants are heard ahead of those individuals who register at the hearing. Oral testimony may be limited to five minutes, depending on the number of persons testifying. All interested persons are entitled to attend or be represented and to present oral and/or written comments concerning the proposed rule making.

Written testimony should be sent to the attention of Mandi Payton in the Director’s Office, P.O. Box 1049, Columbus Ohio 43216-1049. Written comments may also be submitted to the Hearing Officer at the public hearing. Written testimony will receive the same consideration as oral testimony. All testimony received at the hearing or by close of

business on Monday, October 17, 2011 will be considered by Ohio EPA prior to final action on this rulemaking proposal. Written comments submitted after this date may be considered as time and circumstances permit.

These rules are available on the Web page for electronic downloading. The URL is:
http://epa.ohio.gov/Rules_and_Laws.aspx.

For questions about diesel bus retrofitting, particle standards, or program rules, contact John Paulian at john.paulian@epa.ohio.gov, or 614-644-4832. For questions about the grant program, please contact Carolyn Watkins at carolyn.watkins@epa.ohio.gov, or 614-644-3768. For questions about the rules process, please contact Mandi Payton at amanda.payton@epa.ohio.gov, or 614-644-2782.