

Public Notice
Ohio Environmental Protection Agency
Proposed amendment of
Ohio Administrative Code (OAC) rules 3745-14-05, OAC rule 3745-72-01, and OAC
rule 3745-72-02

Notice is hereby given that the Ohio Environmental Protection Agency, Division of Air Pollution Control (DAPC) proposes to amend:

OAC rule 3745-14-05: NOx Allowance Allocations

OAC rule 3745-72-01: Applicability

OAC rule 3745-72-02: Definitions

The rule amendments are being proposed to address a shortfall in the full replacement of emission reductions required for the replacement of the "E-Check" program in the Cincinnati/Dayton metropolitan areas as a result of the lack of the low-RVP fuel program for the 2006 ozone season.

The anti-backsliding provisions of the eight-hour ozone implementation rule requires Ohio EPA to replace the emission reductions lost by the expiration of the E-Check program in Cincinnati and Dayton on December 31, 2005. A planned replacement program, the low-RVP fuel program, will be unavailable for the 2006 ozone season. To replace the emission reductions lost through the unavailability of this program, Ohio EPA will permanently retire unused new source NOx set aside allowances (the right to emit emissions of NOx) from the 2005 ozone season that would otherwise be returned to existing sources for the 2006 ozone season.

The proposed amendments to OAC rule 3745-14-05 provide for the retirement of the NOx allowances. The amendments to OAC rules 3745-72-01 and 3745-72-02 modify the applicability date of the low-RVP fuel program until twelve months after approval of the program by the US Environmental Protection Agency.

In addition to the changes identified above, these rules also contain changes necessary to comply with S.B. 265 which addresses incorporation of referenced materials.

Pursuant to Section 121.39 of the Ohio Revised Code, DAPC is required to consult with interested parties affected by the rules before the division formally adopts them. Written comments will be received on or before June 2, 2006 at the following address:

E-mail: lee.burkleca@epa.state.oh.us

Mailing address: Lee F. Burkleca
Ohio Environmental Protection Agency, DAPC
Lazarus Government Center

P.O. Box 1049
Columbus, Ohio 43216-1049

Phone: (614)- 728-1344

Pursuant to Section 119.03 of the Ohio Revised Code, a public hearing on these rule changes will be conducted as follows: June 2, 2006 at 1:00 PM, in the Center for Excellence on the 6th Floor at the Lazarus Government Center, 122 S. Front St., Columbus, Ohio.

All interested persons are entitled to attend or be represented at the hearings 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 to the above address by the close of business on June 2, 2006, will be considered by Ohio EPA prior to final action on this rule. Written statements submitted after June 2, 2006, may be considered as time and circumstances permit, but will not be part of the official record of the hearing.

These rules and a synopsis of the changes are available on Ohio EPA DAPC's Web page for electronic downloading by clicking on "regulations" under the "topics" drop-down box. The URL is: <http://www.epa.state.oh.us/dapc/regs/regs.html>. 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 either Lee F. Burkleca, (614)-728-1344, lee.burkleca@epa.state.oh.us or Alan Harness at 614-644-4838, alan.hariness@epa.state.oh.us or mailed to Lee F. Burkleca or Alan Harness at the above address.