

Public Hearing
Ohio Environmental Protection Agency
Five-Year Rule Review of Ohio Administrative Code (OAC) Chapter 3745-103

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 Section 119.032 of the Ohio Revised Code (five-year review). Rules in OAC chapter 3745-103 address the requirements for issuance of acid rain operating permits for electrical generating units. The DAPC finds these rules to be necessary and with need for changes.

Amendments will be made to rules 3745-103-01 to 3745-103-09, 3745-103-11 to 3745-103-29, 3745-103-31 to 3745-103-39, 3745-103-41 to 3745-103-42, 3745-103-44 to 3745-103-45, 3745-103-47 to 3745-103-48, 3745-103-50 to 3745-103-53, 3745-103-55 to 3745-103-63, and 3745-103-65 to 3745-103-66.

OEPA will rescind rules 3745-103-10, 3745-103-43, 3745-103-64, and 3745-103-67.

OEPA is proposing new replacement rule 3745-103-43 to replace the existing 3745-103-43.

DAPC is proposing these changes to update the rules to match corresponding language in federal regulations, to address specific comments from the USEPA, and to add incorporation-by-reference language to meet the requirements of ORC 121.72. Certain of the changes are essential to maintain our approval by the USEPA to implement Title 4, Acid Rain provisions of the Clean Air Act Amendments of 1990.

The following rules are "reserved" in content and exempt from the requirements of ORC 119.032 (5-year review), but are being amended nonetheless, to update and clarify their authoring and amplifying statutes:

3745-103-30, 3745-103-40, 3745-103-46, 3745-103-49, and 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 proposes them. On December 29, 2005, these rules went out for a 30 day review by interested parties.

Pursuant to Section 119.03 of the Ohio Revised Code, a public hearing on these rule changes will be conducted on Monday, November 13, 2006, at 2:00 PM in conference room B, 5th Floor at Ohio EPA, Lazarus Government Center, 122 South Front Street, Columbus, Ohio.

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 November 13, 2006, will be considered by Ohio EPA prior to final action on this rule.

Written statements submitted after November 13, 2006, 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 the 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 Dana Thompson at Ohio EPA, (614) 644-3701 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.