

Public Notice
Ohio Environmental Protection Agency
Proposed new OAC rules 3745-109-01 to 3745-109-21
“Clean Air Interstate Rules”

Notice is hereby given that the Ohio Environmental Protection Agency, Division of Air Pollution Control (DAPC) proposes the addition of rules in chapter 3745-109 of the Ohio Administrative Code (OAC). The proposed rules have been developed to comply with the requirements of U.S. EPA's Clean Air Interstate Rule (CAIR) found in Volume 70 of the Federal Register, Page 25162 (70 FR 25162), requiring reduction in air emissions of nitrogen oxides (NO_x) and sulfur dioxides (SO₂). U.S. EPA has identified Ohio and several other states as a source of air pollution contributing to ozone and fine particulate non-attainment in downwind states. As required in Section 110(a)(2)(D) of the Clean Air Act (CAA), U.S. EPA is requiring Ohio, and other states, to decrease emissions of ozone precursors and fine particulates from fossil-fuel-fired electrical generators (EGUs).

The following new rules will be incorporated to meet these requirements:

Rules 3745-109-01 to 3745-109-21, which establish the “CAIR NO_x annual trading program”, CAIR SO₂ trading program” and the “CAIR NO_x ozone season trading program” in Ohio.

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 June 24, 2006, 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 Thursday, May 17, 2007 at 2:00 p.m. in room conference room 6B at Ohio EPA, Lazarus Government Center, 50 W. Town Street, Suite 700, Columbus, Ohio.

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 May 17, 2007, will be considered by Ohio EPA prior to final action on this rule. Written statements submitted after May 17, 2007, 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 Lee Burkleca at Ohio EPA, (614) 728-1344, lee.burkleca@epa.state.oh.us, or mailed to Lee Burkleca, Ohio EPA, Division Air Pollution Control, Lazarus Government Center, P.O. Box 1049, Columbus, Ohio 43216-1049.