

Public Hearing Notice**Proposed rule language for Ohio Administrative Code (OAC) rules 3745-17-02, 3745-17-03, 3745-17-08, 3745-17-14, 3745-18-02, 3745-18-03, 3745-3745-21-02, 3745-23-01, 3745-23-02, 3745-25-01 to 3745-25-05, and 3745-71-02 to Consolidate the Ambient Air Quality Standards for the State of Ohio**

Notice is hereby given that the Ohio Environmental Protection Agency, Division of Air Pollution Control (DAPC) is proposing the following new, amended and rescinded rules to the Joint Committee on Agency Rule Review (JCARR). The rules are related to the consolidation of Ohio's ambient air quality standards and the 5 year review of OAC chapter 3745-25 as required by Ohio Revised Code (ORC) 119.032. Specifically, Ohio EPA is proposing the following:

Amendment of OAC rules: 3745-17-03, 3745-17-14, 3745-18-03

Rescission of rules and replacement with new language, OAC rules: 3745-23-01 and 3745-25-01 to 3745-25-04

Rescission of rules with no replacement:, OAC rules: 3745-17-02, 3745-18-02, 3745-21-02, 3745-23-02, and 3745-71-02

Promulgation as new rule, OAC rule: 3745-25-05

As part of Ohio's state implementation plan (SIP) for attaining and maintaining the national ambient air quality standards (NAAQS), Ohio EPA adopted the federal standards into our state rules. The particulate matter (PM) standard was located in Ohio Administrative Code (OAC) Chapter 3745-17, sulfur dioxide (SO₂) in 3745-18, carbon monoxide (CO) and ozone (O₃) in 3745-21, nitrogen dioxide (NO₂) in 3745-23 and lead (Pb) in 3745-71. The wide scattering of these standards throughout the various chapters often caused confusion among the regulated community, requiring them to perform extensive searches to find individual standards. The intent of this rulemaking effort is to consolidate Ohio's ambient air quality standards (AAQS) into a single rule to provide greater accessibility for the regulated community and the citizens of Ohio.

The consolidated AAQS will be included in new OAC rule 3745-25-02. OAC chapter 3745-25 was chosen as the location for this new rule because it already contains Ohio's emergency episode standards. The emergency episode standards, based on the federal standards in 40 CFR Part 51, Subpart H, set action levels above which air emergencies shall be declared. If an emergency is declared, regulated communities and facilities must implement their emergency control action programs to reduce airborne concentrations of the six priority pollutants back below the emergency levels. The placement of the AAQS rule in this chapter will combine both the regular standards and the emergency standards in one location for easier access.

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 November 21, 2008 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 Thursday, March 5, 2009 at 10:30 AM, in conference room B at Ohio EPA, Lazarus Government Center, 50 W. Town Street, 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, visitor's are required to wear their badge at all times while in the building. Please arrive early to complete these procedures.

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 March 5, 2009, will be considered by Ohio EPA prior to final action on this rule. Written statements submitted after March 5, 2009, 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 Paul Braun at Ohio EPA, (614) 644-3734, paul.braun@epa.state.oh.us, or mailed to Paul Braun, Ohio EPA, Division Air Pollution Control, Lazarus Government Center, P.O. Box 1049, Columbus, Ohio 43216-1049.