

**Public Notice**  
**Ohio Environmental Protection Agency**  
**Emergency Adoption of**  
**Ohio Administrative Code (OAC) rules 3745-14-05, 3745-72-01, and 3745-72-02**

Notice is hereby given that the Ohio Environmental Protection Agency, Division of Air Pollution Control (DAPC) will be adopting the following emergency rules:

OAC rule 3745-14-05:      NOx Allowance Allocations

OAC rule 3745-72-01:      Applicability

OAC rule 3745-72-02:      Definitions

The emergency rule amendments are being adopted 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 the Cincinnati and Dayton areas 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 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 U.S. 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.

The emergency rules are effective as of April 24, 2006. For detailed information on the amendments please visit the Ohio EPA DAPC "What's New" web page at <http://www.epa.state.oh.us/dapc/page/whatsnew.html> (see the information under April 24, 2006).