

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

**Public Notice
Proposed Rulemaking Governing
Ohio Administrative Code (OAC) rule 3745-31-03, Exemptions**

Notice is hereby given that the Director of Environmental Protection, under the authority of Sections 3704.03(F) and 3704.03(G) of the Ohio Revised Code and in accordance with Chapter 119, proposes to amend the following rule of the Ohio Administrative Code:

<u>Rule Number:</u>	<u>Rule Title:</u>
3745-31-03	Exemptions.

The rules in OAC Chapter 3745-31 require that all new and modified sources of air pollution apply for and obtain a permit-to-install (PTI) or a permit-to-install and operate (PTIO) before beginning installation and commencing operations. These permits identify the applicable air pollution control rules and regulations under which the source must operate and establish monitoring, record keeping, testing and reporting requirements by which the sources can demonstrate compliance with the rules and regulations. OAC rule 3745-31-03 provides specific exemptions from the requirement to obtain a PTI or PTIO.

The Division of Air Pollution Control (DAPC) has drafted revisions to OAC rule 3745-31-03 to revise permit exemptions for sand and gravel storage and handling operations, animal crematories, portable sawmills and temporary portable flares.

During the previous review of OAC Chapter 3745-31, Ohio EPA created several new permit exemptions. While preparing the U.S. EPA submittal package for these rules to become part of the State Implementation Plan (SIP), some clarifications were identified that required revisions to these new permanent exemptions noted above before U.S. EPA could act to approve the submittal.

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 February 14, 2025, these rules went out for a 30-day review by interested parties. Please see the rule synopsis, available electronically at the web address below, for a complete summary of the proposed rule amendments.

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 and documents are a part of Ohio's SIP and the proposed amendments will be submitted to USEPA as a modification of the SIP.

The public comment period will run until June 6, 2025. A public hearing on this proposed rulemaking will be held to consider public comments in accordance with Section 106.03 and 106.31 of the Ohio Revised Code. Ohio EPA will be holding an in-person and virtual public hearing on the rules on June 6, 2025, at 10:30. The in-person hearing will be at the same time and date and will be located at Ohio EPA, Suite 700, 50 W. Town Street, Columbus, Ohio 43215. During the hearing, the public may submit written comments on the record about the proposed rules if participating virtually and verbally if participating in person.

Citizens who want to participate virtually must register in advance for the meeting at:

<https://attendee.gotowebinar.com/register/6548829140950628187>

Registration for the in-person hearing is not required. Citizens intending to give testimony at the hearing should notify the Ohio EPA Public Interest Center, P.O. Box 1049, Columbus, Ohio 43216-1049, (614) 644-2160 or by emailing mary.mccarron@epa.ohio.gov. Prior registration will ensure that registrants are heard ahead of those individuals who register at the hearing. Oral testimony may be limited to five minutes, depending on the number of persons testifying. All interested persons are entitled to attend or be represented and to present oral and/or written comments concerning the proposed rule making.

Written testimony should be entered into SmartComment at

<https://ohioepa.commentinput.com?id=br7YSGUhm> or sent to the attention of Mr. Michael Maleski at the Division of Air Pollution Control (DAPC), P.O. Box 1049, Columbus Ohio 43216-1049. Written comments may also be submitted to the Hearing Officer at the public hearing. Written testimony will receive the same consideration as oral testimony. All testimony received at the hearing or by close of business on June 6, 2025, will be considered by Ohio EPA prior to final action on this rulemaking proposal. Written comments submitted after this date may be considered as time and circumstances permit.

Questions regarding this rule package should be directed to Mr. Michael Maleski, at the Division of Air Pollution Control, at (614) 644-3613.

To receive a copy of the proposed rules, please contact the DAPC receptionist at (614) 644-4830. In addition, full copies of all proposed rules are available for review at any Ohio EPA district office and at the Ohio EPA central office. The proposed rules are also accessible on the DAPC web page at <https://epa.ohio.gov/divisions-and-offices/air-pollution-control/regulations/proposed-rules>.

To request a reasonable accommodation due to a disability, visit <https://epa.ohio.gov/ada>