Rule Summary and Fiscal Analysis
<u>Part A</u> - General Questions

Rule Number: 3745-103-32

Rule Type: Amendment

Rule Title/Tagline: Revision and renewal of opt-in permit.

Agency Name: Ohio Environmental Protection Agency

Division: Division of Air Pollution Control (DAPC)

Address: 50 West Town Street, Suite 700 PO Box 1049 Columbus OH 43216-1049

Contact: Paul J. Braun   **Phone:** 614-644-2270

Email: Paul.Braun@epa.ohio.gov

I.   <u>Rule Summary</u>

1. **Is this a five year rule review?** Yes

    A.   **What is the rule's five year review date?** 5/26/2023

2. **Is this rule the result of recent legislation?** No

3. **What statute is this rule being promulgated under?** 119.03

4. **What statute(s) grant rule writing authority?** 3704.03(E)

5. **What statute(s) does the rule implement or amplify?** 3704.03(A), 3704.03(E)

6. **Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires?** No

    A.   **If so, what is the citation to the federal law or rule?** Not Applicable

7. **What are the reasons for proposing the rule?**

    These rules are being proposed after a review to fulfill the requirements of ORC 106.03 (5-year review).

8. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

The rule describes procedures for revision and renewal of opt-in permits. Minor amendments are proposed to ensure equivalency with the federal equivalent, correct cross-references and typographical errors, and conform with agency formatting standards.

Ohio EPA is amending the rule for clarification and to fix LSC formatting conventions.

9. **Does the rule incorporate material by reference?** Yes

10. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

    This rule contains references to the Ohio Administrative Code (OAC). While copies of these rules are generally available to the public through libraries and on-line sources, including the Ohio EPA website, ORC 121.76(A) exempts such references from the provisions of ORC 121.71 through 121.75.

    This rule also contains references to the Code of Federal Regulations (CFR). These rules are generally available through libraries, Ohio EPA and USEPA websites. CFR references have also been dated to reference the specific version of the rules. ORC 121.75(D) exempts such references from the requirements of ORC 121.71 through 121.74.

    Referenced materials are cited, dated and availability noted in paragraph (C) of OAC rule 3745-103-01.

11. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

    Not Applicable

II. <u>Fiscal Analysis</u>

12. **Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

    This will have no impact on revenues or expenditures.

    $0.00

    Not Applicable

13. **What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

    There will be no cost of compliance associated with this rule amendment. Please see the attached fiscal analysis for detailed cost analysis of rules in OAC Chapter 3745-103.

14. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B).** No

15. **Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C).** Yes

16. **If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

    Not Applicable

III.   Common Sense Initiative (CSI) Questions

17. **Was this rule filed with the Common Sense Initiative Office?** Yes

18. **Does this rule have an adverse impact on business?** No

    A.   **Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business?** No

    B.   **Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms?** No

    C.   **Does this rule require specific expenditures or the report of information as a condition of compliance?** No

    D.   **Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies?** No

IV.   Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).

19. **Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95?** No

    A. **How many new regulatory restrictions do you propose adding to this rule?**

    Not Applicable

    B. **How many existing regulatory restrictions do you propose removing from this rule?**

    Not Applicable

    C. **If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**

    Not Applicable

    D. **Please justify the adoption of the new regulatory restriction(s).**

    Not Applicable

Rule Summary and Fiscal Analysis
<u>Part C</u> - Environmental Rule Questions

Pursuant to Am. Sub. H.B. 106 of the 121st General Assembly, prior to adopting a rule or an amendment to a rule dealing with environmental protection, or containing a component dealing with environmental protection, a state agency shall:

(1) Consult with organizations that represent political subdivisions, environmental interests, business interests, and other persons affected by the proposed rule or amendment.

(2) Consider documentation relevant to the need for, the environmental benefits or consequences of, other benefits of, and the technological feasibility of the proposed rule or rule amendment.

(3) Specifically identify whether the proposed rule or rule amendment is being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal environmental law or to participate in a federal environmental program, whether the proposed rule or rule amendment is more stringent than its federal counterpart, and, if the proposed rule or rule amendment is more stringent, the rationale for not incorporating its federal counterpart.

(4) Include with the proposed rule or rule amendment and rule summary and fiscal analysis required to be filed with the Joint Committee on Agency Rule Review information relevant to the previously listed requirements.

(A) Were organizations that represent political subdivisions, environmental interests, business interests, and other persons affected by the proposed rule or amendment consulted? Yes

Please list each contact.

Ohio EPA invited interested parties to comment on this rule during the period of December 14, 2022 to January 17, 2023. No comments were received. The proposed rule is identical to the version circulated at that time, with the exception of minor editorial revisions identified as necessary upon further internal review. A list of interested parties will be furnished upon request.

(B) Was documentation that is relevant to the need for, the environmental benefits or consequences of, other benefits of, and the technological feasibility of the proposed rule or amendment considered? Yes

Please list the information provided and attach a copy of each piece of documentation to this form. (A SUMMARY OR INDEX MAY BE ATTACHED IN LIEU OF THE ACTUAL DOCUMENTATION.)

Clean Air Act and previous copies of the rule

[stylesheet: RuleEnvironmental.xsl 2.15, authoring tool: ERF , (dv: 0, p: 196764, pa: 343792, ra: 617464, d: 817575)]

print date: 05/26/2023 9:20 AM

(C) **Is the proposed rule or rule amendment being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal environmental law or to participate in a federal environmental program?** Yes

   Is the proposed rule or rule amendment more stringent than its federal counterpart? No *Not Applicable*

(D) **If this is a rule amendment that is being adopted under a state statute that establishes standards with which the amendment is to comply, is the proposed rule amendment more stringent than the rule that it is proposing to amend?** No