

Rule Summary and Fiscal Analysis (Part A)**Ohio Environmental Protection Agency**

Agency Name

Division of Air Pollution Control (DAPC)

Division

Jennifer Nichols

Contact

**Lazarus Government Center 122 South Front
Street, P.O. Box 1049 Columbus OH 43216-1049**

Agency Mailing Address (Plus Zip)

614-644-2270

Phone

614-644-3681

Fax

3745-15-08

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Circumvention.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **Yes**

2. Are you proposing this rule as a result of recent legislation? **No**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **3704.03(E)**

5. Statute(s) the rule, as filed, amplifies or implements: **3704.03(F)**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

This is a 5-year review of Chapter 15. Amendments are necessary to update the authorizing and amplifying statutes.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

This rule states that no person can install a device that conceals or dilutes air contaminant emissions in violation of rules. Amendments are necessary to update

the authorizing and amplifying statutes.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

Not Applicable.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so:

Not Applicable.

12. 119.032 Rule Review Date: **11/30/2006**

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

0

Not applicable.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

Not applicable.

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

There is no cost of compliance with this rule. This rule states that no person can install a device that conceals or dilutes air contaminant emissions in violation of rules.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **Yes**

You must complete the Environmental rule Adoption/Amendment Form in order to comply with Am. Sub. 106 of the 121st General Assembly.

Page E-1

Rule Number: 3745-15-08

Environmental Rule Adoption/Amendment Form

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.

Please see the attached interested part e-mail and e-mail notification list.

- (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.)

ORC 3704.03

Various chapters of the administrative Code

The Clean Air Act

- (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**

- (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**

Not Applicable

From: Paul Braun
To: Aaron Walker; Adam Cowan; Adam Sackenheim; aDAPCRules; Aki Watanabe; Al Moyer; Alan Schreiner; Alexandra Boon; Allen Ellett; Amie Greene; Amy Jones; Amy Wainright; Amy Wright; Andrea Comanitz; Andrew Eribo; Andrew Kolesar; Andrus, Ronald; Andy Ruppenkamp; Anthony Sloma; April Bott; Ashish Kumar; Ayer, Matt; Ayers, Jerry; Baker, Jennifer; Baldwin, Nancy; Barbara Ashby; Barnett, Robert; Bartling, Laura; Baubles, Clark; Beckstedt, Robb; Benjamin Franz; Bernard Mount; Bernie Huff; Bill Davis; Bill Habig; Bill Hayes; Bob Hodanbosi; Bob Lopez; Bob Niemi; Bores, Dennis; Bowen, Paul; Brad Johnston; Bradley, Mike; Brandenberry, Steven; Brewer, Richard; Brian Duffy; Brian Galley; Brian Mensinger; Brown, Dirk; Brown, Lisa; Bruce French; Bruce VanScoy; Bryant, Ricky; Bukach, Tammy; Calderazzo, Deborah; Campbell, Stacie; Caplan, William; Carol Hester; Carol Ray; Caroline Depp; Cathryn Allen; Cecilia; Charles E. Kramek; Charles Herman; Charles Storrow; Charlie Howard; Chris Korleski; Chris Suits; Christie Myers; Christine Pedersen; Christopher Carr; Christopher Jones; Christopher Vinson; Christopher, Jamie; Chuck Barksdale; Cindy Hafner; Clifford, Todd; Clyde Miller; Colburn, Stacey; Concerned Citizens of Neave Twp.; Connair, Kevin; Cornett, Bruce; Craig Miller; Curt Spence; D. Bingle; Dahl, Jay; Dale Loudermilk; Dan Aleman; Dan Harris; Dan Monette; Dan Steen; Dave Moore; Dave Oas; Daved Abel; David Gedeon; David J. Schmitt; David Paul; David Rockman; Dawn Miller; Dax Blake; Dean Ponchak; Dean Spradlin; Debbie Hannah; Debra Reining; Delarm, Robert; Dennis Bush; Deron Smith; DeWalt, Doug; Don Clark; Don Hart; Don Rice; Don Waltermeyer; Don Williams; Donald T. fulkers; Dory Montazemi; Doug Abbott; Doug McWilliams; Drew Bergman; Drexelius, Bob; Duane Johnson; Dustin J. Binkman; Dwain Kincaid; Ed Saccoccia; Edward Kitchen; Elise Spriggs; Emily Rynders; Eric Tabor, PE(...)
Date: 6/26/2006 3:34:22 PM
Subject: Ohio EPA DAPC Rulemaking - OAC Chapter 3745-15 Five Year Review

Notice is hereby given that in accordance with Ohio Revised Code ("ORC") 119.032 (5-year rule review), the Ohio Environmental Protection Agency, Division of Air Pollution Control ("DAPC") has reviewed the following rules contained in Ohio Administrative Code ("OAC") Chapter 3745-15:

- 3745-15-01 Definitions
- 3745-15-02 Purpose
- 3745-15-03 Submission of emission information
- 3745-15-04 Measurement of emissions of air contaminants
- 3745-15-05 "De Minimis" air contaminant source exemption
- 3745-15-06 Malfunction of equipment; scheduled maintenance; reporting
- 3745-15-07 Air pollution nuisances prohibited
- 3745-15-08 Circumvention
- 3745-15-09 Severability

Our preliminary review indicates that these rules continue to be necessary and are in need of revision as follows:

The amplifying and authorizing statutes are being updated for all the rules of this chapter.

OAC rule 3745-15-01: Inclusion of an incorporation by reference section as required by ORC 121.72. Minor changes to grammar/format. Inclusion of a

definition for Clean Air Act.

OAC rule 3745-15-03 : Inclusion of DAPC's quarterly reporting requirement for permits-to-install and permits-to-operate currently being issued by DAPC. This is, in part, to address SB 265 requirements for inclusion of reporting requirements in the OAC.

OAC rule 3745-15-05: Inclusion of updates for de minimis sources to meet the requirements reflected in OAC Chapter 3745-77 (September 2002 amendment) that require insignificant emissions units subject to one or more requirements to be included on the state and federally enforceable side of the Title V permit.

OAC rule 3745-15-06: Inclusion of updates to the requirements for malfunction reporting to increase consistency with other state programs and clarity in Ohio's program.

OAC rule 3745-15-07: Inclusion of updates to clarify that public nuisance conditions consisting of odors caused solely by the emissions of odorous substances not subject to the listed Administrative Code Chapters are not regulated by the Agency.

As part of the rule-making process, DAPC is required by Section 121.39 of the Ohio Revised Code to consult with organizations that represent political subdivisions, environmental interests, business interests, and others affected by the rules. The DAPC is offering your organization the opportunity to comment on these rules before the division formally proposes them.

Attached, please find the draft language for OAC rules 3745-15-01 to 3745-15-09 along with a synopsis of the recommended changes. These rules are also available at <http://www.epa.state.oh.us/dapc/regs/regs.html>. We request that you provide us with any comments you may have to the changes that have been recommended by Friday July 28, 2006.

Please e-mail or mail your comments or suggestions to the following addresses:

E-mail: mike.ahern@epa.state.oh.us
Subject Line: "Comments on OAC Chapter 3745-15"

Mailing address: Mike Ahern
Re: Comments on OAC Chapter 3745-15
Ohio Environmental Protection Agency, DAPC
Lazarus Government Center
P.O. Box 1049
Columbus, Ohio 43216-1049

Phone: (614) 644-3631

Thank you,

Robert Hodanbosi, Chief
Division of Air Pollution Control
Ohio Environmental Protection Agency

LIST

Mail Envelope Properties (44A036AF.2DC : 194 : 56837)

Subject: Ohio EPA DAPC Rulemaking - OAC Chapter 3745-15 Five Year Review
Creation Date 6/26/2006 3:34:07 PM
From: Paul Braun

Created By: Paul.Braun@epa.state.oh.us

Recipients

1st.net

flood1 (Brad Johnston)

abbott.com

alexandra.boon (Alexandra Boon)

adelphia.net

mbmcehs (Mark Baumgardner)

advancedspecialtycontractors.com

jmilller (John Miller)

ae.ge.com

gretchen.hancock (Gretchen Hancock)

robert.drexelius (Bob Drexelius)

aep.com

jclytle (Jeff Lytle)

jjhenry (Janet Henry)

jmmcmanus (John McManus)

affinityconsultants.com

keith.gaydosh (Keith Gaydosh)

aircomp.com

al (Alan Schreiner)

louise (Louise Barton)

phil (Phil Billick)

airqualityspecialist.com

jenniferb (Jennifer Baker)

alcoa.com

lisa.wagoner (Lisa Wagoner)
paul.tater (Paul Tater)

all4inc.com
mgregory (Marvin Gregory)

alleghenyludlum.com
dcalderazzo (Deborah Calderazzo)

alleghenypower.com
lcottri (Lance K. Cottrill)

alltel.com
stephanie.m.miller (Stephanie Miller)

alltel.net
hgrant (Hal Grant)

altechenvironmental.com
mhope (Mariah Hope)

americansteeltreating.com
JRicker (Jerry Ricker)

ameritech.net
excell (Jeff Cox)

amkinney.com
nallurim (Murty Nalluri)

amp-ohio.org
pfrazier (Pat Frazier)

amtex-lh.com
sstude (Sandy Stude)

anheuser-busch.com
neal.willging (Neal Willging)

aol.com
damcisaac (Jennifer Mcisaac)
hornlogan (Dan Horn)
TatelAB (Allen Tatel)

api.org
flemingt (Terry Fleming)

spriggse (Elise Spriggs)

aqda.state.oh.us

mark.shanahan (Mark Shanahan)

ashland.com

ccooper (Chuck Cooper)

augustmack.com

bkabat (Rebecca Kabat)

cschnurpel (Charles Schnurpel)

jillera (J.E. Illera)

wrussell (William Russell)

ayerquality.com

matt (Matt Ayer)

battelle.org

handk (Kelley Hand)

bdblawn.com

bcaplan (William Caplan)

beazer.com

efeltner (Liz Feltner)

beldenblake.com

rachelle.king (Rachelle A. King)

bjaam.com

jdahl (Jay Dahl)

BP.com

EllettAR (Allen Ellett)

bpel.com

kathyw (Kathleen Wyatt)

bright.net

hopeellen (Hope Womack)

rsahli (Richard Sahli)

BROIN.COM

ERIN.HEUPEL (Erin Heupel)

butlercountyohio.org

sackenheima (Adam Sackenheim)

calfee.com

cjones (Christopher Jones)

cantonhealth.org

gclark (Gregory A Clark)

capstoneassoc.com

capstone (Al Moyer)

carbis.net

dsc (Scott Cramer)

carmeusena.com

lindon.pierce (Lindon Pierce)

catohio.cjb.net

cat (Keith Eckmeyer)

cecinc.com

bfoster (Bill Foster)

dszwed (Dan Szwed)

jewing (Jennifer Ewing)

ldrane (Lawrence A. Drane III)

rbuffalini (Rick Buffalini)

cera.com

rbarnett (Robert Barnett)

cfl.rr.com

jpattok (Joe Pattok)

champion-newera.com

dimitri (Dimitri Gianakopoulous)

chartersteel.com

bukacht (Tammy Bukach)

chefsolutions.com

dustin.brinkman (Dustin J. Binkman)

chemtron-corp.com

jerclauz (James Erclauz)

churchdwight.com

jackie.holton (Jackie Holton)

ci.akron.oh.us

HansoKe (Warren Wolford)

segedja (Jason Segedy)

ci.hamilton.oh.us

hocksr (Robert Hocks)

ci.springfield.oh.us

ccstcc (Larry Himes)

ci.toledo.oh.us

robert.lopez (Bob Lopez)

cinci.rr.com

dpauleco (David Paul)

nbaldwin (Nancy Baldwin)

cincinnati-oh.gov

kimberly.johnson (Kimberly R. Johnson)

cinergy.com

bernie.huff (Bernie Huff)

doug.abbott (Doug Abbott)

jfunke (John Funke)

michael.geers (J. Michael Geers)

cleanfuelsohio.org

sam (Sam Spofforth)

cleanohio.com

jminadeo (Joe Minadeo)

clevelandairport.com

nwalden (Nathan Walden)

clowwater.com

patrick.huth (Patrick Huth)

coair.com

lraney (Leah Raney)

cognis-oleochemicals.com

mike.flaherty (Mike Flaherty)

colaik.com

debby.tiger (Debbie Favio-Tiger)

columbus.gov

djblake (Dax Blake)

djhanket (Dominic Hanket)

dsb (Dirk Brown)

jlbertacchi (Jeffrey Bertacchi)

jrweber (Janean Weber)

corematerials.com

LDenison (Linda J. Denison)

cornerstoneeg.com

kyle.nay (Kyle Nay)

corsbassett.com

djs (David J. Schmitt)

cpchem.com

gleascl (Cindy Gleason)

haneysa (Scott Haney)

youngga (Greg Young)

craworld.com

hpcooke (Henry Cooke)

mkrentz (Martin Krentz)

crown.com

tonja.hardin (Tonja Hardin)

crownsolutions.com

mgiffen (Michael Giffen)

ctconsultants.com

mbradley (Mike Bradley)

ctleng.com

roates (Ryan Oates)

cwslaw.com

abott (April Bott)

delphi.com

joanne.rau (Joanne Rau)

delta.com

jon.amato (Jon Amato)

dispatch.com

msomerson (Mark Somerson)

dnr.state.oh.us

steven.holland (Steve Holland)

dom.com

lisa_c_moerner (Lisa Moerner)

robert_asplund (Robert Asplund)

dot.state.oh.us

dave.moore1 (Dave Moore)

dplinc.com

amy.wright (Amy Wright)

dtees.com

deppc (Caroline Depp)

kolozsm (Michelle Kolozsvary)

duke-energy.com

dick.brewer (Richard Brewer)

earthdaycoalition.org

edc (Scott Sanders)

earthjustice.org

kpowell (Keri Powell)

earthlink.net

cmiller1992 (Clyde Miller)

georgeharmon2 (George Harmon)

gqbean007 (Lamin Bias)

earthtech.com

jonathan.amos (Jonathan Amos)

laura.rose (Laura Rose)

lysa.modica (Lysa Modica)

eastgatecog.org

jwells (Jim Wells)

eckertseamans.com

drockman (David Rockman)

efiglobal.com

marty_upchurch (Martin Upchurch)

egelhof.com

d.dewalt (Doug DeWalt)

entrix.com

jstouch (James Stouch)

env-comm.org

marilyn.wall (Maarilyn Wall)

marti.sinclair (Marti Sinclair)

envdesigni.com

jwellman (John Wellman)

environcorp.com

aschulz (Angelina Schulz)

environmental-help.com

msteciak (Marcin Steciak)

rchaffee (Robert Chaffee)

environmentalhelp.com

rchafee (Rchafee)

envirotrac.com

royb (Roy Backman)

eohiomach.com

jgosney (Joe Gosney)

epa.gov

blakley.pamela (Pamela Blakely)

damico.genevieve (Genevieve Damico)

gupta.kaushal (Kaushal Gupta)

julian.jaime (Jaime Julian)

mijares.cecilia (Cecilia)

paskevicz.john (John Paskevicz)

rosenthal.steven (Steven Rosenthal)

epa.state.oh.us

CDO.Central-Office

Irobinso (Isaac Robinson)

epa.state.oh.us

Central-Support.Central-Office

Callen2 (Cathryn Allen)

Chester (Carol Hester)

Dvanterp (Don Vanterpool)

Ekitchen (Edward Kitchen)

Hgriesme (Heidi Griesmer)

JKonceli (Joe Koncelik)

Jmallett (Jeanne Mallett)

Khaight (Karen Haight)

Mkelley (Michael Kelley)

Rcarlesk (Rick Carleski)

Sfeldman (Stephen Feldmann)

epa.state.oh.us

DERR.Central-Office

chafner (Cindy Hafner)

epa.state.oh.us

DHWM.Central-Office

MSAVAGE (Mike Savage)

epa.state.oh.us

DSIWM.Central-Office

Dharris (Dan Harris)

epa.state.oh.us

EPAPO.Central-Office

Aharness (Alan Harness)

Bhodanbo (Bob Hodanbosi)

Bspires (Bill Spires)

Cdewulf (Cindy Dewulf)

Csuttman (Cheryl Suttman)

Dbrown (Dave Brown)

Dthompso (Dana Thompson)

Ethomas (Elisa Thomas)

Fjones (Frederick Jones)

Gengler (Gary Engler)

Gluksik (Glenn Luksik)

GSMITH (Greg Smith)

Jbeattie (Jeff Beattie)

Jnichols (Jennifer Nichols)

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Lburklec (Lee Burkleca)

Mahern (Mike Ahern)

MBAKER (Mike Baker)
Mhopkins (Mike Hopkins)
Mmatney (Mike Matney)
Mparsons (Misty Parsons)
Msalahat (Muhammad Elsalahat)
Mvanmatr (Mike VanMatre)
Pbruan (Paul Braun)
Pkoval (Paul Koval)
Rhock (Randy Hock)
Ssinghal (Sudhir Singhal)
Sswihart (Sherri Swihart)
Tbrown (Todd Brown)
Tbuchan (Tom Buchan)
Tkalman (Tom Kalman)
Tmacdona (Sam MacDonald)

epa.state.oh.us
NEDO.Central-Office
Dbush (Dennis Bush)

epa.state.oh.us
NWDO.Central-Office
Dwalterm (Don Waltermeyer)
Pchad (Paul Chad)

epa.state.oh.us
SEDO.Central-Office
Dponchak (Dean Ponchak)

epa.state.oh.us
DAPC_INTERNET_USERS.Internet
Pshriver (Patrick Shriver)

epamail.epa.gov
Angelbeck.Richard (Richard Anglebech)
Bratko.Jeffrey (Jeffrey Bratko)
Coburn.Stacey (Stacey Colburn)

eqm.com
dmiller (Dawn Miller)
sreynolds (Stephanie Reynolds)

eqm-rtp.com
sfelton (Steve Felton)

equistarchem.com

andy.ruppenkamp (Andy Ruppenkamp)

eramet-mn-us.com

john.hughes (John Hughes)

erm.com

jim.teitt (Jim Teitt)

excelloeng.com

jkral (Jeff Kral)

faxon-machining.com

hr (Chris Suits)

fbtlaw.com

jyoung (Joshua M. Young)

swesloh (Steve Wesloh)

fernald.gov

timothy.poff (Tim Poff)

fes.com

fernandezn (Nick Fernandez)

fhai.com

rbeckstedt (Robb Beckstedt)

firstenergycorp.com

mgtwymon (Gail Twymon)

steend (Dan Steen)

williamsr (Robert Williams)

firstsolar.com

dhart (Don Hart)

fitinc.net

j_onlayao (Jerome Onlayao)

ford.com

djohns10 (Duane Johnson)

jhostack (James Hostacky)

rniemi1 (Bob Niemi)

scampb29 (Stacie Campbell)

fritolay.com

pamela.f.carter (Pamela Carter)

fs.fed.us
stevendavis (Steven R. Davis)

fuse.net
kflowers (Kevin Flowers)

gbp.com
bduffy (Brian Duffy)

gesonline.com
kpiepmeier (Katie Piepmeier)

gm.com
laura.bartling (Laura Bartling)
rusty.helm (Rusty Helm)

gmail.com
gutterdollface (Lavendar King)
knisley.heather (Heather Knisley)

goodyear.com
marcy_fischer (Marcy Fischer)

gpu.com
kkunkel (Kathy Kunkel)

graphicpkg.com
dell.majure (Dell Majure)

graymont-pa.com
bmensing (Brian Mensinger)

grc.nasa.gov
aaron.m.walker (Aaron Walker)

grenadamfg.com
dwilliams (Don Williams)

gspnet.com
jill_foster (Jill Foster)
john_lengel (John Lengel)

gtenvironmental.com
rhansen (Ron Hansen)

guardian.com
smuehling (Sandra Muehling)

halechrome.com
hdsprad (Dean Spradlin)

ham.honda.com
Chris_Korleski (Chris Korleski)
karen_heyob (Karen Heyob)

handb.com
gweist (Glenn Weist)

hanson.biz
dave.worthington (David Worthington)

hansonamerica.com
robert.snyder (Robert Snyder)

hollandcolours.com
dglassner (Dave Glassner)

holophane.com
sburns (Stephen Burns)

hotmail.com
cmill89 (Craig Miller)
jadewind9 (Sarah Schackow)
jmprice3 (John Price)
lisarainer (Lisa Rainer)
lnshea (Ellen Shea)
ritarobinett (Rita Robinett)
triciah358 (Tricia McKinnon)

ici.com
jim_kantola (Jim Kantola)

idem.in.gov
cpederse (Christine Pedersen)

industryproductsco.com
maggie (Maggie Vance)

infinet.com
twill (Tim Ling)

innovene.com
erica.dromgoole (Erica Dromgoole)

intlsteel.com
rzavoda (Rich Zavoda)

ispcorp.com
dwmartin (David Martin)

itlcorp.com
larryh (Larry Hensley)

jci.com
michael.r.hill (Michael Hill)

jm.com
clarkd (Don Clark)

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juno.com
ellajim (Jim Thorne)

jwp-inc.com
stevenb (Steven Brandenberry)

kecco.net
dkincaid (Dwain Kincaid)

kraton.com
dale.loudermilk (Dale Loudermilk)

kse50.com
cfs (Charles Storrow)
robyn (Robyn)

laa.ci.canton.oh.us
alemanda (Dan Aleman)

lanxess.com
terry.harris (Terry Harris)

law.capital.edu
rfranz (Benjamin Franz)

leagueofhiosportsmen.org
president (Larry Mitchell)

lexisnexus.com
michael.oechsler (Michael Oechsler)

lmco.com
amy.c.jones (Amy Jones)

lmgweb.com
c.carr (Christopher Carr)

lubrizol.com
krwl (Karen Walter)

lwvohio.org
lwvoinfo (Terry McCoy)

management.emu.edu.tr
hcagnan (Halil Cagnan)

mapllc.com
cekramek (Charles E. Kramek)
rdblake (Ralph Blake)

marionindustries.com
mdishon (Mark Dishon)

marsulex.com
rpowell (Ray Powell)

martinmarietta.com
joe.green (Joe Green)

matrixsystem.com
rpandrus (Ronald Andrus)

mbna.com
dungeysr (Ronald Dungey Sr.)

mcgough-inc.com
jmcgough (John McGough)

metvan.com
pwentzel (Philip Wentzel)

mgsglaw.com
dsmith (Deron Smith)

michigan.gov
taylorj1 (Joy Taylor Morgan)

millspride.com
debbiehannah (Debbie Hannah)

mmm.com
skzaneski (Stacy Zaneski)

morpc.org
dabel (Daved Abel)
ngill (Nick Gill)
whabig (Bill Habig)

mountvernonohio.org
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Files	Size	Date & Time
MESSAGE	4658	6/26/2006 3:34:07 PM
TEXT.htm	4317	
3745-15-09 IP.pdf	2943	5/30/2006 11:46:18 AM
3745-15-01 IP.pdf	23529	5/30/2006 11:53:14 AM
3745-15-02 IP.pdf	3076	5/30/2006 10:46:44 AM
3745-15-03 IP.pdf	11254	5/30/2006 9:28:04 AM
3745-15-04 IP.pdf	4099	5/30/2006 10:48:22 AM
3745-15-05 IP.pdf	12396	5/30/2006 11:19:12 AM
3745-15-06 IP.pdf	38272	5/30/2006 11:43:30 AM
3745-15-07 IP.pdf	4070	5/30/2006 11:45:04 AM
3745-15-08 IP.pdf	2876	5/30/2006 11:45:50 AM
3745-15 Synopsis IP.pdf	21156	6/26/2006 11:27:40 AM

Options

Expiration Date:	None
Priority:	Standard
ReplyRequested:	No
Return Notification:	None

Concealed Subject:	No
Security:	Standard

Junk Mail Handling Evaluation Results

Message is not eligible for Junk Mail handling

Message is from an internal sender

Junk Mail settings when this message was delivered

Junk Mail handling disabled by User

Junk List is not enabled

Junk Mail using personal address books is not enabled

Block List is not enabled