

Public Hearing Notice
Ohio Environmental Protection Agency
Five-Year Rule Review of Ohio Administrative Code (OAC) Chapter 3745-18

Notice is hereby given that the Ohio Environmental Protection Agency, Division of Air Pollution Control (DAPC) is proposing new, amended, rescinded and no-change rules in Ohio Administrative Code (OAC) Chapter 3745-18, "Sulfur Dioxide Regulations" to the Joint Committee on Agency Rule Review (JCARR) to satisfy the requirements of Section 119.032 of the Ohio Revised Code (five-year review). Specific changes to the rules include:

1. Ohio EPA is removing emission limits from the rules throughout this chapter for air pollution sources that are located at facilities that have been completely and permanently shut down for greater than five years (prior to December 31, 2005). The removal of these sources is being made after discussion with USEPA and is intended to reduce confusion due to the inclusion of emission limits for sources that no longer exist and could not be restarted without completing new source review. These sources will also be removed, where appropriate, from the compliance requirements (OAC rule 3745-18-03) and the measurement methods and requirements (OAC rule 3745-18-04).
2. Ohio EPA will be updating the administrative portions of various rules in this chapter for clarity. Ohio EPA will be replacing the current authorizing statute in these rules, "3704.03", with the more appropriate "3704.03(E)" and the current amplifying statute "3704.02", with the more appropriate "3704.03(A), 3704.03(E)."
3. Ohio EPA is making various minor changes to correct typos and update the rule language in this chapter to meet legislative service commission (LSC) style and formatting guidelines. These changes are being made throughout the chapter, are minor in nature, and do not affect the scope or intent of the rules

Our review also indicates that the following rules continue to be necessary and will be proposed without need for change: OAC rules 3745-18-53, 3745-18-78, 3745-18-80, and 3745-18-90.

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 June 25, 2010, these rules went out for a 30-day review by interested parties. Comments were received and you can view DAPC's responses to those comments at the website listed below.

Pursuant to Section 119.03 of the Ohio Revised Code, a public hearing on these rule changes will be conducted on January 7, 2011, at 10:30 AM, in room 6B at Ohio EPA, Lazarus Government Center, 50 W. Town Street, Suite 700, 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 January 7, 2011, will be considered by Ohio EPA prior to final action on this rule. Written statements submitted after January 7, 2011, 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 Ohio EPA DAPC regulations Web page for electronic downloading. The URL is: <http://www.epa.ohio.gov/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. Persons submitting comments electronically are encouraged to follow-up with a hard copy via regular mail.