

Public Notice and Public Hearing
Ohio Environmental Protection Agency
Ohio Administrative Code (OAC) Chapter 3745-21, "Carbon Monoxide, Photochemically Reactive
Materials, Hydrocarbons, and Related Materials Standards"
Five-Year Rule Review and Reasonably Available Control Technology (RACT) for the Cincinnati and
Cleveland 2015 Ozone Moderate Nonattainment Areas

Notice is hereby given that the Ohio Environmental Protection Agency, Division of Air Pollution Control (DAPC) has performed a review of the above referenced rules primarily to satisfy the requirements of Section 106.03 and 106.031 of the Ohio Revised Code (five-year review). Upon review, Ohio EPA has determined that certain changes are needed and that all rules in the chapter remain necessary.

Ohio EPA has drafted revisions to OAC chapter 3745-21 to adopt mandatory Reasonably Available Control Technology (RACT) requirements for Cincinnati and Cleveland 2015 ozone nonattainment areas. The Cleveland and Cincinnati nonattainment areas are currently classified as marginal nonattainment for the 2015 ozone standard. The areas are required to meet the ozone standard by August 3, 2021, based on ozone monitoring data collected during the 2018-2020 ozone monitoring seasons, which extend from March 1 to October 31 each year.

The Cleveland and Cincinnati areas have failed to meet the ozone standard during the 2018-2020 ozone monitoring seasons as required and Ohio EPA anticipates that the areas will be reclassified to moderate nonattainment by U.S. EPA in accordance with the Clean Air Act (CAA). Reclassification to moderate nonattainment triggers additional CAA requirements, including VOC RACT requirements. This includes adoption of U.S. EPA Control Technique Guidelines (CTGs) as well as non-CTG VOC RACT for major stationary sources located in the moderate nonattainment areas. Some CTGs and non-CTG VOC RACT were previously adopted under prior ozone standards.

Ohio EPA is also amending these rules to address minor changes needed for clarification and Legislative Service Commission (LSC) formatting protocol.

Please see the rule synopsis, available electronically at the web address below, for a complete summary of the proposed rule amendments.

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 May 17, 2021 these rules went out for a 30-day review by interested parties. Ohio EPA's responses to comments received is available electronically on Ohio EPA's website at the URL listed below.

Ohio EPA has also prepared a draft RACT State Implementation Plan (SIP) which will be submitted to U.S. EPA along with the above-mentioned rules. Ohio EPA is also seeking public comment on the draft RACT SIP.

Pursuant to Part D of Title I of the CAA, Ohio EPA is required to establish a SIP for the attainment and maintenance of the NAAQS. The above-mentioned rules and RACT SIP are a part of Ohio's SIP for attainment and maintenance of the 2015 ozone NAAQS and the proposed amendments and RACT SIP will be submitted to United States Environmental Protection Agency (U.S. EPA) as a modification of the SIP.

Ohio EPA will hold an in-person and virtual public hearing on the rules on **Monday, January 3, 2022 at**

10:00 AM. 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, comments may be submitted electronically and may be submitted verbally if participating in person.

To facilitate the scheduling of oral presentations, persons intending to give testimony in-person at the hearing should notify Cathryn Allen at the Ohio EPA Public Interest Center, cathryn.allen@epa.ohio.gov or (614) 644-2160.

Citizens who want to participate virtually must register in advance for the meeting at: <https://register.gotowebinar.com/register/8634946818248390926>

All interested persons are entitled to attend or be represented at the hearing and give written or oral comments on these rule changes and SIP revisions. All oral comments presented at the hearing, and all written statements submitted at the hearing or by the close of business on January 3, 2022 will be considered by Ohio EPA prior to final action on this rule and SIP revisions. Written statements submitted after January 3, 2022 may be considered as time and circumstances permit but will not be part of the official record of the hearing.

These rules and associated rulemaking documents are available on DAPC's Web page for electronic downloading. The URL is: <https://epa.ohio.gov/dapc/DAPCRules>.

Questions regarding accessing the web site should be directed to Paul Braun at 614-644-3734; other questions or comments about these rules or SIP revisions should be directed to Holly Kaloz at Ohio EPA, (614) 644-3632, holly.kaloz@epa.ohio.gov, or mailed to Holly Kaloz, Ohio EPA, Division Air Pollution Control, Lazarus Government Center, P.O. Box 1049, Columbus, Ohio 43216-1049.