

Public Hearing
Ohio Environmental Protection Agency
Five-Year Rule Review and proposed amendment of Ohio Administrative Code
(OAC) rule 3745-15-03, proposed amendment and/or rescission
of select rules in OAC Chapter 3745-31,
and proposed rescission of all rules in OAC Chapter 3745-35

Notice is hereby given that the Ohio Environmental Protection Agency, Division of Air Pollution Control (DAPC) is proposing:

1. Amendment of the following OAC rules: 3745-31-01, "Definitions;" 3745-31-02, "Requirements;" 3745-31-03, "Permit to install exemptions;" 3745-31-04, "Applications;" 3745-31-05, "Criteria for decision by the director;" 3745-31-07, "Revocation;" 3745-31-10, "Air stationary source obligations;" 3745-31-20, "Attainment provisions – innovative control technology;" 3745-31-22, "Nonattainment provisions – conditions for approval;" 3745-31-29, "General permit to install;" 3745-31-30, "Clean unit;" 3745-31-31, "Pollution control project;" 3745-31-32, "Plantwide applicability limit;" and 3745-31-33, "Site preparation activities prior to obtaining a final permit to install."
2. Rescission of the following existing OAC rules and proposing new OAC rules in their place: 3745-31-06, "Termination" (rescind); 3745-31-06, "Completeness determinations, processing requirements, public participation, public notice and issuance" (new); 3745-31-08, "Procedure for decision by director" (rescind); 3745-31-08, "Registration status permit-to-operate" (new); 3745-31-09, "Air permit to install completeness determinations, public participation and public notice" (rescind); and 3745-31-09, "Variance on operation" (new).
3. Amendment of OAC rule 3745-15-03, "Submission of emission information," which satisfies the requirements of Section 119.032 of the Ohio Revised Code (five-year review).
4. Rescission of the following OAC rules: 3745-35-01, "Definitions;" 3745-35-02, "Permits to operate;" 3745-35-03, "Variances;" 3745-35-04, "General policy;" 3745-35-05, "Permit exemptions and registration status;" 3745-35-06, "Permits to operate for grain and feed processing operations and fertilizer mixing operations;" 3745-35-07, "Federally enforceable limitations on potential to emit;" and 3745-35-08, "General permit to operate."

The amendments are being proposed to implement the permit-to-install and operate (PTIO) program. The PTIO program combines the current permit-to-install (PTI) and permit-to-operate (PTO) programs. Rather than requiring a source to apply for a PTI, which is issued with both installation and operation terms, and then apply for a PTO within a year of construction, the new program will require one application for both a PTI and PTO and both installation and operation requirements will be issued under one document. An additional amendment to OAC rule 3745-31-01 is being proposed to address recent changes in the corresponding federal regulations which affect how ethanol facilities are defined as a major source. Lastly, additional amendments to the following rules are incorporated to address recent changes in the corresponding federal regulations that address pollution control

projects and clean unit provisions: OAC rule 3745-31-01(Y), (JJJ), (TTT), (SSSS); OAC rule 3745-31-10(C); OAC rule 3745-31-22(A)(3); OAC rule 3745-31-30; and OAC rule 3745-31-31.

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 March 13, 2007, these rules went out for a 45 day review by interested parties. On May 30, 2007, the additional change in rule 3745-31-01 regarding ethanol facilities went out for a 15 day review by interested parties.

Pursuant to Section 119.03 of the Ohio Revised Code, a public hearing on this rule change will be conducted on Friday, August 10, 2007 at 10:00 AM in the Center for Excellence on the 7th Floor at Ohio EPA, Lazarus Government Center, 50 W. Town Street, Suite 700, Columbus, Ohio.

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 this rule change. All oral comments presented at the hearing, and all written statements submitted at the hearing or by the close of business on August 10, 2007, will be considered by Ohio EPA prior to final action on this rule. Written statements submitted after August 10, 2007, 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 Web page for electronic downloading by clicking on "regulations" under the "topics" drop-down box. The URL is: <http://www.epa.state.oh.us/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 Jennifer Hunter at Ohio EPA, (614) 644-3696, jennifer.hunter@epa.state.oh.us, or mailed to Jennifer Hunter, Ohio EPA, Division Air Pollution Control, Lazarus Government Center, P.O. Box 1049, Columbus, Ohio 43216-1049.