

# Hearing Summary

Rule Package: OAC Ch 3745-18, 5-year review

Original filing date: November 9, 2021

Public comment start date: November 9, 2021

Public comment end date: November 16, 2021

Public hearing date: November 16, 2021, 11:00 AM in Columbus, Ohio and Virtual

List of Rules: OAC rules 3745-18-(01 to 94)

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Were there any participants in this public hearing beyond Ohio EPA staff or JCARR staff?

☐ Yes

☒ No

Were there comments received during the public comment period outside of those presented at this hearing?

☒ Yes

☐ No

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This hearing summary has been compiled to meet the requirements of Section 119.03 of the Revised Code.

This hearing summary includes this cover sheet and the following attachments:

1. **Attachment A** - A copy of the public notice for this hearing.
2. **Attachment B** - A copy of the sign-in sheet for this hearing.
3. **Attachment C** - A copy of the script read into the record to begin and end the hearing.
4. **Attachment D** - A copy of the response to comments.

Ohio EPA's response to comments document includes the comments received, who commented, the agency response to comments, and a statement of whether or not the rule was changed due to the comments.

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Ohio EPA digitally records all public hearings for rules. The digital recordings are available upon request in a WAVE (.wav) file format. These recordings may be sent out for transcription if necessary.

**Public Notice and Public Hearing**  
**Ohio Environmental Protection Agency**  
**Five-Year Rule Review and Draft Revisions to Ohio Administrative Code (OAC)**  
**Chapters 3745-18, "Sulfur Dioxide Regulations Rules"**

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). The DAPC finds these rules to be necessary and with need for changes. The rules in this chapter set limits, testing and recordkeeping requirements for emissions of sulfur dioxide from sources in the state of Ohio. A complete discussion of changes can be found in the synopsis document on Ohio EPA's website at the URL listed below.

Also included with this rulemaking for review and comment are draft State Implementation Plan (SIP) submittals for the removal from OAC rule 3745-18-37 of emission limits for Boiler #4 at DTE. St. Bernard, LLC. In Cincinnati, Ohio and modification of emission limits and stack height at the Veolia Fort Hill Plant in Miami, Ohio. The draft submittals are intended to show that these removals and modifications do not cause a violation of Section 110(l) of the Clean Air Act.

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 April 13, 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.

Pursuant to Part D of Title I of the Clean Air Act (CAA), Ohio EPA is required to establish a 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, and 110(l) demonstrations will be submitted to the 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 **Thursday, December 16, 2021 at 11:00 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](mailto:cathryn.allen@epa.ohio.gov) or (614) 644-2160.

Citizens who want to participate virtually must register in advance for the meeting at: <https://attendee.gotowebinar.com/register/8266035378047504139>

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 December 16, 2021, will be considered by Ohio EPA prior to final action on this rule and SIP revisions. Written statements submitted after December 16, 2021 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: <http://epa.ohio.gov/dapc/DAPCrules.aspx>. Please see the information under the "proposed rules" tab. 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 Paul Braun at Ohio EPA, (614) 644-3734, paul.braun@epa.ohio.gov, or mailed to Paul Braun, Ohio EPA, Division Air Pollution Control, Lazarus Government Center, P.O. Box 1049, Columbus, Ohio 43216-1049.

## Attendee Report: Public Hearing: Sulfur Dioxide Emissions Rules (Statewide)

Report Generated:

12/17/2021 03:23 PM EST

Webinar ID	Actual Start Date/Time	Duration	# Registered	# Attended	Clicked Registration Link	Opened Invitation
236-375-755	12/16/2021 10:39 AM EST	52 minutes	2	2	14	0

### Attendee Details

Attended	Last Name	First Name	Email Address	Registration Date/Time	Webinar Question 1	Webinar Response 1
Yes	Fouche	Greg	gfouche@jcarr.state.oh.us	12/16/2021 11:05 AM EST	If I join late, can I still listen in?	Hello, at this you can just write in your comments. We read aloud any
Yes	Smith	Jeff	jeff.smith@neaseco.com	11/11/2021 08:19 AM EST	I can only see the Welcome Slide.	we get but no one has submitted anything.

## **SAMPLE RULES SPEECH**

Dec. 16, 2021

Hello and welcome to Ohio EPA's virtual public hearing regarding Chapters 3745-18, "Sulfur Dioxide Regulations Rules". My name is Jessica Langdon and I'm hosting today's public hearing. Also with me from Ohio EPA is Amanda Payton, Ohio EPA's Rules Coordinator. I'd like to note that we are recording this hearing. We will save all comments submitted during the hearing.

Before we get started, I'd like to go over a few items to help you navigate the GoTo platform.

On this slide here you will see an example screenshot of your Attendee interface. You should see something that looks like this on your computer desktop on the right-hand side of your screen. For this public hearing you are listening in using your computer audio. If you are having sound issues or if the slides stop advancing, try refreshing your browser. If that doesn't work, try logging off and logging back in.

Please submit public comments by clicking on the question mark icon and typing them into the Questions pane on your attendee interface. All comments submitted online will be read aloud for the whole audience to hear.

(You can also click on the document icon to view included handouts.)

For those attending in person, you may submit your testimony verbally by moving close to the broadcast tablet, stating your name, and proceeding with your testimony when we call on you.

## **PUBLIC HEARING SPEECH**

Thank you for taking time to attend this hearing before Ohio EPA. The purpose of the hearing today is to obtain comments from any interested person regarding Ohio EPA's proposed rules.

Ohio EPA is proposing to amend the following rules of the Ohio Administrative Code:

Chapters 3745-18, “Sulfur Dioxide Regulations Rules”

The rules in this chapter set limits, testing and recordkeeping requirements for emissions of sulfur dioxide from sources in the state of Ohio.

Also included with this rulemaking for review and comment are draft State Implementation Plan (SIP) submittals for the removal from OAC rule 3745-18-37 of emission limits for Boiler #4 at DTE. St. Bernard, LLC. In Cincinnati, Ohio and modification of emission limits and stack height at the Veolia Fort Hill Plant in Miami, Ohio. The draft submittals are intended to show

These rules have been filed with the Joint Committee on Agency Rule Review. Copies of the rules are available for public review on our website.

All interested persons are entitled to attend or be represented, and to present written comments concerning the proposed rules. All written comments received as part of the official record will be considered by the director of Ohio EPA.

To be included in the official record, written comments must be received by Ohio EPA by the close of business, **today, Dec. 16, 2021**. These comments may be typed into the GoTo platform or spoken in-person today or emailed to [paul.braun@epa.ohio.gov](mailto:paul.braun@epa.ohio.gov). All emailed comments submitted for the record receive the same consideration as typed or in-person testimony given today.

Written statements submitted after today may be considered as time and circumstances permit but will not be part of the official record of the hearing.

This hearing affords citizens an opportunity to provide input. Therefore, we will not be able to answer questions today.

**YOU MAY NOW SUBMIT COMMENTS. I will read aloud any comments we receive in the GoTo platform. If you are attending in-person and would like to submit testimony, please raise your hand, and wait to be called on. I will keep**

the GoTo platform open until **XXXXX** to provide time for participants to type in comments.

### **CLOSING**

We will close the hearing. After the hearing closes, we will accept written comments through 5:00 p.m. Today, Dec. 16, 2021. You can send those comments to the email address on the screen.

Thank you for your comments, cooperation and participation in Ohio EPA's decision-making process. The time is now \_\_\_\_\_ and this hearing is concluded.



## Division of Air Pollution Control Response to Comments

**Rule:** OAC Chapter 3745-18, "Sulfur Dioxide Regulations", 5-Year Review

### **Agency Contact for this Package**

Division Contact: Paul Braun, Division of Air Pollution Control, [paul.braun@epa.ohio.gov](mailto:paul.braun@epa.ohio.gov), 614-644-3734

Ohio EPA held a 30-day comment period ending on December 16, 2021, and a public hearing on December 16, 2021, regarding proposed amendments to rules in Ohio Administrative Code (OAC) Chapter 3745-18, "Sulfur Dioxide Regulations." This document summarizes the comments and questions received during the comment period and public hearing.

Ohio EPA reviewed and considered all comments received during the public comment period and hearing. By law, Ohio EPA has authority to consider specific issues related to protection of the environment and public health.

In an effort to help you review this document, the questions are grouped by topic and organized in a consistent format. The name of the commenter follows the comment in parentheses.

### **General/Overall Concerns**

**Comment 1:** In 3745-18-03(B)(6), "ArcelorMittal Cleveland LLC" is requested to be revised to "Cleveland-Cliffs Cleveland Works LLC." In 3745-18-24(O), "ArcelorMittal Cleveland LLC" is requested to be revised to "Cleveland-Cliffs Cleveland Works LLC" in two locations.

In 3745-18-03(C)(3)(c), "AK Steel - Zanesville" is requested to be revised to "Cleveland-Cliffs Steel Corporation Zanesville Works."

In 3745-18-84(J), "ArcelorMittal Warren" is requested to be revised to "Cleveland-Cliffs Warren." (**Rich Zavoda, Manager, Air Quality Program, Cleveland-Cliffs, Inc.**)

**Response 1:** Thank you for your comments. The commenter is requesting updates to facility names in various rules in this chapter. Updating facility information to reflect current facility information including names and addresses in facility specific rules was a specific focus of the 5-year review conducted in this rulemaking. Facility information changes in these rules reflect facility information as it appeared in the STARS2 electronic permitting system in the spring of 2021. It is likely that your facility's name changes



occurred after DAPC performed our audit of the system which was used to amend the rules.

Removing the rules from the JCARR process at this time to make changes would delay the rulemaking process for these rules. DAPC is, however, planning to reopen the rulemaking process for rules in this chapter in Spring of 2022 to make additional changes and will make these changes at that time.

**End of Response to Comments**