

# Hearing Summary

Rule Package: OAC Ch 3745-103, "Acid Rain Rules" – 5-year review

Original filing date: May 26, 2023

Public comment start date: May 26, 2023

Public comment end date: June 29, 2023

Public hearing date: June 29, 2023

List of Rules: 3745-103-01, 3745-103-02, 3745-103-03, 3745-103-04, 3745-103-05, 3745-103-06, 3745-103-07, 3745-103-08, 3745-103-15, 3745-103-17, 3745-103-20, 3745-103-24, 3745-103-25, 3745-103-27, 3745-103-28, 3745-103-31, 3745-103-32, 3745-103-33, 3745-103-34, 3745-103-35, 3745-103-38, 3745-103-39, 3745-103-41, 3745-103-45, 3745-103-48, 3745-103-56, 3745-103-60, 3745-103-62

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 script read into the record to begin and end the hearing.

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 Hearing Notice**  
**Proposed Rulemaking Governing**  
**Five-Year Rule Review of Rules in Ohio Administrative Code (OAC) Chapter 3745-103, "Acid Rain**  
**Operating Permits for Electrical Generating Units"**

Notice is hereby given that the Director of Environmental Protection, under the authority of Sections 3704.03(E) of the Ohio Revised Code (ORC) and in accordance with ORC Chapter 119, proposes to propose amended, and no-change rules in Ohio Administrative Code (OAC) Chapter 3745-103, "Acid Rain Operating Permits for Electrical Generating Units" to the Joint Committee on Agency Rule Review (JCARR).

These rules relate to procedures for permitting sources of air pollution. Our preliminary review indicates that the rules continue to be necessary, and some require changes. Minor changes are being proposed to OAC rules 3745-103-01 to 3745-103-07, 3745-103-15, 3745-103-20, 3745-103-24 to 3745-103-25, 3745-103-27 to 3745-103-28, 3745-103-31 to 3745-103-35, 3745-103-39, 3745-103-45, 3745-103-48, 3745-103-56, 3745-103-60, and 3745-103-62.

The public comment period will run until **Thursday, June 29, 2023**. A public hearing on this proposed rulemaking will be held on **Thursday, June 29, 2023 at 10:30 AM** to consider public comments in accordance with Section 119.03 of the Ohio Revised Code. Ohio EPA will be holding simultaneously an in-person and virtual public hearing. The in-person hearing will be held 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 and verbally if participating in person. Written comments may also be submitted electronically any time before the close of business on June 29, 2023, to [DAPC-Comments@epa.ohio.gov](mailto:DAPC-Comments@epa.ohio.gov).

Citizens who want to participate virtually must register in advance for the meeting at: <https://attendee.gotowebinar.com/register/2391772473276204373>.

Pursuant to Title IV of the Clean Air Act, Ohio EPA is required to establish a state plan for regulating and permitting sources of sulfur dioxide from electrical generating units (Plan). The above-mentioned rules are a part of Ohio's Plan, and the proposed amendments will be submitted to U.S. EPA as a modification of the Plan. The above-mentioned hearing shall be considered the public hearing for the Plan submittal.

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.

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 June 29, 2023, will be considered by Ohio EPA prior to final action on this rule and SIP revisions.

Written statements submitted after June 29, 2023 may be considered as time and circumstances permit but will not be part of the official record of the hearing.

These rules and associated documents are available on DAPC's Web page for electronic downloading at <https://epa.ohio.gov/divisions-and-offices/air-pollution-control/regulations/proposed-rules>. Questions regarding accessing the web site and any other questions or comments about these rules should be directed to Paul Braun at Ohio EPA, (614) 644-3734, [DAPC-Comments@epa.ohio.gov](mailto:DAPC-Comments@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. Persons submitting comments electronically may follow-up with a hard copy via regular mail.

To request a reasonable accommodation due to a disability, visit <https://epa.ohio.gov/ada>

## **DAPC Acid Rain Proposed Rules**

June 29, 2023

Hello and welcome to Ohio EPA's public hearing regarding the Division of Air Pollution Control's proposed rules. My name is Mary McCarron and I'm hosting today's public hearing. With me today from Ohio EPA's Division of Air Pollution Control is Paul Braun and our Rules Manager Mandi Payton. In a moment, we will move to the public hearing where we will take official comments on the proposed rules.

For those attending online, you may submit any comments you have about the proposed rules in the Questions pane at any time.

We will not be responding to any comments submitted during the public hearing today. I will read aloud any comments we receive in the GoTo platform.

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

On this slide 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. You may send your comments in at any time. All comments submitted will be read aloud for the whole audience to hear.

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

We will now begin the hearing.

**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.

The director of Ohio Environmental Protection Agency, under the authority of Sections 3704.03(E) of the Ohio Revised Code (ORC) and in accordance with ORC Chapter 119, proposes to propose amended, and no-change rules in Ohio Administrative Code (OAC) Chapter 3745-103, "Acid Rain Operating Permits for Electrical Generating Units" to the Joint Committee on Agency Rule Review (JCARR).

These rules relate to procedures for permitting sources of air pollution. Our preliminary review indicates that the rules continue to be necessary, and some require changes. Minor changes are being proposed to OAC rules 3745-103-01 to 3745-103-07, 3745-103-15, 3745-103-20, 3745-103-24 to 3745-103-25, 3745-103-27 to 3745-103-28, 3745-103-31 to 3745-103-35, 3745-103-39, 3745-103-45, 3745-103-48, 3745-103-56, 3745-103-60, and 3745-103-62.

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 and in the handouts section in GoTo.

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, June 29, 2023. These comments may be typed into the GoTo platform today or emailed to [DAPC-Comments@epa.ohio.gov](mailto:DAPC-Comments@epa.ohio.gov). All emailed comments submitted for the record receive the same consideration as typed comments 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 IN WRITING. I will read aloud any comments we receive in the Questions pane. For those attending in person that would like to comment, please raise your hand and when we call on you, please state your name and spell it before proceeding with your testimony. I will keep the hearing open until 11:00 a.m. to provide time for participants to type in comments.**

**CLOSING**

After the hearing closes, we will accept written comments through 5:00 p.m. today. 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.