

**MEMORANDUM**

TO: Amanda Payton, Ohio Environmental Protection Agency

FROM: Paula Steele, Regulatory Policy Advocate

DATE: April 9, 2015

RE: **CSI Review – General Provisions on Air Pollution Control** (OAC Rules 3745-15-01 through 3745-15-09)

On behalf of Lt. Governor Mary Taylor, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Agency as provided for in ORC 107.54.

Analysis

The Ohio Environmental Protection Agency's (OEPA) rule package consists of nine draft rules – eight amended and one no-change – and is being submitted as a five-year rule review as required in Ohio statute. The proposed rule package was submitted to the CSI Office on October 6, 2014 with the comment period ending on November 7, 2014. Two comments were received during the comment period.

The proposed rules articulate the OEPA's General Provisions on Air Pollution Control regulations and are included as part of the State Implementation Plan (SIP) to attain and maintain the national ambient air quality standards (NAAQS).

According to the BIA, the Agency sent notification to more than 1,200 stakeholders soliciting comment and feedback on the existing rules. Stakeholders' feedback resulted in changes to existing rules which were summarized in a "Synopsis of Changes" document and distributed as part of this rule package.

The majority of amendments in the proposed rules were minor and primarily stylistic. One proposed change in OAC 3745-15-05 "De Minimis" air contaminant source exemption, was to amend certain numbers from text such as "ten," to numerical values including one decimal point such as "10.0" This proposed change drew opposing comment, and after consideration the OEPA decided to revert back to the original text format for describing numerical values. On February 24, 2015, the OEPA provided responses to all comments and included its rationale for why the suggested changes should or should not be implemented.

Review of the proposed rules and associated BIA prompted follow-up with the OEPA to gain a better understanding of certain explanations and to request a revised BIA. Upon review of the proposed rules, revised BIA, comments and response to comments, the CSI Office has determined that the rule satisfactorily meets the standards espoused by the CSI Office, and the purpose of the amendments is justified.

Recommendations

For the reasons discussed above, the CSI Office does not have any recommendations for this rule package.

Conclusion

Based on the above comments, the CSI Office concludes that the Ohio Environmental Protection Agency should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.

cc: Mark Hamlin, Director of Regulatory Policy