MEMORANDUM OF RESPONSE

Ohio Environmental Protection Agency

To:	Michael Bender, Business Advocate
From:	Mandi Payton, Rules Coordinator
Date:	February 6, 2023
Subject:	Memorandum of Response to CSI Review – Acid Rain Permits and Compliance (OAC 3745-103-01 to 3745-103-09, 3745-103-11 to 3745-103-29, 3745-103-31 to 3745-103-39, 3745-103-41 to 3745-103-45, 3745-103-47, 3745-103-48, 3745-103-50 to 3745-103-53, 3745-103-55 to 3745-103-63, 3745-103-65, and 3745-103-66)

Recommendations

On February 6, 2023, Ohio EPA received the recommendations for the Division Air Pollution Control's Acid Rain Permits and Compliance (OAC 3745-103-01 to 3745-103-09, 3745-103-11 to 3745-103-29, 3745-103-31 to 3745-103-39, 3745-103-41 to 3745-103-45, 3745-103-47, 3745-103-48, 3745-103-50 to 3745-103-53, 3745-103-55 to 3745-103-63, 3745-103-65, and 3745-103-66) rules.

The CSI memorandum stated that:

"The business community impacted by the rules includes facilities that operate fossil-fuel fired electrical generating units that emit sulfur dioxide and nitrogen oxides. The adverse impacts created by the rules include permit requirements, following application procedures, and emission limitations. The OEPA notes that the revisions to the rules do not result in new costs and that facilities already have controls in place under the terms of their acid rain permits. The OEPA states that the adverse impacts to business are justified to implement the ARP as required by the CAA, attain and maintain National Ambient Air Quality Standards, and protect public health and welfare.

Based on the information above, the CSI Office has no recommendations on this rule package.

The CSI Office concludes that the Agency should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review."

Next Steps

At this time, it is Ohio EPA's plan to move forward with the original filing of these rules with the Joint Committee on Agency Rule Review.

If you have any questions, please contact Mandi Payton at amanda.payton@epa.ohio.gov.

www.epa.ohio.gov • 50 W. Town St., Ste. 700 • P.O. Box 1049 • Columbus, OH 43216-1049 • (614) 644-3020 • (614) 644-2737 (fax)

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