

State of Ohio
Ohio Environmental Protection Agency
Notice of Adoption of Rules

Notice is hereby given that in accordance with Ohio Revised Code (ORC) 119.032 (5-year rule review), the Ohio Environmental Protection Agency, Division of Air Pollution Control (DAPC) has reviewed the sixty-four rules contained in Ohio Administrative Code (OAC) Chapter 3745-103. These rules are related to the Acid Rain program for control of emissions of sulfur dioxide and nitrogen oxides from fossil-fuel fired electrical generating units. Our review indicated that these rules continue to be necessary and that amendment of some of the rules in this chapter was necessary.

DAPC proposed amendments to forty-three rules for any of four reasons: (1) to revise the comment at the head of rules containing citations of referenced materials, to match language prescribed by the Legislative Services Commission; (2) to provide current effective dates for referenced materials; (3) to update the rule language in four rules to make it match the corresponding text in those federal acid rain rules that have been amended since the last 5-year review; and (4) to correct minor errors of punctuation or grammar.

Additionally, OAC rule 3745-103-53 was rescinded and replaced with new text in order to correct a problem in formatting that could not be addressed in any other way.

DAPC provided facilities, trade associations and other interested parties an informal comment period that ended June 13, 2011 and received no comments on these rule amendments. These rules were filed with JCARR on August 24, 2011. Pursuant to Chapter 119.03 of the Ohio Revised Code, a public hearing on this rule review was held on October 3, 2011, in Columbus, Ohio. There were no comments received during the comment period and no changes were made to the proposed rules as a result of public comment. These rules were considered by JCARR during its hearing of October 24, 2011, on the consent agenda and no comments were offered. JCARR jurisdiction ended on October 28, 2011. The Director's order of adoption was issued on October 31, 2011. **The effective date of these rules is November 10, 2011.**

To request a copy of these rules, obtain further information, or inspect or request copies of agency files and records pertaining to the proceeding contact Dana Thompson, Ohio EPA, Division of Air Pollution Control, TRI Unit, Lazarus Government Center, PO Box 1049, Columbus, Ohio 43216-1049. This rule is available on the Web page for electronic downloading at: <http://www.epa.ohio.gov/dapc/regs/regs.aspx#3745-103>. Questions regarding accessing the web site should be directed to Arunee Niamlarb at 614-728-1342.

This action of the Director is final and may be appealed to the Environmental Review Appeals Commission (ERAC) pursuant to Ohio Revised Code Section 3745.04. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with ERAC within thirty (30) days after notice of

the Director's action, at 236 East Town Street, Room 300, Columbus, Ohio 43215. Copies of the appeal must be served upon the Director of the Ohio EPA within three (3) days of filing with ERAC. Ohio EPA also requests that a copy of the appeal be served upon the Environmental Enforcement Section of the Ohio Attorney General's Office.