

# **State of Ohio**

## **Environmental Protection Agency**

### **Notice of Adoption of Rules**

Notice is hereby given that the Director of Environmental Protection, under the authority of Ohio Revised Code Section 3704.03 has adopted amended rule 3745-25-03 of the Ohio Administrative Code (OAC). The rule contains the criteria justifying the proclamation of an air pollution "Alert", air pollution "Warning", or air pollution "Emergency" in the state of Ohio.

On April 8, 2009, the Ohio EPA Division of Air Pollution Control (DAPC) final filed OAC rule 3745-25-03 as part of the 5 year review process for OAC chapter 3745-25. A few days later, it was noted that the "Warning level" for nitrogen dioxide that had been adopted was incorrect. The adoption of this amended rule corrects the error and restores the level to meet federal requirements.

Pursuant to Section 121.39 of the Ohio Revised Code, DAPC is required to consult with interested parties affected by the rules before the division formally adopts them. On May 22, 2009 these rules went out for a 30 day review by interested parties. Pursuant to Section 119.03 of the Ohio Revised Code, a public hearing on these rule changes was conducted on June 30, 2009 in Columbus, Ohio. There were no comments received during the comment period. The Director's order of adoption was issued on August 11, 2009. The effective date of these rules is August 21, 2009.

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 Paul Braun, Ohio EPA, Division of Air Pollution Control, Lazarus Government Center, PO Box 1049, Columbus, Ohio 43216-1049 or call Paul Braun at 614-644-3734. Information on the rule language and adoption of the rule is available on DAPC's "What's New" Web page for electronic downloading. The URL is: <http://www.epa.state.oh.us/dapc/regs/regs.html>. Please see the information dated August 11, 2009.

This action of the Director is final and may be appealed to the Environmental Review Appeals Commission (ERAC) pursuant to Section 3745.04 of the Ohio Revised Code. 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 309 South Fourth Street, Suite 222, 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. The appeal must be accompanied by a filing fee of \$70.00 which the Commission, in its discretion, may reduce if by affidavit you demonstrate that payment of the full amount of the fee would cause extreme hardship. Ohio EPA also requests that a copy of the appeal be served upon the Environmental Enforcement Section of the Ohio Attorney General's Office.