



Early Stakeholder Outreach — OAC Chapter 3745-107, Affordable Clean Energy Program

Ohio EPA prepares early stakeholder outreach fact sheets to ensure stakeholders are brought into the review process as early as possible and to obtain additional input and discussion before development of interested party draft rules.

What do the rules in OAC Chapter 3745-107 cover?

The Affordable Clean Energy rule (ACE), finalized by the United States Environmental Protection Agency on July 8, 2019 (84 FR 32520), consists of emission guidelines for greenhouse gas (GHG) emissions from existing electric utility generating units (EGUs) under Clean Air Act (CAA) section 111(d) that will inform states on the development, submittal, and implementation of state plans to establish performance standards for GHG emissions from certain fossil fuel fired EGUs.

The rules were developed as part Ohio EPA's plan for implementing the ACE program in Ohio.

Why are these rules being sent out for Early Stakeholder Outreach?

The first step in the rule-making process is for Ohio EPA to identify that a rule needs to be amended, rescinded, or created. In response to EO 2011-01K, Ohio EPA has added an additional step to ensure stakeholders are brought into the rule process as early as possible. This additional interested party notification and request for information will allow for early feedback before the rule language has been developed by the Agency.

What changes are being considered?

Ohio EPA is considering rescinding all of the rules in OAC Chapter 3745-107. OAC Chapter 3745-107 was developed to implement federal requirements to establish greenhouse gas performance standards at existing coal-fired EGUs under the ACE Rule {84 FR 32520}. On January 19, 2021 the United States Court of Appeals (USCOA) for the District of Columbia Circuit issued a ruling on USCOA Case #19-1140 vacating U.S. EPA's ACE Rule. With this vacature, OAC Chapter 3745-107 is not applicable to any sources in the State of Ohio and therefore these rules are no longer necessary.

Who is regulated by these rules?

The rules apply to existing coal-fired EGUs in the state of Ohio.

What is the rulemaking schedule?

Upon completion of the Early Stakeholder Outreach portion of this rulemaking, Ohio EPA will make any changes necessary to the rule language and make a draft of the rule language available to the public for a 30-day review.

How can I provide input?

The Agency is seeking stakeholder input on these rules. When preparing your comments, be sure to:

- explain your views as clearly as possible;
- describe any assumptions used;
- provide any technical information and/or data used to support your views;
- explain how you arrived at your estimate for potential burdens, benefits or costs;
- provide specific examples to illustrate your views; and
- offer alternatives.

Written comments will be accepted through close of business **Friday, May 14, 2021**. Please submit input to:

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What if I have questions?

These rules can be found on Ohio EPA's website for electronic downloading at: https://www.epa.ohio.gov/dapc/regs/3745_107 or contact Mr. Braun (information provided above).

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What input is the Agency seeking?

Ohio EPA would especially like to hear information regarding the following from stakeholders who may be impacted by the new program.

- Would this regulatory program have a positive impact on your business? Please explain how.
- Would this regulatory program have an adverse impact on your business? If so, please identify the nature of the adverse impact (for example, license fees, fines, employer time for compliance).

Contact

For more information, contact Paul Braun paul.braun@epa.ohio.gov or (614) 644-3734.