



Early Stakeholder Outreach — Lead Emission Rules

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 does OAC Chapter 3745-71 cover?

Chapter 3745-71 of the Ohio Administrative Code (OAC) contains the requirements for ascertaining, defining and measuring ambient air quality related to emissions of lead. Historically, these rules regulated a single lead source in Ohio but the rules specific to this source were previously rescinded due to the permanent shutdown of the lead source. The only remaining rules in this chapter identifies the method used to measure ambient air quality and definitions associated with that rule.

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The first step in the rule-making process is for Ohio EPA to identify that a rule needs to be amended, rescinded, or created.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?

On March 12, 2021 (86 FR 14061), USEPA proposed removing the previously rescinded rules and the last remaining effective rules in this chapter from Ohio's state implementation plan (SIP). USEPA proposed the removal at the request of Ohio because the facility specifically regulated by the rule is permanently shutdown and Ohio EPA had rescinded our rules associated with that facility. The last remaining rule that contains the ambient air sampling requirements is duplicated elsewhere in Ohio's air pollution control rules (OAC rule 3745-25-02). Ohio EPA intends to begin the rulemaking process for rescinding these remaining two rules from the OAC because, they are no longer necessary.

Who will be regulated by these rules?

The rules in OAC Chapter 3745-71 are applicable to facilities or agencies required to provide air monitoring for emissions of lead and lead particulates. This exact requirement is also contained within OAC rule 3745-25-02; therefore, the rules in OAC Chapter 3745-71 are redundant. Current or future lead emissions in Ohio are regulated through Ohio's State Implementation Plan and by fulfilling federal monitoring requirements for lead under Ohio's air monitoring network plan.

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 the 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 **Thursday, May 13, 2021**.

Please submit info to:

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What if I have questions?

These rules can be found on Ohio EPA's website for electronic downloading at:

http://epa.ohio.gov/dapc/regs/3745_71.aspx

or contact Mr. Braun (information above).

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What input is the Agency seeking?

The following questions may help guide you as you develop your comments.

- Is the general regulatory framework proposed the most appropriate? Should the Agency consider any alternative framework?
- What options are available for improving an identified concept? What options are available for improving the existing rules?
- Are there considerations the Agency should take into account when updating the existing rules? Are there considerations the Agency should take into account when developing a specific concept?
- Is there any information or data the Agency should be aware of when developing program concepts or rule language?

Contact

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