NOTICE OF RESCISSION OF RULES
OHIO ENVIRONMENTAL PROTECTION AGENCY
Five-Year Rule Review of Ohio Administrative Code (OAC)
Chapter 3745-71, “Lead Emission Rules”

Notice is hereby given that the Director of the Ohio Environmental Protection Agency (Ohio EPA) has rescinded rules in Chapter 3745-71 of the Ohio Administrative Code (OAC). The rules in this chapter contain 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Historically, these rules regulated a single lead source in Ohio but the rules specific to this source were previously rescinded due to the permanent shutdown of the lead source.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 identify the method used to measure ambient air quality and definitions associated with that rule.

On June 16, 2021 (86 FR 31926), USEPA approved removing these rules from Ohio’s state implementation plan (SIP). USEPA removed the rules at the request of Ohio because the facilities specifically regulated by the rules are permanently shut down and sampling requirements in the rules are duplicated elsewhere in Ohio’s air pollution control rules. Ohio EPA is now rescinding the rules because they are no longer necessary.

The Director's order of rescission was issued on February 16, 2022. The rescission of these rules will become effective on Saturday, February 26, 2022.

The Director's action in this matter is pursuant to the procedural requirements of ORC Chapter 119 and is based upon the record of the public hearing conducted by Ohio EPA on January 4, 2022. No comments were received during the public comment period or at the public hearing.

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to Section 3745.04 of the ORC. 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 the Commission within thirty (30) days after notice of the Director's action. The appeal must be accompanied by a filing fee of $70.00, made payable to “Treasurer, State of Ohio,” 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. Notice of the filing of the appeal shall be filed with the Director within three (3) days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General’s Office, Environmental Enforcement Section. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission
30 East Broad Street, 4th Floor
Columbus, Ohio 43215