

Early Stakeholder Outreach — OAC Chapter 3745-103 – Acid Rain Permits and Compliance 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 3745-103 cover?

Chapter 3745-103 of the Ohio Administrative Code (OAC) contains the requirements pertaining to the Acid Rain program for limitation of emissions of sulfur dioxide and nitrogen oxides from fossil-fuel fired electrical generating units. The rules also contain the requirements for applications for and issuing acid rain permits in accordance with 40 CFR Part 76 and Title IV of the Clean Air Act.

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The first step in the rule-making process is for Ohio EPA to identify that a rule needs to be amended, rescinded, or created.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 the Governor's Executive Order (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 will be performing a general review of the rules in this chapter to fulfill the requirements of ORC 119.032 (5-year review). Ohio EPA is not aware, at this time, of any major changes necessary to these rules, but will make changes as necessary based on the results of the review.

Who will be regulated by these rules?

The rules in OAC Chapter 3745-103 are applicable to new and existing electric generating facilities with capacities greater than 25 MWe that produce electricity for sale.

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 above mentioned 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 **Tuesday, December 1, 2015**. Please submit input to:

Mr. Paul Braun
Ohio EPA Division of Air Pollution Control
PO Box 1049
Columbus, Ohio 43216-1049
(614)644-3734
Paul.braun@epa.ohio.gov

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_103.asp or contact Mr. Braun (information provided 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 the existing rules?
- Are there considerations the Agency should take into account when updating the existing rules?
- Is there any information or data the Agency should be aware of when developing new or amended rule language?

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

- Does this regulatory program have a positive impact on your business? Please explain how.
- Does 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).