

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 rules contained in Ohio Administrative Code (OAC) Chapter 3745-111, "Voluntary Emissions Reduction Credit (ERC) Banking Program".

The purpose of this rule making was to make changes regarding updating the correct references under OAC rule 3745-111-01(K) and to revise OAC rule 3745-111-04(B) to cite the correct reference i.e. paragraph (B) of OAC rule 3745-31-26. Further, Ohio EPA made various minor changes throughout the Chapter for clarity and to address Legislative Services commission (LSC) formatting conventions. The changes were made after a review to fulfill the requirements of ORC 119.032 (5-year review).

Pursuant to Section 121.39 of the Ohio Revised Code, Ohio EPA was required to consult with interested parties affected by the rules before the division formally adopts them. On October 23, 2014, these rules and the draft business impact analysis document went out for a 30 day review by interested parties. The rules were also released for a 30-day proposal comment period ending May 20, 2015 and a public hearing was held on May 13, 2015.

The Director's order of adoption was issued on Monday, June 15, 2015. **The effective date of the adoption is Thursday, June 25, 2015.**

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 Sudhir Singhal, Ohio EPA, Division of Air Pollution Control, Lazarus Government Center, PO Box 1049, Columbus, Ohio 43216-1049 or call Sudhir Singhal at 614-644-3684.

This action of the Director is final and may be appealed to the Environmental Review Appeals Commission 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 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
77 South High Street, 17th Floor
Columbus, Ohio 43215