

## RULE SYNOPSIS

Proposed rule language for Ohio Administrative Code (OAC) Chapter 3745-73, "Total Reduced Sulfur" to incorporate changes as a result of the 5-year review of the rules.

The Ohio EPA Division of Air Pollution Control (DAPC) has completed draft rule language for incorporation of appropriate changes as a result of the 5-year review of the rules in accordance with Ohio Revised Code (ORC) 106.03 and 106.031. The rules in this chapter set limits, testing and recordkeeping requirements for emissions of reduced sulfur from Kraft Pulp mills in the state of Ohio. The rules are patterned after the requirements in 40 CFR part 60, subpart BB.

The following changes are being made to the rule language in this chapter.

### Changes made as a result of interested party comments

On January 11, 2016, Ohio EPA released the proposed rules for a 30-day interested parties draft comment period. DAPC received one comment on the rule. The commenter suggested that there was a typo in the last sentence of OAC rule 3745-73-03(A)(4)(b). Both paragraphs (A)(4)(a) and (A)(4)(b) set emission limits for lime kilns with a length-to-diameter ratio of less than twenty to one. The commenter suggested that paragraph (A)(4)(b) should refer to lime kilns with a length to diameter ratio greater than twenty to one.

Upon further review, Ohio EPA concurred that a typo appeared to have been made in OAC 3745-73-03(A)(4)(b). Ohio EPA reviewed our air pollution rules archives and determined that paragraph (A)(4)(b), as originally promulgated in 1984, included the term "more than." Somewhere between 1984 and the current version of the rule promulgated in 2011, the term was changed, however, Ohio EPA cannot find rule language filed with the Legislative Services Commission (LSC) or the Joint Committee on Agency Rule Review (JCARR) in which the change was officially made (as a redline/strikethrough change). Additionally, as the rule is currently written, both paragraph (A)(4)(a) and (A)(4)(b) refer to units with length to diameter ratios of less than 20 to 1, which is incongruous.

Based on the evidence uncovered by Ohio EPA regarding the historic rule language and to fix the incongruity, Ohio EPA is reverting the language in paragraph (A)(4)(b) back to the original version as promulgated 11/1/1984 to read "...or having a length-to-diameter ratio of ~~less~~more than twenty to one."

### Changes originally proposed with the interested parties draft

As a result of a review to fulfill the requirements of ORC 106.03 and ORC 106.031, Ohio EPA has determined that these rules remain necessary, and are in need of minor changes. Minor changes to update formatting and grammar have been made to all four of the rules in this chapter. In addition, information on the version and availability of items referenced in this chapter has been updated in paragraph (L) of OAC rule 3745-73-01.