



## Early Stakeholder Outreach — OAC Rules 3745-31-34 and 3745-77-11 – Greenhouse Gas Tailoring 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 do OAC Rules 3745-31-34 and 3745-77-11 cover?

Rules 3745-31-34 and 3745-77-11 of the Ohio Administrative Code (OAC) contains the requirements for the permitting of major sources of greenhouse gas emissions. "Greenhouse gases" subject to regulation as defined in 40 CFR Part 51.166 consist of the aggregate group of six greenhouse gases: Carbon dioxide, nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride." A "major source" of greenhouse gases are those sources emitting any of the six gases individually or in combination exceeding a CO<sub>2</sub> equivalent quantity established in these rules.

### 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The first step in the rule-making process is for Ohio EPA to identify that a rule needs to be amended, rescinded, or created.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 aware of the June 23, 2014, U.S. Supreme Court decision (Utility Air Regulatory Group v. EPA, 134 S. Ct. 2427(2014)). Ohio EPA plans to draft changes to these rules to make them consistent with this decision.

### Who will be regulated by these rules?

Sources regulated by these rules include "major sources" of greenhouse gases emitting any of the six gases individually or in combination exceeding a CO<sub>2</sub> equivalent quantity established in these rules. For more information, please see:

<http://www.epa.gov/nsr/ghgpermitting.html>

### 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 **Thursday, July 2, 2015**.

Please submit input to:

Mr. Paul Braun  
Ohio EPA Division of Air Pollution Control  
PO Box 1049  
Columbus, Ohio 43216-1049  
(614)644-3134  
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/DAPCrules.aspx#es> or contact Mr. Braun (information provided above).

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### 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.

### 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?
- 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?

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

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