

***Appendix M-13***  
***SIP Package for OAC 3745-18***

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**Appendix M-13**  
**Request for Approval of Amended Ohio Administrative Code (OAC) Rules 3745-18-01, 3745-18-03, 3745-18-04, 3745-18-47, and 3745-18-49 into Ohio's State Implementation Plan (SIP)**

**Background**

The United States Environmental Protection Agency (U.S. EPA) promulgated a revised NAAQS for SO<sub>2</sub> on June 2, 2010. The new standard replaced the existing 24-hour and annual standards with a short-term 1-hour standard of 75 parts per billion (ppb). The new 1-hour SO<sub>2</sub> standard was published in the Federal Register on June 22, 2010 (75 FR 35520) and became effective on August 23, 2010. The standard is based on the three-year average of the annual 99th percentile of 1-hour daily maximum concentrations.

On August 15, 2013, U.S. EPA published (78 FR 47191) the initial SO<sub>2</sub> nonattainment area designations for the 1-hour SO<sub>2</sub> standard across the country (effective October 4, 2013). Four areas of the state of Ohio were designated nonattainment in 2013: Lake County, OH nonattainment area (all of Lake County); Muskingum River, OH nonattainment area (Center Township in Morgan County and Waterford Township in Washington County); Steubenville OH-WV nonattainment (Cross Creek Township, Steubenville Township, Warren Township, Wells Township, and Steubenville City in Jefferson County, Ohio and Cross Creek Tax District in Brooke County, West Virginia); and Campbell-Clermont KY-OH nonattainment area (Pierce Township in Clermont County, Ohio and portions of Campbell County, Kentucky). The Campbell-Clermont KY-OH nonattainment area is not addressed in this rulemaking. Air quality data from the 2012 to 2014 period indicates this area is now attaining the standard. On August 11, 2015 Ohio EPA submitted the redesignation request and maintenance plan to U.S. EPA.

In order to assist the remaining three areas above in attaining the new standard, Ohio EPA has adopted amendments to OAC rules 3745-18-01, 3745-18-03, 3745-18-04, 3745-18-47, and 3745-18-49. At this time, Ohio EPA is requesting U.S. EPA approval of these amended rules for incorporation into the SIP. The following documents are attached for your consideration per the requirements of 40 CFR Part 51, Appendix V:

**Request for Approval**

Ohio's demonstration of attainment SIP should meet the requirements in 40 CFR Part 51, Appendix V, Section 2.1(a): a "formal submittal from the Governor or his designee, requesting EPA approval of the plan or revision."

Article One addresses the following two requirements:

40 CFR Part 51, Appendix V, Section 2.1(b)

Evidence that the State has adopted the plan in the State code or body of regulations; or issued the permit, order, consent agreement (hereafter "document") in final form.



That evidence shall include the date of adoption or final issuance as well as the effective date of the plan, if different from the adoption/issuance date.

40 CFR Part 51, Appendix V, Section 2.1(d)

A copy of the actual regulation, or document submitted for approval and incorporation by reference into the plan, including indication of the changes made to the existing approved plan, where applicable. The submittal shall be a copy of the official State regulation /document signed, stamped, and dated by the appropriate State official indicating that it is fully enforceable by the State. The effective date of the regulation/document shall, whenever possible, be indicated in the document itself.

Certified copies of the amended rules, enumerated above, in redline and strikeout, are being submitted for approval and incorporation by reference into the plan. The copies are included as evidence that the State has adopted the body of regulations in final form. This submittal includes copies of the official State regulations signed, stamped, and dated by the appropriate State official indicating that they are fully enforceable by the State. The effective date of each regulation is indicated in the document itself. Please consider that Ohio has an electronic rule filing system and all certifications/signatures of regulations are done electronically.

Article Two addresses the following requirement:

Copies of the public notice of adoption and Director's Findings & Orders have been included as evidence of the date of adoption as well as the effective date of the regulations and evidence that public notice was given of the proposed changes consistent with procedures approved by EPA, including the date of publication of such notice.

Requirements of 40 CFR Part 51, Appendix V, Section 2.1(c):

Evidence that the State has the necessary legal authority under State law to adopt and implement the plan.

Ohio's legislature has given Ohio EPA authority under paragraphs (A) and (E) of Section 3704.03 of the Ohio Revised Code (ORC) to enact these rules. Copies of these sections of the ORC can be provided upon request.

Article Three addresses the following requirements:

40 CFR Part 51, Appendix V, Section 2.1(e)

Evidence that the State followed all of the procedural requirements of the State's laws and constitution in conducting and completing the adoption/issuance of the plan.

40 CFR Part 51, Appendix V, Section 2.1(f)

Evidence that public notice was given of the proposed change consistent with



procedures approved by EPA, including the date of publication of such notice.

Ohio EPA has included a narrative and several attachments as evidence that the State followed all of the procedural requirements of the State's laws and constitution in conducting and completing the adoption/issuance of the plan.

#### Article Four

40 CFR Part 51, Appendix V, Section 2.1(g)

Certification that public hearings(s) were held in accordance with the information provided in the public notice and the State's laws and constitution, if applicable.

A copy of the transcript from the public hearing has been provided as certification that a public hearing was held in accordance with the information provided in the public notice and the State's laws and constitution, if applicable. The transcripts are included in appendices M-3, M-4, M-5, and M-9 of Ohio's Demonstration of Attainment SIP.

#### Article Five

40 CFR Part 51, Appendix V, Section 2.1(h)

Compilation of public comments and the State's response thereto.

Copies of the Response to Comments documents for both the draft language and proposed language comment periods are included in appendices M-7 and M-12 respectively of Ohio's Demonstration of Attainment SIP.

Ohio EPA asks that amended Ohio Administrative Code (OAC) rules 3745-18-01, 3745-18-03, 3745-18-04, 3745-18-47, and 3745-18-49 be accepted as revisions to Ohio's SIP.



**Attachment M-13  
Article I**

**Certified Copy of Rules**

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(A) Except as otherwise provided in paragraph (B) of this rule, the definitions in rule 3745-15-01 of the Administrative Code shall apply to this chapter.

(B) The following definitions shall apply exclusively to this chapter:

- (1) "By-product coke oven gas" means the gas produced during the production of metallurgical coke in slot-type, by-product coke ovens.
- (2) "Calendar day" means the period of twenty-four hours from midnight to midnight.
- (3) "First quarter" means calendar January, February and March.
- (4) "Fuel burning equipment" or "fossil fuel fired steam generator" means any furnace, boiler, apparatus, stack, and all appurtenances thereto, used in the process of burning fuel for the primary purpose of producing heat or power by indirect heat transfer.
- (5) "Fossil fuel" means natural gas, coke oven gas, petroleum, coal and any form of solid, liquid, or gaseous fuel derived from such materials.
- (6) "Fourth quarter" means calendar October, November and December.
- (7) "Incinerator" means any equipment, machine, device, article, contrivance, structure, or part of a structure used to burn refuse or to process refuse material by burning other than by open burning.
- (8) "MM Btu" means ~~million(s)~~ millions of British thermal units.
- (9) "Natural gas" means a naturally occurring mixture of hydrocarbon and nonhydrocarbon gases found in geologic formations beneath the earth's surface, of which the principal constituent is methane.
- (10) "Owner or operator" means any person who owns, leases, operates, controls, or supervises a facility, building, structure, or installation which directly or indirectly results or may result in emissions of sulfur dioxide.
- (11) "OEPA" means the Ohio environmental protection agency.
- (12) "Primary zinc smelter" means any installation engaged in the production of

zinc or zinc oxide from zinc sulfide ore concentrates through the use of pyrometallurgical techniques.

- (13) "Process" means any source operation including any equipment, devices, or contrivances and all appurtenances thereto, for changing any material whatever or for storage or handling of any material, the use of which may cause the discharge of an air contaminant into the open air, but not including that equipment defined as a fossil fuel fired steam generator.
- (14) "Process weight" means the total weight of all materials introduced into the source operation including solid fuels, but excluding gaseous fuels and liquid fuels when they are used solely as fuels and excluding air introduced for the purpose of combustion.
- (15) "Rated capacity" or "rated heat input capacity" means the maximum capacity guaranteed by the equipment manufacturer or the maximum normally achieved during use as determined by the director, whichever is greater.
- (16) "Run" means the net period of time during which an emission sample is collected. Unless otherwise specified, a run may be either intermittent or continuous within the limits of good engineering practice as determined by the director.
- (17) "Second quarter" means calendar April, May and June.
- (18) "Stationary gas turbine" means an engine in which a turbine is driven by expanding hot combustion gases. Such an engine typically consists of an axial-flow air compressor, one or more combustion chambers, and the turbine.
- (19) "Stationary internal combustion engine" means a stationary engine in which combustion occurs within one or more cylinders, converting heat energy into mechanical energy, which in turn drives an electric generator or other mechanical equipment.
- (20) "Sulfur recovery plant" means any plant that recovers elemental sulfur from any gas stream.
- (21) "Sulfuric acid production unit" means any facility producing sulfuric acid by the contact process by burning elemental sulfur, alkylation acid, hydrogen sulfide, organic sulfides and mercaptans, or acid sludge.

(22) "Third quarter" means calendar July, August and September.

(23) "Total rated capacity" means the sum of the rated capacities of all fuel burning equipment connected to a common stack.

(C) Referenced materials. This chapter includes references to certain matter or materials. The text of the referenced materials is not included in the rules contained in this chapter. Information on the availability of the referenced materials as well as the date of, ~~and/or~~ or the particular edition or version of the material is included in this rule. For materials subject to change, only the specific versions specified in this rule are referenced. Material is referenced as it exists on the effective date of this rule. Except for subsequent annual publication of existing (unmodified) Code of Federal Regulation compilations, any amendment or revision to a referenced document is not applicable unless and until this rule has been amended to specify the new dates.

(1) Availability. The referenced materials are available as follows:

(a) Code of Federal Regulations (CFR). Information and copies may be obtained by writing to: "Superintendent of Documents, Attn: New Orders, PO Box 371954, Pittsburgh, PA 15250-7954." The full text of the CFR is also available in electronic format at ~~www.access.gpo.gov/ecfr/~~ www.ecfr.gov. The CFR compilations are also available for inspection and ~~copying~~ use at most public libraries and "The State Library of Ohio."

(b) "American Society for Testing and Materials (ASTM)." Information and copies may be obtained by writing to: "ASTM International, 100 Bar Harbor Drive, P.O. Box C700, West Conshohocken, Pennsylvania 19426-2959." These documents are available for purchase at [www.astm.org](http://www.astm.org). ASTM documents are also generally available at local public libraries and "The State Library of Ohio."

(2) Referenced materials:

(a) 40 CFR 52.1881; "Control strategy: Sulfur oxides (sulfur dioxide);" as published in the July 1, ~~2010~~ 2014 Code of Federal Regulations.

(b) 40 CFR 60.45; "Subpart 'D' -- Standards of Performance for Fossil-Fuel-Fired Steam Generators for Which Construction is Commenced After August 17, 1971, Emission and Fuel Monitoring;" 40 FR 46256, Oct. 6, 1975 as amended at 65 FR 61752, Oct. 17, 2000.

- (c) 40 CFR 60.46; "Subpart 'D' -- Standards of Performance for Fossil-Fuel-Fired Steam Generators for Which Construction is Commenced After August 17, 1971, Test Methods and Procedures;" 54 FR 6662, Feb. 14, 1989; 54 FR 21344, May 17, 1989, as amended at 55 FR 5212, Feb. 14, 1990; 65 FR 61752, Oct. 17, 2000.
- (d) 40 CFR 60.47a; "Subpart 'Da' -- Standards of Performance for Electric Utility Steam Generating Units for Which Construction Commenced After September 18, 1978, Emission Monitoring;" 44 FR 33613, June 11, 1979, as amended at 54 FR 6664, Feb. 14, 1989; 55 FR 5212, Feb. 14, 1990; 55 FR 18876, May 7, 1990; 63 FR 49454, Sept. 16, 1998; 65 FR 61752, Oct. 17, 2000; 66 FR 18553, Apr. 10, 2001.
- (e) 40 CFR 60.47b; "Subpart 'Db' -- Standards of Performance for Industrial - Commercial - Institutional Steam Generating Units, Emission Monitoring for Sulfur Dioxide;" 52 FR 47842, Dec. 16, 1987, as amended at 54 FR 51820, Dec. 18, 1989; 55 FR 5212, Feb. 14, 1990; 55 FR 18876, May 7, 1990.
- (f) 40 CFR 60.47c; "Subpart 'Dc' -- Standards of Performance for Small Industrial - Commercial - Institutional Steam Generating Units, Emission Monitoring for Sulfur Dioxide;" 55 FR 37683, Sept. 12, 1990, as amended at 65 FR 61753, Oct. 17, 2000.
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- (g) 40 CFR 60.85; "Subpart 'H' -- Standards of Performance for Sulfuric Acid Plants, Test Methods and Procedures;" 54 FR 6666, Feb. 14, 1989.
- (h) 40 CFR 63.7500: "What emission limitations, work practice standards, and operating limits must I meet?;" as published in the July 1, 2014 Code of Federal Regulations.
- (i) 40 CFR 63.7540: "How do I demonstrate continuous compliance with the emission limitations, fuel specifications and work practice standards?;" as published in the July 1, 2014 Code of Federal Regulations.
- (j) 40 CFR 63.7575: "What definitions apply to this subpart?;" as published in the July 1, 2014 Code of Federal Regulations.
- (~~h~~)(k) 40 CFR Part 50, Appendix A; "Reference Method for the Determination of Sulfur Dioxide in the Atmosphere (Pararosaniline Method);" 47 FR 54899, Dec. 6, 1982; 48 FR 17355, Apr. 22, 1983.
- (~~h~~)(l) 40 CFR Part 53; "Ambient Air Monitoring Reference and Equivalent

Methods;" as published in the July 1, ~~2010~~ 2014 Code of Federal Regulations.

~~(j)~~(m) 40 CFR Part 60; "Standards of Performance for New Stationary Sources;" as published in the July 1, ~~2010~~ 2014 Code of Federal Regulations.

~~(k)~~(n) 40 CFR Part 60, Appendix F; "Quality Assurance Procedures;" as published in the July 1, ~~2010~~ 2014 Code of Federal Regulations.

~~(l)~~(o) 40 CFR Part 60, Subpart J; "Standards of Performance for Petroleum Refineries;" as published in the July 1, ~~2010~~ 2014 Code of Federal Regulations.

~~(m)~~(p) Method 1; contained in 40 CFR Part 60, Appendix A; "Sample and Velocity Traverses for Stationary Sources;" as published in the July 1, ~~2010~~ 2014 Code of Federal Regulations.

~~(n)~~(q) Method 2; contained in 40 CFR Part 60, Appendix A; "Determination of Stack Gas Velocity and Volumetric Flow Rate (Type 'S' Pitot Tube);" as published in the July 1, ~~2010~~ 2014 Code of Federal regulations.

~~(o)~~(r) Method 3; contained in 40 CFR Part 60, Appendix A; "Gas Analysis for the Determination of Dry Molecular Weight;" as published in the July 1, ~~2010~~ 2014 Code of Federal Regulations.

~~(p)~~(s) Method 4; contained in 40 CFR Part 60, Appendix A; "Determination of Moisture Content in Stack Gases;" as published in the July 1, ~~2010~~ 2014 Code of Federal Regulations.

~~(q)~~(t) Method 6; contained in 40 CFR Part 60, Appendix A; "Determination of Sulfur Dioxide Emissions from Stationary Sources;" as published in the July 1, ~~2010~~ 2014 Code of Federal Regulations.

~~(r)~~(u) Method 6A; contained in 40 CFR Part 60, Appendix A; "Determination of Sulfur Dioxide, Moisture, and Carbon Dioxide from Fuel Combustion Sources;" as published in the July 1, ~~2010~~ 2014 Code of Federal Regulations.

~~(s)~~(v) Method 6B; contained in 40 CFR Part 60, Appendix A; "Determination of Sulfur Dioxide and Carbon Dioxide Daily Average Emissions from

Fossil Fuel Combustion Sources;" as published in the July 1, ~~2010~~ 2014 Code of Federal Regulations.

(~~u~~)(w) Method 6C; contained in 40 CFR Part 60, Appendix A; "Determination of Sulfur Dioxide Emissions from Stationary Sources (Instrumental Analyzer Procedure);" as published in the July 1, ~~2010~~ 2014 Code of Federal Regulations.

(~~u~~)(x) Method 19; contained in 40 CFR Part 60, Appendix A; "Determination of Sulfur Dioxide Removal Efficiency and Particulate Matter, Sulfur Dioxide, and Nitrogen Dioxide Emission Rates;" as published in the July 1, ~~2010~~ 2014 Code of Federal Regulations.

(~~v~~)(y) Performance Specification 2; contained in of 40 CFR Part 60, Appendix B; "Specifications and Test Procedures for Sulfur Dioxide and Nitric Oxides Continuous Emission Monitoring Systems in Stationary Sources;" as published in the July 1, ~~2010~~ 2014 Code of Federal Regulations.

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Effective: 10/23/2015

Five Year Review (FYR) Dates: 11/30/2015

CERTIFIED ELECTRONICALLY

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Certification

10/13/2015

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Date

Promulgated Under: 119.03  
Statutory Authority: 3704.03(E)  
Rule Amplifies: 3704.03(A), 3704.03(E)  
Prior Effective Dates: 12/28/79, 5/11/87, 9/01/03, 1/23/06, 4/3/11

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(A) [Reserved]

(B) Certification and permit application requirements.

(1) Except as otherwise provided in paragraph (B)(2) and paragraphs (B)(4) to ~~(B)(8)~~ (B)(9) of this rule, no later than December 1, 1979, any owner or operator of any sulfur dioxide emissions source subject to, and not specifically exempted from, rules 3745-18-06 to 3745-18-94 of the Administrative Code shall do either of the following:

(a) Certify in writing to the director that such source is in full compliance with all requirements of this chapter. Such certification shall include: equipment description, OEPA permit application number (if assigned), and all necessary data (consistent with the appropriate permit application appendices) and calculations which confirm the compliance status. The certification shall also include an application for a permit-to-operate such source in accordance with rule 3745-35-02 of the Administrative Code as it existed on December 1, 1979 if such source does not possess an effective permit; ~~or,~~

(b) Submit an application for a permit-to-operate or an application for a modification to a permit-to-operate in accordance with rule 3745-35-02 of the Administrative Code as it existed on December 1, 1979. Such application shall include a compliance program which will bring the source into full compliance with all the requirements of this chapter as expeditiously as practicable but in no event later than the dates specified in paragraph (C) of this rule, and identify all reasonable interim control measures.

(2) No later than December 1, 1979, any owner or operator of any sulfur dioxide emissions source subject to, and not specifically exempted from, rule 3745-18-56 of the Administrative Code (Mahoning county) shall certify in writing to the director, in a form and manner the director shall specify, all data necessary to establish sulfur dioxide emission ~~limitations~~ limits based on calendar year 1978 operations.

(3) For fuel burning equipment, the certification ~~and/or~~ or permit applications required by paragraphs (B)(1) and (B)(2) of this rule shall include the test method for determining compliance as specified in paragraph (D) or (E) of rule 3745-18-04 of the Administrative Code, whichever is applicable.

(4) No later than December 1, 1984, the "United States Steel Corporation,

Lorain-Cuyahoga Works" (OEPA premise number 0247080229), shall submit an application for a permit-to-operate or an application for a modification to a permit-to-operate in accordance with rule 3745-35-02 of the Administrative Code as it existed on December 1, 1984, which application shall include a compliance program which will bring the source into full compliance with all the requirements of paragraphs (E)(5) and (E)(6) of rule 3745-18-53 of the Administrative Code as expeditiously as practicable but in no event later than the date specified in paragraph (C)(5) of this rule, and identify all reasonable interim control measures.

(5) [Reserved]

(6) No later than July 15, 1989, any owner or operator of the "LTV Steel Company" (OEPA premise numbers 1318000078 and 1318001613) shall do the following:

- (a) Submit a compliance program that will bring the facility into compliance with ~~all the requirements of~~ paragraphs (B) and (N) of rule 3745-18-24 of the Administrative Code as expeditiously as practicable, but in no event later than the date specified in paragraph (C)(7) of this rule; ~~and~~.
- (b) Identify all reasonable interim control measures.

(7) No later than November 30, 1991, any owner or operator of any sulfur dioxide emissions source subject to, and not specifically exempted from, rule 3745-18-37 of the Administrative Code, Hamilton county emissions limits, shall do the following:

- (a) Submit a compliance program that will bring the source into full compliance with ~~all the requirements of~~ rule 3745-18-37 of the Administrative Code as expeditiously as practicable, but in no event later than December 22, 1993; ~~and~~.
- (b) Identify all reasonable interim control measures.

(8) No later than April 20, 2000, any owner or operator of any sulfur dioxide emissions source subject to, and not specifically exempted from, rule 3745-18-15 of the Administrative Code, Butler county emissions limits, shall do the following:

- (a) Submit a compliance program that will bring the source into full compliance with ~~all the requirements of~~ rule 3745-18-15 of the

Administrative Code as expeditiously as practicable, but in no event later than the date specified in paragraph (C)(6) of this rule; and,

(b) Identify all reasonable interim control measures.

(9) Not later than six months after the effective date of this rule, any owner or operator subject to paragraphs (F)(1) to (F)(5) of rule 3745-18-49 of the Administrative Code and paragraphs (G)(3) to (G)(5) and (P) of rule 3745-18-47 of the Administrative Code shall submit an application for an operating permit or an application for a modification to an operating permit in accordance with Chapter 3745-77 of the Administrative Code, for sources subject to the Title V program, or in accordance with Chapter 3745-31 of the Administrative Code, for sources not subject to the Title V program. Such application shall include a compliance program which will bring the source into full compliance with this chapter as expeditiously as practicable but in no event later than the dates specified in paragraph (C) of this rule.

(C) Compliance time schedules.

(1) Except as otherwise provided in paragraphs (C)(2) to ~~(C)(10)~~ (C)(11) of this rule, no owner or operator shall cause, permit, or allow the operation or other use of any air contaminant source in violation of the ~~limitations~~limits specified in rules 3745-18-06 to 3745-18-94 of the Administrative Code beyond August 27, 1979.

(2) No owner or operator shall cause, permit, or allow the ~~operator operation~~ or other use of any air contaminant source in violation of the limits specified in rules 3745-18-15 and 3745-18-83 of the Administrative Code beyond September 1, 1982.

(3) No owner or operator shall cause, permit, or allow the operation or other use of any air contaminant source at the following facilities in violation of the ~~limitations~~limits specified in rules 3745-18-06 to 3745-18-94 of the Administrative Code beyond June 17, 1980:

(a) "Allied Chemical Corporation":

(i) [Reserved]

(ii) Lawrence county / South Point / OEPA premise number 0744000009;

- (iii) Lawrence county / "Semet Solvay Ironton Tar Plant" / OEPA premise number 0744010002.
- (b) "Aluminum Company of America": Cuyahoga county / "Cuyahoga Heights Facility" / OEPA premise number 1318170314.
- (c) "Armco Steel Corporation": Muskingum county / "Zanesville Works" / OEPA premise number 0660010006.
- (d) "Ashland Oil, Incorporated":
  - (i) Hancock county / "Findlay Plant" / OEPA premise number 0332010020.
  - (ii) Stark county / "Canton Plant" / OEPA premise number 1576000301.
- (e) [Reserved]
- (f) [Reserved]
- (g) "Coulton Chemical Corporation": Lucas county / Oregon / OEPA premise number 1677010027.
- (h) "E. I. duPont deNemours and Company":
  - (i) Cuyahoga county / Independence road, Cleveland / OEPA premise number 1318000151.
  - (ii) Hamilton county / "Fort Hill Plant" / OEPA premise number 1431350817.
  - (iii) Lucas county / Tremainsville road, Toledo / OEPA premise number 0448010058.
- (i) "Federal Paper Board Company": Jefferson county / North Third street, Steubenville / OEPA premise number 1741050009.
- (j) "General Motors Corporation":

- (i) [Reserved]
- (ii) Cuyahoga county / "Chevrolet Motor Division," Brookpark / OEPA premise number 1318451029<sub>5,2</sub>
- (iii) Erie county / "New Departure-Hyatt" / OEPA premise number 0322020045<sub>5,2</sub>
- (iv) Franklin county / "Fisher Body," Columbus / OEPA premise number 0125040057<sub>5,2</sub>
- (v) [Reserved]
- (vi) Lorain county / "Fisher Body," Elyria / OEPA premise number 1947040038<sub>5,2</sub>
- (vii) [Reserved]
- (viii) Montgomery county / "Inland Division" / OEPA premise number 0857040927<sub>5,2</sub>
- (ix) Montgomery county / "Delco Air Conditioning" / OEPA premise number 0857100028<sub>5,2</sub>
- (x) Richland county / "Fisher Body," Mansfield / OEPA premise number 0370000140<sub>5,2</sub>
- (xi) Trumbull county / "Packard Electric," North River road / OEPA premise number 0278080051<sub>5,2</sub>
- (xii) Trumbull county / "Packard Electric," Dana street / OEPA premise number 0278080052.
- (k) "The Goodyear and Tire Rubber Company": Auglaize county / "St. Marys Facility" / OEPA premise number 0306010138.
- (l) "The Gulf Oil Company":
  - (i) Hamilton county / Hooven / OEPA premise number 1431080082<sub>5,2</sub>

- (ii) Lucas county / Front street / Toledo / OEPA premise number 0448010060.
- (m) "The Hoover Company": Stark county / "Plant I" / OEPA premise number 1576170258.
- (n) "Interlake Incorporated": Lucas county / Toledo / OEPA premise number 0448010397.
- (o) "Koppers Company, Incorporated": Mahoning county / Youngstown / OEPA premise number 0250110146.
- (p) "Ohio Greenhouse Association":
  - (i) Erie county / "Charles J. Otto Greenhouse" / Berlin township / OEPA premise number 0322000173½.
  - (ii) Erie county / "Jacob H. Otto Greenhouse" / Huron / OEPA premise number 0322010174½.
  - (iii) [Reserved]

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- (iv) Mahoning county / "Canfield Gardens" / OEPA premise number 0250030438.
- (q) "Republic Steel Corporation":
  - (i) Cuyahoga county / 3100 East 45th street / OEPA premise number 1318001613½.
  - (ii) Lake county / "Lime Plant" / OEPA premise number 0243030257½.
  - (iii) Mahoning county / Youngstown / OEPA premise number 0250110464½.
  - (iv) [Reserved]
  - (v) Stark county / "Union Drawn Division," Massillon / OEPA premise number 1576130697½.

(vi) Stark county / "Central Alloy," Canton / OEPA premise number 1576050694½.

(vii) Trumbull county / "Warren Township Facility" /OEPA premise number 0278080463.

(r) "Shell Oil Company":

(i) Allen county / "Lima Refinery" / OEPA premise number 0302020012½.

(ii) Washington county / "Shell Chemical Corporation" / OEPA premise number 0684010011.

(s) "The Standard Oil Company":

(i) Allen county / "Lima Refinery" / OEPA premise number 0302020012½.

(ii) Cuyahoga county / "Cleveland Asphalt Plant" /OEPA premise number 13180001871½.

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(iii) Lucas county / Oregon / OEPA premise number 0448020007.

(t) "The Sun Petroleum Products": Lucas county / "Oregon Facility" / OEPA premise number 044801010246.

(u) "The Timken Company":

(i) Crawford county / "Bucyrus Plant" / OEPA premise number 0317010168½.

(ii) Stark county / "Canton Plant Number 5" / OEPA premise number 1576050614½.

(iii) Stark county / "Canton Gambrinus Plant" / OEPA premise number 1576000613.

(v) "United States Steel Company":

- (i) Ashtabula county / "Conneaut Plant" / OEPA premise number 0204020081<sub>±</sub>
- (ii) Cuyahoga county / "Cuyahoga Works" / OEPA premise number 1318171623<sub>±</sub>
- (iii) Cuyahoga county / "Lorain-Cuyahoga Works" /OEPA premise number 1318001622<sub>±</sub>
- (iv) Lorain county / "Lorain-Cuyahoga Works" / OEPA premise number 1947080229<sub>±</sub>
- (v) Mahoning county / "Youngstown Facilities" /OEPA premise number 0250110469<sub>±</sub>
- (vi) Scioto county / "United States Steel Chemicals" /OEPA premise number 0773000080<sub>±</sub>
- (vii) [Reserved]

(w) "Wheeling-Pittsburgh Steel Corporation":

- (i) Belmont county / Martins Ferry / OEPA premise number 1707090013<sub>±</sub>
- (ii) ~~Jefferson county / "Mingo Junction Facility" /OEPA premise number 1741090010;~~[Reserved]
- (iii) Jefferson county / "Yorkville Plant" / OEPA premise number 1741120012<sub>±</sub>

(x) "White-Westinghouse Corporation":

- (i) Franklin county / "Columbus Products Company" /OEPA premise number 0125040258<sub>±</sub>
- (ii) Richland county / "Mansfield Products" / OEPA premise number 0370010182.

(y) [Reserved]

(z) "Cardinal Operating Company and Buckeye Power, Incorporated":  
Jefferson county / "Cardinal Plant" / OEPA premise number  
0641050002 and 1741050129.

(aa) "Cincinnati Gas and Electric Company":

(i) Clermont county / "Beckjord Station" / OEPA premise number  
113100008<sub>2</sub>.

(ii) Hamilton county / "Miami Fort Station" / OEPA premise number  
1431350093.

(bb) "Cleveland Electric Illuminating Company":

(i) [Reserved]

(ii) Ashtabula county / "Ashtabula Plant" / OEPA premise number  
0204010000<sub>2</sub>.

(iii) Cuyahoga county / Canal road, "Steam Heat Plant" / OEPA premise  
number 1318000244<sub>2</sub>.

(iv) Cuyahoga county / "Hamilton Avenue Steam Heat Plant" / OEPA  
premise number 1318000246<sub>2</sub>.

(v) Cuyahoga county / "Lake Shore Plant" / OEPA premise number  
1318000245<sub>2</sub>.

(vi) Lake county / "Eastlake Plant" / OEPA premise number  
0243160009<sub>2</sub>.

(vii) Lorain county / "Avon Lake Plant" / OEPA premise number  
1947030013.

(cc) "Columbus Southern Power Company":

(i) [Reserved]

(ii) Coshocton county / "Conesville Generating Station" / OEPA premise number 0616000000<sub>z</sub>

(iii) [Reserved]

(iv) Pickaway county / "Picway Power Plant" OEPA premise number 0165000006

(dd) "Dayton Power and Light Company":

(i) Adams county / "J.M. Stuart Station" / OEPA premise number 0701000007<sub>z</sub>

(ii) [Reserved]

(iii) [Reserved]

(iv) Montgomery county / "Tait Station" / OEPA premise number 0857100012<sub>z</sub>

(v) Montgomery county / "Hutching Station" / OEPA premise number 0857780013<sub>z</sub>

(vi) Montgomery county / "Yankee Station" / OEPA premise number 0857810015.

(ee) "Ohio Edison Company":

(i) Belmont county / "R. E. Burger Plant" / OEPA premise number 0607130015<sub>z</sub>

(ii) Clark county / "Mad River Plant" / OEPA premise number 0812790035<sub>z</sub>

(iii) [Reserved]

(iv) [Reserved]

(v) Huron county / "Norwalk Plant" / OEPA premise number

0339020181½

(vi) Jefferson county / "W. H. Sammis Plant" / OEPA premise number  
041160017½

(vii) [Reserved]

(viii) Lorain county / "Edgewater Plant" / OEPA premise number  
0247080049½

(ix) Lorain county / "West Lorain Plant" / OEPA premise number  
0247080487½

(x) Trumbull county / "Niles Plant" / OEPA premise number  
0278060023.

(ff) "Ohio Power Company":

(i) Allen county / "Woodcock Plant" / OEPA premise number  
0302000010½

(ii) Gallia county / "Gavin Plant" / OEPA premise number  
0627010056½

(iii) [Reserved]

(iv) Jefferson county / "Cardinal Plant" / OEPA premise number  
0641050002½

(v) [Reserved]

(vi) Washington county / "Muskingum River Plant" / OEPA premise  
number 0684000000.

(gg) "Ohio Valley Electric Company": Gallia county / "Kyger Creek Station"  
/ OEPA premise number 0627000003.

(hh) "Toledo Edison Company":

(i) Defiance county / Carpenter road, Defiance / OEPA premise number

0320010006<sub>z</sub>

(ii) [Reserved]

(iii) Lucas county / "Water Street Station" / OEPA premise number  
0448010087<sub>z</sub>

(iv) Lucas county / Bay Shore Station" / OEPA premise number  
0448020006<sub>z</sub>

(v) Williams county / "Stryker Substation" / OEPA premise number  
0386000006.

(ii) "Youngstown Thermal Corporation": Mahoning county / OEPA premise  
number 0250110024.

(4) Notwithstanding the provisions of paragraph (C)(2) of this rule, no owner or operator shall cause, permit, or allow the operation or other use of any air contaminant source in violation of the limit specified in paragraph (S) of rule 3745-18-83 of the Administrative Code beyond April 30, 1983.

(5) Notwithstanding the provisions of paragraph (C)(1) of this rule, no owner or operator shall cause, permit, or allow the operation or other use of any air contaminant source in violation of the limits specified in paragraphs (E)(5) and (E)(6) of rule 3745-18-53 of the Administrative Code beyond December 31, 1985.

(6) Notwithstanding the provisions of paragraph (C)(1) of this rule, any owner or operator utilizing low sulfur fuel, including blended or washed coal, or who installs new emission control systems, or who modifies existing emission control systems, or who ceases operation in order to comply with the specified emission ~~limitations~~limits, shall bring any air contaminant source specified in paragraph (C)(6)(a) of this rule into compliance with the ~~limitations~~limits specified in rules 3745-18-06 to 3745-18-94 of the Administrative Code as expeditiously as practicable but in no event later than the compliance schedule identified in paragraph (C)(6)(b) of this rule. The compliance time schedule for each source shall commence on the effective date of the applicable emission as specified in rules 3745-18-06 to 3745-18-94 of the Administrative Code.

(a) Air contaminant sources.

- (i) [Reserved]
- (ii) "Columbus Southern Power Company": Coshocton county / "Conesville Generating Station" / OEPA premise number 0616000000 / OEPA source numbers B007 and B008; ~~and~~.
- (iii) Sources subject to rule 3745-18-15 of the Administrative Code.

(b) Compliance time schedule.

- (i) No more than eight weeks after the commencement date specified in paragraph (C)(6) of this rule, the owner or operator of a facility specified in paragraph (C)(6)(a) of this rule shall notify the director of the intent to utilize low sulfur fuels, install new emission control systems, modify existing emission control systems, or cease operation to achieve compliance, and if utilizing low sulfur fuel to achieve compliance, the owner or operator shall submit to the director a ten year projection of the amount of fuels by types that will be substantially adequate to enable compliance with the applicable ~~limitation~~ limit.
- (ii) No more than thirty-two weeks after the commencement date specified in paragraph (C)(6) of this rule, the owner or operator of a facility specified in paragraph (C)(6)(a) of this rule shall submit to the director, if applicable, data demonstrating the availability of the low sulfur fuel projected to meet the emission limits contained in rules 3745-18-07 to 3745-18-94 of the Administrative Code;.
- (iii) No more than thirty-six weeks after the commencement date specified in paragraph (C)(6) of this rule, the owner or operator of a facility specified in paragraph (C)(6)(a) of this rule shall submit to the director a statement as to whether modifications to boiler or emission control equipment will be necessary, and if modifications will be necessary, submit preliminary plans for such modifications;.
- (iv) No more than forty-two weeks after the commencement date specified in paragraph (C)(6) of this rule, the owner or operator of a facility specified in paragraph (C)(6)(a) of this rule shall submit to the director final plans for equipment modifications necessary to achieve compliance;.

- (v) No more than fifty weeks after the commencement date specified in paragraph (C)(6) of this rule, the owner or operator of a facility specified in paragraph (C)(6)(a) of this rule shall award contracts for necessary boiler or emission control modifications, if applicable, and notify the director in writing that such action was taken or, if applicable, submit to the director a detailed schedule for final closure;
- (vi) No more than sixty weeks after the commencement date specified in paragraph (C)(6) of this rule, the owner or operator of a facility specified in paragraph (C)(6)(a) of this rule shall initiate on-site modifications, if applicable, and notify the director that such action was taken;
- (vii) No more than one hundred eighteen weeks after the commencement date specified in paragraph (C)(6) of this rule, the owner or operator utilizing low sulfur fuel to achieve compliance at a facility specified in paragraph (C)(6)(a) of this rule shall complete on-site modifications, if applicable, and notify the director in writing that such action was taken;
- (viii) No more than one hundred twenty-two weeks after the commencement date specified in paragraph (C)(6) of this rule, the owner or operator using low sulfur fuels to achieve compliance at a facility specified in paragraph (C)(6)(a) of this rule shall achieve final compliance with the applicable emission ~~limitations~~ limits specified in rules 3745-18-06 to 3745-18-94 of the Administrative Code and certify compliance to the director in accordance with rule 3745-18-04 of the Administrative Code;
- (ix) No more than one hundred forty-four weeks after the commencement date specified in paragraph (C)(6) of this rule, the owner or operator installing new emission control systems, or modifying existing emission control systems in order to comply with the emission ~~limitations~~ limits at a facility specified in paragraph (C)(6)(a) of this rule shall complete on-site modifications or installations and notify the director in writing that such action was taken; ~~and~~;
- (x) No more than one hundred fifty-six weeks after the commencement date specified in paragraph (C)(6) of this rule, the owner or operator installing new emission control systems, or modifying existing emission control systems in order to comply with the

emission ~~limitations~~limits at a facility specified in paragraph (C)(6)(a) of this rule shall achieve final compliance with the applicable emission limits specified in rules 3745-18-06 to 3745-18-94 of the Administrative Code and certify compliance to the director in accordance with rule 3745-18-04 of the Administrative Code.

(7)

(a) Notwithstanding the provisions of paragraph (C)(1) of this rule, any owner or operator who utilizes low sulfur fuels, or who installs new emission control systems, or who modifies existing emission control systems, or who ceases operation in order to comply with the specified emission limits, shall bring any subject air contaminant source into compliance with the limits specified in paragraphs (B) and (N) of rule 3745-18-24 of the Administrative Code as expeditiously as practicable but in no event later than the compliance schedule identified in paragraph (C)(7)(b) of this rule. The commencement date of the compliance time schedule shall be ~~the effective date of this rule~~ October 31, 1991.

(b) Compliance time schedule.

(i) No more than eight weeks after the commencement date specified in paragraph (C)(7)(a) of this rule, the owner or operator of a facility specified therein shall notify the director of the intent to utilize low sulfur fuels, install new emission control systems, modify existing emission control systems, or cease operation to achieve compliance, and if utilizing low sulfur fuel to achieve compliance, the owner or operator shall submit to the director a ten year projection of the amount of fuels by types that will be substantially adequate to enable compliance with the applicable emission limits;

(ii) No more than sixteen weeks after the commencement date specified in paragraph (C)(7)(a) of this rule, the owner or operator of a facility specified therein shall submit to the director, if applicable, data demonstrating the availability of the low sulfur fuel projected to meet the applicable emission limits;

(iii) No more than twenty-five weeks after the commencement date specified in paragraph (C)(7)(a) of this rule, the owner or operator of a facility specified therein shall submit to the director a statement as to whether modifications to boiler or emission

control equipment will be necessary to achieve compliance, and if modifications will be necessary, submit preliminary plans for such modifications;

- (iv) No more than thirty-two weeks after the commencement date specified in paragraph (C)(7)(a) of this rule, the owner or operator of a facility specified therein shall submit to the director final plans for equipment modifications necessary to achieve compliance;
- (v) No more than forty-eight weeks after the commencement date specified in paragraph (C)(7)(a) of this rule, the owner or operator of a facility specified therein shall award contracts for necessary boiler or emission control modifications, if applicable, and notify the director in writing that such action was taken or, if applicable, submit to the director a detailed schedule for final closure;
- (vi) No more than sixty weeks after the commencement date specified in paragraph (C)(7)(a) of this rule, the owner or operator of a facility specified therein shall initiate on-site modifications, if applicable, and notify the director that such action was taken;
- (vii) No more than one hundred twelve weeks after the commencement date specified in paragraph (C)(7)(a) of this rule, the owner or operator utilizing low sulfur fuel to achieve compliance at a facility specified therein shall complete on-site modifications, if applicable, and notify the director in writing that such action was taken;
- (viii) No more than one hundred twenty-four weeks after the commencement date specified in paragraph (C)(7)(a) of this rule, the owner or operator utilizing low sulfur fuel to achieve compliance at a facility specified therein shall achieve final compliance with the applicable emission limits and certify compliance to the director in accordance with paragraph (B) of this rule;
- (ix) No more than one hundred forty-four weeks after the commencement date specified in paragraph (C)(7)(a) of this rule, the owner or operator installing new emission control systems, or modifying existing emission control systems in order to achieve compliance at a facility specified therein shall complete on-site modifications or installations and notify the director in writing

that such action was taken; ~~and,~~

- (x) No more than one hundred fifty-six weeks after the commencement date specified in paragraph (C)(7)(a) of this rule, the owner or operator installing new emission control systems or modifying existing emission control systems in order to achieve compliance at a facility specified therein shall achieve final compliance with the applicable emission limits specified in ~~rules 3745-18-06 to 3745-18-94~~ paragraphs (B) and (N) of rule 3745-18-24 of the Administrative Code and certify compliance to the director in accordance with rule 3745-18-04 of the Administrative Code.

(8)

- (a) Notwithstanding the provisions of paragraph (C)(1) of this rule and except as provided in paragraph (C)(9) of this rule, any owner or operator who utilizes low sulfur fuels, or who installs new emission control systems, or who modifies existing emission control systems, or who ceases operation in order to comply with the specified emission limits, shall bring any subject air contaminant source into compliance with the limits specified in rule 3745-18-37 of the Administrative Code, Hamilton county emission limits, as expeditiously as practicable but in no event later than the compliance schedule identified in paragraph (C)(8)(b) of this rule. The commencement date of the compliance time schedule shall be ~~the effective date of this rule~~ October 31, 1991.

(b) Compliance time schedule.

- (i) No later than July 31, 1992, the owner or operator of a facility specified in paragraph (C)(8)(a) of this rule shall notify the director of the intent to utilize low sulfur fuels, install new emission control systems, modify existing emission control systems, or cease operation to achieve compliance, and if utilizing low sulfur fuel to achieve compliance, the owner or operator shall submit to the director a ten year projection of the amount of fuels by types that will be substantially adequate to enable compliance with the applicable emission limits;.
- (ii) No later than September 25, 1992, the owner or operator of a facility specified in paragraph (C)(8)(a) of this rule shall submit to the director, if applicable, data demonstrating the availability of the low sulfur fuel projected to meet the applicable emission limits;.

- (iii) No later than October 9, 1992, the owner or operator of a facility specified in paragraph (C)(8)(a) of this rule shall submit to the director a statement as to whether modifications to boiler or emission control equipment will be necessary to achieve compliance, and if modifications will be necessary, submit preliminary plans for such modifications.
- (iv) No later than January 20, 1993, the owner or operator of a facility specified in paragraph (C)(8)(a) of this rule shall submit to the director final plans for equipment modifications necessary to achieve compliance.
- (v) No later than February 7, 1993, the owner or operator of a facility specified in paragraph (C)(8)(a) of this rule shall award contracts for necessary boiler or emission control modifications, if applicable, and notify the director in writing that such action was taken or, if applicable, submit to the director a detailed schedule for final closure.
- (vi) No later than June 9, 1993, the owner or operator of a facility specified in paragraph (C)(8)(a) of this rule shall initiate on-site modifications, if applicable, and notify the director that such action was taken.
- (vii) No later than August 4, 1993, the owner or operator utilizing low sulfur fuel to achieve compliance at a facility specified in paragraph (C)(8)(a) of this rule shall complete on-site modifications, if applicable, and notify the director in writing that such action was taken.
- (viii) No later than September 15, 1993, the owner or operator utilizing low sulfur fuel to achieve compliance at a facility specified in paragraph (C)(8)(a) of this rule shall achieve final compliance with the applicable emission limits and certify compliance to the director in accordance with paragraph (B) of this rule.
- (ix) No later than November 10, 1993, the owner or operator installing new emission control systems, or modifying existing emission control systems in order to achieve compliance at a facility specified in paragraph (C)(8)(a) of this rule shall complete on-site modifications or installations and notify the director in writing that such action has been taken.

(x) No later than December 22, 1993, the owner or operator installing new emission control systems or modifying existing emission control systems in order to achieve compliance at a facility specified in paragraph (C)(8)(a) of this rule shall achieve final compliance with the applicable emission limits specified in ~~rules 3745-18-06 to 3745-18-04~~rule 3745-18-37 of the Administrative Code and certify compliance to the director in accordance with rule 3745-18-04 of the Administrative Code.

(9)

(a) Notwithstanding the provisions of paragraph (C)(1) of this rule, any owner or operator who utilizes low sulfur fuels, or who installs new emission control systems, or who modifies existing emission control systems, or who ceases operation in order to comply with the specified emission limits, shall bring any subject air contaminant source into compliance with the limits specified in paragraph (BB) of rule 3745-18-37 of the Administrative Code as expeditiously as practicable but in no event later than the compliance schedule identified in paragraph (C)(9)(b) of this rule. The commencement date of the compliance time schedule shall be October 31, 1991.

(b) Compliance time schedule.

(i) No later than November 6, 1991, the owner or operator of the facility shall submit to the director a final control plan that describes at a minimum the steps which will be taken to achieve compliance; and if utilizing low sulfur fuel to achieve compliance, the owner or operator shall submit to the director a ten year projection of the amount of fuels by types that will be substantially adequate to enable compliance with the applicable emission limits;.

(ii) No later than January 1, 1992, the owner or operator of the facility shall submit to the director, if applicable, data demonstrating the availability of the low sulfur fuel projected to meet the applicable emission limits;.

(iii) No later than August 6, 1992, the owner or operator of the facility shall negotiate and sign all necessary contracts, or issue orders for the purchase of component parts and notify the director in writing that such action was taken;.

- (iv) No later than October 6, 1992, the owner or operator of the facility shall initiate on-site construction or installation and notify the director that such action was taken;
  - (v) No later than November 22, 1993, the owner or operator of the facility shall complete construction, or cease operation of OEPA source number B005, B006 and B007, and shall certify compliance to the director in accordance with paragraph (B) of this rule; ~~and,~~
  - (vi) After December 22, 1993, sources B005, B006 and B007 shall not be operated except in compliance with the requirements of paragraph (BB) of rule 3745-18-37 of the Administrative Code.
- (10) Notwithstanding the provisions of ~~paragraphs~~ paragraph (C)(1) to (C)(9) of this rule, the "Columbus Southern Power Company, Picway Power Plant," or any owner or operator of the sources subject to the emission limit specified in paragraph (B)(1) of rule 3745-18-71 of the Administrative Code, shall bring the subject air contaminant sources into compliance with that limit as expeditiously as practicable, but in no event later than June 30, 2001.
- (11) Notwithstanding paragraph (C)(1) of this rule, no owner or operator shall cause, permit, or allow the operation or other use of any air contaminant source in violation of the limits specified in paragraphs (F)(1) to (F)(6) of rule 3745-18-49 of the Administrative Code and paragraphs (G)(3) to (G)(5) and (P) of rule 3745-18-47 of the Administrative Code beyond January 1, 2017. An owner or operator may request an alternative compliance schedule that extends to no later than October 4, 2018 if properly justified and approved by the director.

(D) Alternative emission limits.

- (1) Any owner or operator of an air contaminant source specified in paragraphs (D)(1)(a) to (D)(1)(c) of this rule having alternative sulfur dioxide emission limits specified in rules 3745-18-06 to 3745-18-94 of the Administrative Code shall notify the director of the selected emission limits in accordance with the requirements of paragraphs (D)(2)(a) and (D)(2)(b) of this rule.
  - (a) "Henkel Corporation, Emery Group" (OEPA premise number 1431070035); paragraph (D)(1) or (D)(2) of rule 3745-18-37 of the Administrative Code.

- (b) "Ford Motor Company" (OEPA premise number 1431140861); paragraph (V)(1) or (V)(2) of rule 3745-18-37 of the Administrative Code.
- (c) "Cincinnati Gas and Electric Company, Miami Fort Station" (OEPA premise number 1431350093); paragraphs (BB)(2) and (BB)(3) or paragraphs (BB)(7) and (BB)(8) of rule 3745-18-37 of the Administrative Code.

(2)

- (a) No more than eight weeks after the effective date of the applicable emission limits the owner or operator shall notify the director of the selected alternative emission limits and shall bring any subject source into compliance with the selected alternative emission limits as expeditiously as practicable, but in no event later than the compliance schedule specified in paragraph (C)(8) or (C)(9) of this rule.
- (b) If, after the final compliance date, any owner or operator of an air contaminant source specified in paragraphs (D)(1)(a) to (D)(1)(c) of this rule elects to comply with an alternative emission limit not selected under the provisions of paragraph (D)(2)(a) of this rule, such owner or operator shall notify the director at least ninety days prior to the intended date of final compliance with the new limits. Any air contaminant source having alternative emission limits shall continuously comply with one of the alternative emission limits at all times after the final compliance date.

Effective: 10/23/2015

Five Year Review (FYR) Dates: 11/30/2015

CERTIFIED ELECTRONICALLY

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Certification

10/13/2015

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Date

Promulgated Under: 119.03  
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2/17/2011, 8/26/11

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[Comment: For dates and availability of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see paragraph (C) of rule 3745-18-01 of the Administrative Code titled "~~Referenced~~referenced materials."]

- (A) Unless otherwise specified in paragraphs (B) to (E) of this rule, the non-continuous test methods used for determining compliance with the allowable emission limits in rules 3745-18-06 to 3745-18-94 of the Administrative Code shall be those specified in 40 CFR Part 60.
- (B) The test methods and procedures used for determining compliance with the allowable emission limits for any sulfur recovery plant shall be those specified in 40 CFR 60.46.
- (C) The test methods and procedures used for determining compliance with the allowable emission limit for any sulfuric acid production unit or any primary zinc smelter shall be those specified in 40 CFR 60.85.
- (D) Unless otherwise specified in this rule, the test methods and procedures used for determining compliance with the allowable emission limit for any fuel burning equipment burning coal shall be one of the following:
- (1) Stack gas sampling using ~~Methods~~USEPA methods 1 through 4, and 6, 6A, 6B or 6C ~~as specified in 40 CFR Part 60, Appendix A and 40 CFR 60.46,~~ at a frequency to be determined by the director; ~~or,~~
  - (2) Continuous emission monitoring using continuous monitoring systems meeting the requirements of "Performance Specification 2" in 40 CFR Part 60, Appendix B and 40 CFR Part 60, Appendix F with any necessary modifications approved by the director. Emission rates shall be determined using methods specified in 40 CFR 60.45 and 40 CFR 60.47a, 40 CFR 60.47b or 40 CFR 60.47c. Compliance with the applicable sulfur dioxide emission limitation shall be based on daily calculations using an arithmetic average of all data available for the preceding thirty-day period; ~~or,~~
  - (3) Coal sampling and analysis in accordance with ~~Method~~USEPA method 19 ~~as specified in 40 CFR Part 60, Appendix A~~ or equivalent methods as approved by the director. The representative sulfur dioxide emission rate from any sample shall be calculated using the formulas in paragraph (F) of this rule. Coal monitoring and compliance determination procedures shall ~~be~~ include the following:

- (a) Except as specified by the director, for all facilities greater than one thousand MM Btus per hour heat input capacity, daily as-fired fuel sampling. Compliance with the applicable sulfur dioxide emission limit shall be determined based on the weighted arithmetic average of the preceding thirty consecutive daily sample analyses.
- (b) For all facilities greater than one hundred MM Btus per hour heat input capacity and less than or equal to one thousand MM Btus per hour heat input capacity, monthly composite sampling. Such composite samples shall be composed of either periodic as-fired samples, with the collection frequency determined by the director, or as-received samples with a minimum of one sample per truckload or carload. Compliance with the applicable sulfur dioxide emission limit shall be determined based on the analysis of each monthly composite sample.
- (c) For all facilities greater than ten MM Btus per hour heat input capacity and less than or equal to one hundred MM Btus per hour heat input capacity, either monthly composite sampling consistent with paragraph (D)(3)(b) of this rule, or monthly average fuel analysis based on fuel supplier analyses. Fuel supplier analyses shall be obtained for each shipment received during the calendar month. Compliance with the applicable sulfur dioxide emission limit shall be determined based on the weighted arithmetic average of all fuel supplier analyses for each calendar month.
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- (4) For the "Cardinal Operating Company and Buckeye Power, Incorporated" (OEPA premise numbers 0641050002 and 1741050129) facilities located at Brilliant, Ohio, fuel analysis using any method approved by the director for determining heat content of the fuel and decimal fraction of sulfur in the fuel utilized during any calendar day period. Alternative methods may be submitted with the certification required by paragraph (B) of rule 3745-18-03 of the Administrative Code. The representative sulfur dioxide emission rate from any sample shall be calculated using the formulas in paragraph (F) of this rule. Compliance with the applicable sulfur dioxide emission limit shall be based on two allowed exceedances in any consecutive thirty-day period. Each day completes a new thirty-day period.
- (5)
- (a) For any fuel burning equipment burning coal at the following sources ~~described below~~, compliance with the applicable sulfur dioxide emission limits shall be determined using either of the methods described in ~~paragraphs~~ paragraph (D)(5)(b) ~~and or~~ (D)(5)(c) of this

rule. A determination of noncompliance pursuant to either of these methods shall not be refuted by evidence of compliance pursuant to the other method:

(i) [Reserved].

(ii) Coshocton county / "Columbus Southern Power Company, Conesville Generating Station" / OEPA premise number 0616000000 / unit numbers 5 and 6 / OEPA source numbers B007 and B008.

(b) Compliance shall be determined by stack gas sampling using method specified in 40 CFR 60.46, at a frequency to be determined by the director; ~~or.~~

(c) Compliance shall be determined by coal sampling and analysis in accordance with USEPA method 19 ~~as specified in 40 CFR Part 60, Appendix A~~ or equivalent methods as approved by the director. The representative sulfur dioxide emission rate from any sample shall be calculated using the formulas in paragraph (F) of this rule. Coal monitoring and compliance determination procedures shall ~~be~~ include the following:

(i) Except as specified by the director, for all facilities greater than one thousand MM Btus per hour heat input capacity, daily as-fired fuel sampling. Compliance with the applicable sulfur dioxide emission limit shall be determined based on the weighted arithmetic average of the preceding thirty consecutive daily sample analyses; ~~and.~~

(ii) For all facilities greater than one hundred MM Btus per hour heat input capacity and less than or equal to one thousand MM Btus per hour heat input capacity, monthly composite sampling. Such composite samples shall be composed of either periodic as-fired samples, with the collection frequency determined by the director, or as-received samples with a minimum of one sample per truckload or carload. Compliance with the applicable sulfur dioxide emission limit shall be determined based on the analysis of each monthly composite sample; ~~and.~~

(iii) For all facilities greater than ten MM Btus per hour heat input capacity and less than or equal to one hundred MM Btus per hour heat input capacity, either monthly composite sampling consistent

with paragraph (D)(3)(b) of this rule, or monthly average fuel analysis based on fuel supplier analyses. Fuel supplier analyses shall be obtained for each shipment received during the calendar month. Compliance with the applicable sulfur dioxide emission limit shall be determined based on the weighted arithmetic average of all fuel supplier analyses for each calendar month.

- (6) For any fuel burning equipment burning coal at the "ISG Cleveland Incorporated" (OEPA premise number 1318001613) facility located in Cleveland, Ohio, compliance shall be determined using one of the methods described in paragraphs (D)(6)(a) to (D)(6)(e) of this rule following:
- (a) Stack gas sampling using methods specified in 40 CFR 60.46, at a frequency to be determined by the director; ~~or,~~
  - (b) Continuous emission monitoring using continuous monitoring systems meeting the requirements of "Performance Specification 2" in 40 CFR Part 60, Appendix B and 40 CFR Part 60, Appendix F with any necessary modifications approved by the director. Emission rates shall be determined using methods specified in 40 CFR 60.45 and 40 CFR 60.47a. Compliance with the applicable sulfur dioxide emission limits shall be based on daily average calculations; ~~or,~~
  - (c) Coal sampling and analysis in accordance with USEPA method 19 as specified in 40 CFR, Part 60, Appendix A, or equivalent methods as approved by the director. Coal monitoring and compliance determination procedures shall consist of daily, as-fired fuel sampling for all sources greater than one hundred MM Btus per hour actual heat input capacity. The representative sulfur dioxide emission rate from any sample shall be calculated using the formulas in paragraph (F) of this rule. Compliance with the applicable sulfur dioxide emission limits shall be determined based on a daily average.
- (7) For any fuel burning equipment burning coal at any sulfur dioxide emissions source subject to, and not specifically exempted from, rule 3745-18-37 of the Administrative Code, Hamilton county emission limits, compliance with the applicable sulfur dioxide emission limits shall be determined using stack gas sampling using USEPA methods 1 through 4, and 6, 6A, 6B or 6C ~~as specified in 40 CFR 60.46.~~
- (8) For any fuel burning equipment burning coal at any sulfur dioxide emissions source subject to, and not specifically exempted from, rule 3745-18-37 of the Administrative Code, Hamilton county emission limits, emission tracking,

recordkeeping, and reporting requirements shall be ~~those described in paragraphs (D)(8)(a) to (D)(8)(e) of this rule.~~ one of the following:

- (a) Continuous emission monitoring using continuous monitoring systems meeting the requirements of "Performance Specification 2" in 40 CFR Part 60, Appendix B and 40 CFR Part 60, Appendix F . Emission rates shall be determined using methods specified in 40 CFR 60.45 and 40 CFR 60.47a, 40 CFR 60.47b or 40 CFR 60.47c; ~~or.~~
  - (b) Coal sampling and analysis in accordance with USEPA method 19 ~~as specified in 40 CFR Part 60, Appendix A.~~ Emission tracking procedures shall consist of weekly, as-fired fuel sampling for all sources greater than one hundred MM Btus per hour actual heat input capacity. The representative sulfur dioxide emission rate from any sample shall be calculated using the formulas in paragraph (F) of this rule; ~~or.~~
  - (c) Either monthly composite sampling consistent with paragraph (D)(8)(b) of this rule, or fuel supplier analyses, for all sources greater than ten MM Btus per hour heat input capacity and less than one hundred MM Btus per hour heat input capacity. Fuel supplier analyses shall be obtained for each shipment received. The representative sulfur dioxide emission rate from any sample or fuel supplier analysis shall be calculated using the formulas in paragraph (F) of this rule.
- 
- (d) In lieu of the emission tracking requirements in paragraphs (D)(8)(a) to (D)(8)(c) of this rule, the owners or operators of the following sources shall provide coal sampling and analysis in accordance with USEPA method 19 ~~as specified in 40 CFR Part 60, Appendix A~~ and in accordance with the requirements indicated:
    - (i) "Henkel Corporation, Emery Group" (OEPA premise number 1431070035); boiler numbers 1 and 2 (OEPA source numbers B027 and B028); one representative coal sample per day for analysis. The coal sample shall consist of at least twenty-four sample increments weighing a minimum of two pounds each.
    - (ii) "DEGS of St. Bernard, LLC" (OEPA premise number 1431394148); boiler 4 (OEPA source B022); one representative coal sample per day for analysis. The coal sample shall consist of at least fourteen sample increments weighing a minimum of two pounds each.

- (iii) [Reserved]
  - (iv) "PMC Specialties Group, Division of PMC Incorporated" (OEPA premise number 1431390137); boiler number 2 (OEPA source number B003); one representative coal sample per week for analysis. The coal sample shall consist of at least six sample increments weighing a minimum of 1.5 pounds each.
  - (v) "University Hospital" (OEPA premise number 1431070207); boiler numbers 3 and 4 (OEPA source numbers B008 and B003); one representative coal sample per week for analysis. The coal sample shall consist of at least one sample increment per boiler and each increment shall weigh a minimum of five pounds each.
  - (vi) Until December 22, 1993, "University of Cincinnati" (OEPA premise number 1431070849); boiler numbers 1 and 4 (OEPA source numbers B001 and B004); one representative coal sample per week for analysis. The coal sample shall consist of at least one sample increment per boiler and each increment shall weigh a minimum of five pounds each.
  - (vii) "Duke Energy of Ohio, Miami Fort Station" (OEPA premise number 1431350093); unit numbers 6, 7 and 8 (OEPA source numbers B007, B015 and B016); one representative coal sample per day for analysis which shall be conducted according to the appropriate ASTM method.
- (e) Any owner or operator required to perform emissions tracking pursuant to paragraph (D)(8) of this rule shall maintain such records for a period of not less than three years and shall make such records available for inspection by and submittal to the director upon request.
- (9) For any fuel burning equipment burning coal at any sulfur dioxide emissions source subject to, and not specifically exempted from, rule 3745-18-15 of the Administrative Code compliance with the applicable sulfur dioxide emission limits shall be determined using the one of the following methods; ~~described in paragraphs (D)(9)(a) to (D)(9)(e) of this rule. A determination of noncompliance pursuant to any of these methods shall not be refuted by evidence of compliance pursuant to any other of these methods.~~
- (a) Stack gas sampling using USEPA methods 1 through 4, and 6, 6A, 6B or 6C as specified in 40 CFR Part 60, Appendix A and 40 CFR 60.46, at a

frequency to be determined by the director; ~~or.~~

- (b) Continuous emission monitoring using continuous monitoring systems meeting the requirements of "Performance Specification 2" as specified in 40 CFR Part 60, Appendix B and the requirements specified in 40 CFR Part 60, Appendix F, with any necessary modifications approved by the director. Emission rates shall be determined using methods specified in 40 CFR 60.45 and 40 CFR 60.47a, 40 CFR 60.47b or 40 CFR 60.47c. Compliance with the applicable sulfur dioxide emission limits shall be based on daily average calculations; ~~or.~~
- (c) Coal sampling and analysis in accordance with USEPA method 9 ~~as specified in 40 CFR Part 60, Appendix A,~~ or equivalent methods as approved by the director. The representative sulfur dioxide emission rate from any sample shall be calculated using the formulas in paragraph (F) of this rule. Coal monitoring and compliance determination procedures shall ~~be~~ include the following:
- (i) Except as specified by the director, for all facilities greater than one thousand MM Btus per hour heat input capacity, daily as-fired fuel sampling. Compliance with the applicable sulfur dioxide emission limits shall be determined based on a daily average.
- (ii) For all facilities greater than one hundred MM Btus per hour heat input capacity and less than or equal to one thousand MM Btus per hour heat input capacity, monthly composite sampling. Such composite samples shall be composed of either periodic as-fired samples, with the collection frequency determined by the director, or as-received samples with a minimum of one sample per truckload or carload. Compliance with the applicable sulfur dioxide emission limit shall be determined based on the analysis of each monthly composite sample.
- (iii) For all facilities greater than ten MM Btus per hour heat input capacity and less than or equal to one hundred MM Btus per hour heat input capacity, either monthly composite sampling consistent with paragraph (D)(9)(c)(ii) of this rule, or monthly average fuel analysis based on fuel supplier analyses. Fuel supplier analyses shall be obtained for each shipment received during the calendar month. Compliance with the applicable sulfur dioxide emission limit shall be determined based on the weighted arithmetic average of all fuel supplier analyses for each calendar month.

A determination of noncompliance pursuant to any of these methods shall not

be refuted by evidence of compliance pursuant to any other of these methods.

- (10) For any fuel burning equipment burning coal at the "Painesville Municipal Electric Plant" (OEPA premise number 0243110008) facility located in Painesville, Ohio, compliance with the sulfur dioxide emissions rates specified in paragraphs (F)(4) and (F)(5) of rule 3745-18-49 of the Administrative Code shall be demonstrated by calculating a daily rolling arithmetic average using the following equation:

$$AHI = \frac{\sum_{i=1}^{30} H_i}{30}$$

where: AHI is the arithmetic average heat input rate in MM Btu per hour.

H<sub>i</sub> is the hourly heat input in MM Btu for hour i. H<sub>i</sub> is determined by a computerized system, or by monitoring the hourly steam production rate and back-calculating the heat input in accordance with the heat balance method or other approved equivalent method.

The daily rolling arithmetic average is calculated on a fixed schedule updated at twelve a.m. every calendar day unless an alternative fixed daily schedule is approved by the director.

- (E) Unless otherwise specified in this rule, the test methods and procedures used for determining compliance with the allowable emission limit for any fuel burning equipment burning fuels other than coal shall be one of the following:
- (1) Stack gas sampling using USEPA methods 1 through 4, and 6, 6A, 6B or 6C as specified in 40 CFR Part 60, Appendix A and 40 CFR 60.46, at a frequency to be determined by the director; or,
  - (2) Continuous emission monitoring using continuous monitoring systems meeting the requirements of "Performance Specification 2" as specified in 40 CFR Part 60, Appendix B and the requirements of 40 CFR Part 60, Appendix F with any necessary modifications approved by the director. Emissions rates shall be determined using methods specified in 40 CFR 60.45 and 40 CFR 60.47a, 40 CFR 60.47b or 40 CFR 60.47c. Compliance with the applicable sulfur dioxide emission limitation shall be based on daily calculations using an arithmetic average of all data available for the preceding thirty-day period; ~~or,~~

- (3) Fuel sampling and analysis in accordance with USEPA method 19 ~~as specified in 40 CFR Part 60, Appendix A~~ or the appropriate ASTM methods, or equivalent methods as approved by the director. In lieu of performing onsite sampling, representative fuel analyses performed by fuel suppliers may be acceptable. The representative sulfur dioxide emission rate from any sample shall be calculated using the formulas in paragraph (F) of this rule. The sampling frequency shall be, at a minimum, such that a sulfur dioxide emission rate representative of the thirty-day average emission rate can be determined.
- (4) For any fuel burning equipment burning fuels other than coal at the "LTV Steel Company, Incorporated" (OEPA premise numbers 1318000078 and 1318001613) facilities located in Cleveland, Ohio, compliance shall be determined using one of the following methods described in paragraphs (E)(4)(a) to (E)(4)(c) of this rule:
- (a) Stack gas sampling using USEPA methods 1 through 4, and 6 ~~as specified in 40 CFR 60.46~~, at a frequency to be determined by the director; ~~or,~~
- (b) Continuous emission monitoring using continuous monitoring systems meeting the requirements of "Performance Specification 2" as specified in 40 CFR Part 60, Appendix B and Appendix F with any necessary modifications approved by the director. Emission rates shall be determined using methods specified in 40 CFR 60.45 and 40 CFR 60.47a. Compliance with the applicable sulfur dioxide emission limits shall be based on daily average calculations; ~~or,~~
- (c) Fuel sampling and analysis in accordance with USEPA method 19 ~~as specified in 40 CFR Part 60, Appendix A~~ or the appropriate ASTM methods, or equivalent methods as approved by the director. In lieu of performing on-site sampling, representative fuel analyses performed by the fuel suppliers may be acceptable. The representative sulfur dioxide emission rate from any sample shall be calculated using the formulas in paragraph (F) of this rule. The sampling frequency shall be, at a minimum, such that a sulfur dioxide emission rate representative of the daily average emission rate can be determined.
- (5) For any fuel burning equipment burning fuels other than coal at any sulfur dioxide emissions source subject to, and not specifically exempted from, rule 3745-18-37 of the Administrative Code, Hamilton county emission limits, compliance with the applicable sulfur dioxide emission limits shall be determined using stack gas sampling using USEPA methods 1 through 4 and 6, 6A, 6B or 6C ~~as specified in 40 CFR Part 60, Appendix A and 40 CFR~~

~~60.46.~~

(6) For any fuel burning equipment burning fuels other than coal at any sulfur dioxide emissions source subject to, and not specifically exempted from, rule 3745-18-37 of the Administrative Code, Hamilton county emission limits, emission tracking, recordkeeping and reporting requirements shall be ~~those described in paragraphs (E)(6)(a) and (E)(6)(b) of this rule~~ one of the following:

(a) Continuous emission monitoring using continuous monitoring systems meeting the requirements of "Performance Specification 2" as specified in 40 CFR Part 60, Appendix B and 40 CFR Part 60, Appendix F. Emission rates shall be determined using methods specified in 40 CFR 60.45 and 40 CFR 60.47a, 40 CFR 60.47b or 40 CFR 60.47c ~~or~~.

(b) Fuel sampling and analysis in accordance with USEPA method 19 ~~as specified in 40 CFR Part 60, Appendix A~~, or the appropriate ASTM methods. In lieu of performing on-site sampling, representative fuel analyses performed by the fuel suppliers may be acceptable. The representative sulfur dioxide emission rate from any sample shall be calculated using the formulas in paragraph (F) of this rule. The sampling frequency shall be, at a minimum, such that at least one analysis is obtained from each shipment of fuel.

(7) For any fuel burning equipment burning fuels other than coal at any sulfur dioxide emissions source subject to, and not specifically exempted from, rule 3745-18-15 of the Administrative Code, Butler county emission limits, compliance with the applicable sulfur dioxide emission limits shall be determined using the methods described in paragraphs (E)(7)(a) to (E)(7)(c) of this rule. A determination of noncompliance pursuant to any of these methods shall not be refuted by evidence of compliance pursuant to any other of these methods:

(a) Stack gas sampling using USEPA methods 1 through 4, and 6, 6A, 6B or 6C ~~as specified in 40 CFR Part 60, Appendix A and 40 CFR 60.46~~, at a frequency to be determined by the director ~~or~~.

(b) Continuous emission monitoring using continuous monitoring systems meeting the requirements of "Performance Specification 2" as specified in 40 CFR Part 60, Appendix B and 40 CFR Part 60, Appendix F with any necessary modifications approved by the director. Emission rates shall be determined using methods specified in 40 CFR 60.45 and 40 CFR 60.47a, 40 CFR 60.47b or 40 CFR 60.47c. Compliance with the

applicable sulfur dioxide emission limits shall be based on daily average calculations; ~~or,~~

- (c) Fuel sampling and analysis in accordance with USEPA method 19 ~~as specified in 40 CFR Part 60, Appendix A~~ or the appropriate ASTM methods, or equivalent methods as approved by the director. In lieu of performing on-site sampling, representative fuel analyses performed by the fuel suppliers may be acceptable. The representative sulfur dioxide emission rate from any sample shall be calculated using the formulas in paragraph (F) of this rule. The sampling frequency shall be, at a minimum, such that a sulfur dioxide emission rate representative of the thirty-day average emission rate can be determined.

(F) Sulfur dioxide emissions from fuel samples shall be calculated as follows:

- (1) From solid fuels:

$$ER = (1 \times 10^6)/H \times S \times 1.9$$

where: ER = the emission rate in pounds of sulfur dioxide per MM Btu; ~~and,~~

H = the heat content of the solid fuel in Btu per pound; ~~and,~~

S = the decimal fraction of sulfur in the solid fuel.

- (2) From liquid fuels:

$$ER = (1 \times 10^6)/H \times D \times S \times 1.974$$

where: ER = the emission rate in pounds of sulfur dioxide per MM Btu; ~~and,~~

H = the heat content of the liquid fuel in Btu per gallon; ~~and,~~

D = the density of the liquid fuel in pounds per gallon; ~~and,~~

S = the decimal fraction of sulfur in the liquid fuel.

- (3) From gaseous fuels other than natural gas as specified in paragraph (F)(4) of this rule:

$$ER = (1 \times 10^6)/H \times D \times S \times 1.998$$

where: ER = the emission rate in pounds of sulfur dioxide per MM Btu; ~~and,~~

H = the heat content of the gaseous fuel in Btu per standard cubic foot; ~~and,~~

D = the density of the gaseous fuel in pounds per standard cubic foot, ~~and,~~

S = the decimal fraction of sulfur in the gaseous fuel.

- (4) From natural gas, the sulfur dioxide emission rate shall be considered to be equal to 0.0 pounds of sulfur dioxide per MM Btu.
- (G) All data, calculations and reports from any performance test, continuous monitor ~~and/or~~ or fuel sample developed for the purpose of demonstrating compliance with rules 3745-18-06 to 3745-18-94 of the Administrative Code shall be retained for a minimum of three years and shall be available for inspection by the director or the director's representative.
- (H) Any owner or operator of any sulfur dioxide emissions source subject to, and not specifically exempted from, rule 3745-18-37 of the Administrative Code, Hamilton county emission limits, shall document any compliance test or applicable emission tracking procedure, shall document compliance with any applicable operating rate limits and shall retain all data, calculations and reports from any performance test, continuous emission monitor, fuel sample, ~~and/or~~ or operating rate monitor utilized for the purpose of demonstrating compliance with the applicable emission limits, emission tracking requirements, ~~and/or~~ or operating rate limits for a period of not less than three years and shall make such records available for inspection by and submittal to the director upon request.
- (I) Nothing in this rule shall be interpreted to prevent the director from issuing orders pursuant to section 3704.03 of the Revised Code to require performance testing, continuous emission monitoring, or fuel sampling ~~and/or~~ or to require record-keeping and reporting of emission information. Any such data may be used to further evaluate compliance with ~~the requirements of~~ rules 3745-18-06 to 3745-18-94 of the Administrative Code.
- (J) Any owner or operator of any sulfur dioxide source subject to, and not specifically exempted from, paragraphs (B)(4), (B)(5), (B)(6), (B)(7), (B)(8), (B)(11), (B)(13) and (B)(14) of rule 3745-18-49 of the Administrative Code, "Lubrizol Corporation" processes "L", "M", "N", "O", "W" and "AC" (OEPA source numbers P011, P012, P013, P014, P022 and P030), shall demonstrate compliance with the combined hourly emission limits by performing emission tests in accordance with USEPA method 6 or USEPA method 6C ~~in 40 CFR Part 60, Appendix A~~, and by employing the continuous emission rate monitoring system. The combined allowable sulfur dioxide emission limit for these processes for any hour shall be the sum of the individual allowable sulfur dioxide emissions limits for those processes that are in operation during any part of that hour. The combined allowable sulfur dioxide emission limit for these processes for any rolling three hour period shall be the

average of the three, one hour allowable limits comprising the three hour period.

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Effective: 10/23/2015

Five Year Review (FYR) Dates: 11/30/2015

CERTIFIED ELECTRONICALLY

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Certification

10/13/2015

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Date

Promulgated Under: 119.03  
Statutory Authority: 3704.03(E)  
Rule Amplifies: 3704.03(A), 3704.03(E)  
Prior Effective Dates: 12/28/79, 11/1/84, 5/11/87, 6/15/89, 10/31/91,  
3/21/00, 9/1/03, 1/23/06, 2/17/11

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- (A) No owner or operator of any coal-fired steam generating unit, unless otherwise specified in this rule, shall cause or permit the emission of sulfur dioxide from any source to exceed a maximum of 1.8 pounds of sulfur dioxide per MM Btu actual heat input.
- (B) No owner or operator of any oil-fired steam generating unit unless otherwise specified in this rule, shall cause or permit the emission of sulfur dioxide from any source to exceed a maximum of 0.8 pounds of sulfur dioxide per MM Btu actual heat input.
- (C) No owner or operator of a by-product coke oven for a facility which utilizes by-product coke oven gas shall cause or permit the combustion of by-product coke oven gas containing hydrogen sulfide in excess of fifty grains of hydrogen sulfide per one hundred dry standard cubic feet of coke oven gas.
- (D) The "Cardinal Operating Company" (OEPA premise number 0641050002) or any subsequent owner or operator of the "Cardinal Operating Company," Brilliant, Ohio shall not cause or permit the emissions of sulfur dioxide from unit numbers 1 and 2 (OEPA source numbers B001 and B002) to exceed a maximum of 7.08 pounds of sulfur dioxide per MM Btu actual heat input from each boiler.
- (E) [Reserved].
- 
- (F) [Reserved].
- (G) The "Wheeling-Pittsburgh Steel, Steubenville South Plant" (OEPA premise number 0641090010) or any subsequent owner or operator of the "Wheeling-Pittsburgh Steel, Steubenville South Plant," Mingo Junction, Ohio shall not cause or permit the emission of sulfur dioxide from the following sources to exceed the amounts indicated:
- (1) ~~Boiler numbers 1 through 12 (OEPA source numbers B001 through B012); a maximum of 2.1 pounds of sulfur dioxide per MM Btu actual heat input from each boiler and a total of one thousand four hundred fifteen tons of sulfur dioxide per any period of three hundred sixty consecutive days~~[Reserved].
  - (2) ~~Forty four inch soaking pits block numbers 1 through 5 (OEPA source numbers B013 through B017); from the combustion of coke oven gas containing hydrogen sulfide, fifty grains of hydrogen sulfide per one hundred dry standard cubic feet of coke oven gas~~[Reserved].
  - (3) Reheat furnaces 2 through 4 (OEPA source numbers P006 through P008); a

maximum of 1.0 pounds of sulfur dioxide per hour.

(4) Electric arc furnace number 1 (OEPA source number P914); a maximum of 105.0 pounds of sulfur dioxide per hour.

(5) Ladle metallurgical furnace to the electric arc furnace (OEPA source number P014); a maximum of 14.0 pounds of sulfur dioxide per hour.

(H) The "Wheeling-Pittsburgh Steel, Yorkville Plant" (OEPA premise number 0641120012) or any subsequent owner or operator of the "Wheeling-Pittsburgh Steel, Yorkville Plant," Yorkville, Ohio shall not cause or permit the emission of sulfur dioxide from boiler numbers 2 through 10 (OEPA source numbers B001 through B009) to exceed a maximum of 5.62 pounds of sulfur dioxide per MM Btu actual heat input from each boiler.

(I) [Reserved].

(J) [Reserved].

(K) The "Toronto Paperboard Company" (OEPA premise number 064118000) or any subsequent owner or operator of the "Toronto Paperboard Company, 421 Loretta Avenue, Toronto, Ohio" shall not cause or permit the emission of sulfur dioxide from boiler number 1 (OEPA source number B001) to exceed a maximum of 6.0 pounds of sulfur dioxide per MM Btu actual heat input.

(L) The "Ohio Edison Company, W.H. Sammis Plant" (OEPA premise number 0641160017) or any subsequent owner or operator of the "Ohio Edison Company, W.H. Sammis Plant, Route Number 7, Stratton, Ohio" shall not cause or permit the emission of sulfur dioxide from the following sources to exceed the amounts indicated:

(1) Auxiliary heating boiler (OEPA source number B001); a maximum of 0.0 pounds of sulfur dioxide per MM Btu actual heat input.

(2) Diesel numbers A, B2, B3, and B4 (OEPA source numbers B002, B003, B004, B005, and B006); a maximum of 0.8 pounds of sulfur dioxide per MM Btu actual heat input from each diesel.

(3) Boiler numbers 1 through 4 (OEPA source numbers B007 through B010); a maximum of 1.61 pounds of sulfur dioxide per MM Btu actual heat input from each boiler.

(4) Boiler numbers 5 through 7 (OEPA source numbers B011 through B013); a

maximum of 4.46 pounds of sulfur dioxide per MM Btu actual heat input from each boiler.

- (5) As an alternative to ~~the requirements specified in~~ paragraphs (L)(3) and (L)(4) of this rule, boiler numbers 1 through 7 (OEPA source numbers B007 through B013); a maximum of 2.91 pounds of sulfur dioxide per MM Btu actual heat input from each boiler. The "Ohio Edison Company, W.H. Sammis Plant" shall notify the director and the administrator at least ninety days prior to the intended date of conversion when changing between the emission limits contained in this paragraph and the emission limits contained in paragraphs (L)(3) and (L)(4) of this rule. "The Ohio Edison Company, W.H. Sammis Plant" shall comply with either ~~the requirements of~~ this paragraph or paragraphs (L)(3) and (L)(4) of this rule.
- (M) [Reserved].
- (N) [Reserved].
- (O) "Buckeye Power, Incorporated" (OEPA premise number 1741050129) or any subsequent owner or operator of "Buckeye Power, Incorporated," Brilliant, Ohio shall not cause or permit the emission of sulfur dioxide from Cardinal unit number 3 (OEPA source number B002) to exceed a maximum of 2.0 pounds of sulfur dioxide per MM Btu actual heat input.
- (P) "Mingo Junction Energy Center, LLC" (OEPA premise number 0641090234) or any subsequent owner or operator of "Mingo Junction Energy Center, LLC." Mingo Junction, Ohio shall not cause or permit the emission of sulfur dioxide from units number 1 through 4 (OEPA source numbers B001 through B004) to exceed a maximum of 0.0028 pounds of sulfur dioxide per MM Btu actual heat input from each boiler.

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Five Year Review (FYR) Dates: 11/30/2015

CERTIFIED ELECTRONICALLY

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Certification

10/13/2015

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Date

Promulgated Under: 119.03  
Statutory Authority: 3704.03(E)  
Rule Amplifies: 3704.03(A), 3704.03(E)  
Prior Effective Dates: 5/11/87, 12/28/79, 7/25/96, 2/17/11

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[Comment: For dates and availability of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see paragraph (C) of rule 3745-18-01 of the Administrative Code titled "referenced materials."]

- (A) No owner or operator of any coal-fired steam generating unit, unless otherwise specified in this rule, shall cause or permit the emission of sulfur dioxide from any source to exceed a maximum of 7.2 pounds of sulfur dioxide per MM Btu actual heat input.
- (B) The "Lubrizol Corporation" (OEPA premise number 0243000024) or any subsequent owner or operator of the "Lubrizol Corporation, 155 Freedom Road, Painesville, Ohio" shall not cause or permit the emission of sulfur dioxide from the following sources to exceed the amounts indicated:
- (1) Boiler numbers 1 through 4 (OEPA source numbers B001 through B004); a maximum of 1.6 pounds of sulfur dioxide per MM Btu actual heat input from each boiler.
  - (2) Process "C" (OEPA source number P001); a maximum of 19.05 pounds of sulfur dioxide per hour.
  - (3) Process "G" (OEPA source number P006); a maximum of 26.99 pounds of sulfur dioxide per hour.
  - (4) Process "L" (OEPA source number P011); a maximum of 2.4 pounds of sulfur dioxide per hour.
  - (5) Process "M" (OEPA source number P012); a maximum of 160.0 pounds of sulfur dioxide per hour.
  - (6) Process "N" (OEPA source number P013); a maximum of 25.0 pounds of sulfur dioxide per hour.
  - (7) Process "O" (OEPA source number P014); a maximum of 10.0 pounds of sulfur dioxide per hour.
  - (8) Process "W" (OEPA source number P022); a maximum of 20.0 pounds of sulfur dioxide per hour.
  - (9) Process "B" (OEPA source number P026); a maximum of 29.62 pounds of

sulfur dioxide per hour.

- (10) Process "Z" (OEPA source number P029); a maximum of 68.80 pounds of sulfur dioxide per hour.
  - (11) Process "AC" (OEPA source number P030); a maximum of 30.0 pounds of sulfur dioxide per hour.
  - (12) Waste incinerator (OEPA source number N001); a maximum of 100.0 pounds of sulfur dioxide per hour.
  - (13) In addition to the provisions of paragraphs (B)(4), (B)(5), (B)(6), (B)(7), (B)(8) and (B)(11) of this rule, processes "L", "M", "N", "O", "W" and "AC" (OEPA source numbers P011 through P014, P022 and P030) shall be limited to the emission of sulfur dioxide not to exceed a maximum of 247.4 pounds of sulfur dioxide per hour or a maximum of 100.0 tons of sulfur dioxide per calendar year.
  - (14) The combined allowable emissions from processes "L", "M", "N", "O", "W" and "AC" (OEPA source numbers P011 through P014, P022 and P030) for any hour shall be the sum of the individual allowable sulfur dioxide emission limits for those processes that are in operation during any part of that hour.
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- (C) [Reserved].
- (D) The "PET Processors, LLC" (OEPA premise number 0243000165) or any subsequent owner or operator of the "PET Processors, LLC, 750 Bacon Road, Painesville, Ohio" shall not cause or permit the emission of sulfur dioxide from boiler numbers 7300071 and 8300073 (OEPA source numbers B001 and B002) to exceed 0.0 pounds of sulfur dioxide per MM Btu actual heat input from each boiler and shall operate said boilers such that their combined average operating rate shall not exceed one hundred six MM Btu per hour for any calendar day.
  - (E) The "Carmeuse Lime, Inc." (OEPA premise number 0243030257) or any subsequent owner or operator of the "Carmeuse Lime, Inc., Williams Street, Grand River, Ohio" shall not cause or permit the emission of sulfur dioxide from lime kiln numbers 4 and 5 (OEPA source numbers P001 and P002) to exceed a maximum of 10.0 pounds of sulfur dioxide per ton of product.<sup>§</sup>
  - (F) The "Painesville Municipal Electric Plant" (OEPA premise number 0243110008) or any subsequent owner or operator of the "Painesville Municipal Electric Plant, 325 Richmond Street, Painesville, Ohio" shall not cause or permit the emission of sulfur

~~dioxide from~~ meet the following for boiler numbers 3, 4 and 5 (OEPA source numbers ~~B001~~B005, ~~B003~~B003, and ~~B004~~B004); to

- (1) Not cause or permit the emission of sulfur dioxide to exceed a maximum of ~~5.74.0~~ pounds of sulfur dioxide per MM Btu actual heat input from each boiler and shall operate said boilers such that their combined average operating rate shall not exceed five hundred ninety three MM Btu per hour for any calendar day.
  - (2) Operate said boilers such that their combined average operating rate shall not exceed two hundred forty-nine MM Btu per hour for any calendar day.
  - (3) Operate only one boiler at any time, except during periods of start-up and shutdown.
  - (4) Operate boiler number 3 (OEPA source number B003) such that the average rate shall not exceed seventy-two MM Btu per hour for any thirty-day period.
  - (5) Operate boiler number 4 or 5 (OEPA source numbers B004 and B001) such that the average rate shall not exceed eighty-five MM Btu per hour hour for any thirty-day period.
  - (6) Comply with the requirements for a "limited use boiler" as defined in 40 CFR 63.7575 at each boiler, which requires a federally enforceable annual capacity factor of no more than ten per cent, in accordance with 40 CFR 63.7500 and 40 CFR 63.7540.
- (G) ~~The "Cleveland Electric Illuminating Company, Eastlake Plant" (OEPA premise number 0243160009) or any subsequent owner or operator of the "Cleveland Electric Illuminating Company, Eastlake Plant, 10 Erie Road, Willoughby, Ohio" shall not cause or permit the emission of sulfur dioxide from boiler numbers 1 through 5 (OEPA source numbers B001 through B005) to exceed a maximum of 5.64 pounds of sulfur dioxide per MM Btu actual heat input from each boiler~~[Reserved].
- (H) [Reserved].
- (I) The "Lincoln Electric Company" (OEPA premise number 0243080843) or any subsequent owner or operator of the "Lincoln Electric Company, Heisley Road, Mentor, Ohio" shall not cause or permit the emission of sulfur dioxide from boiler number 1 (OEPA source number B001) to exceed a maximum of 3.8 pounds of sulfur dioxide per MM Btu actual heat input.

Effective: 10/23/2015

Five Year Review (FYR) Dates: 11/30/2015

CERTIFIED ELECTRONICALLY

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Certification

10/13/2015

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Date

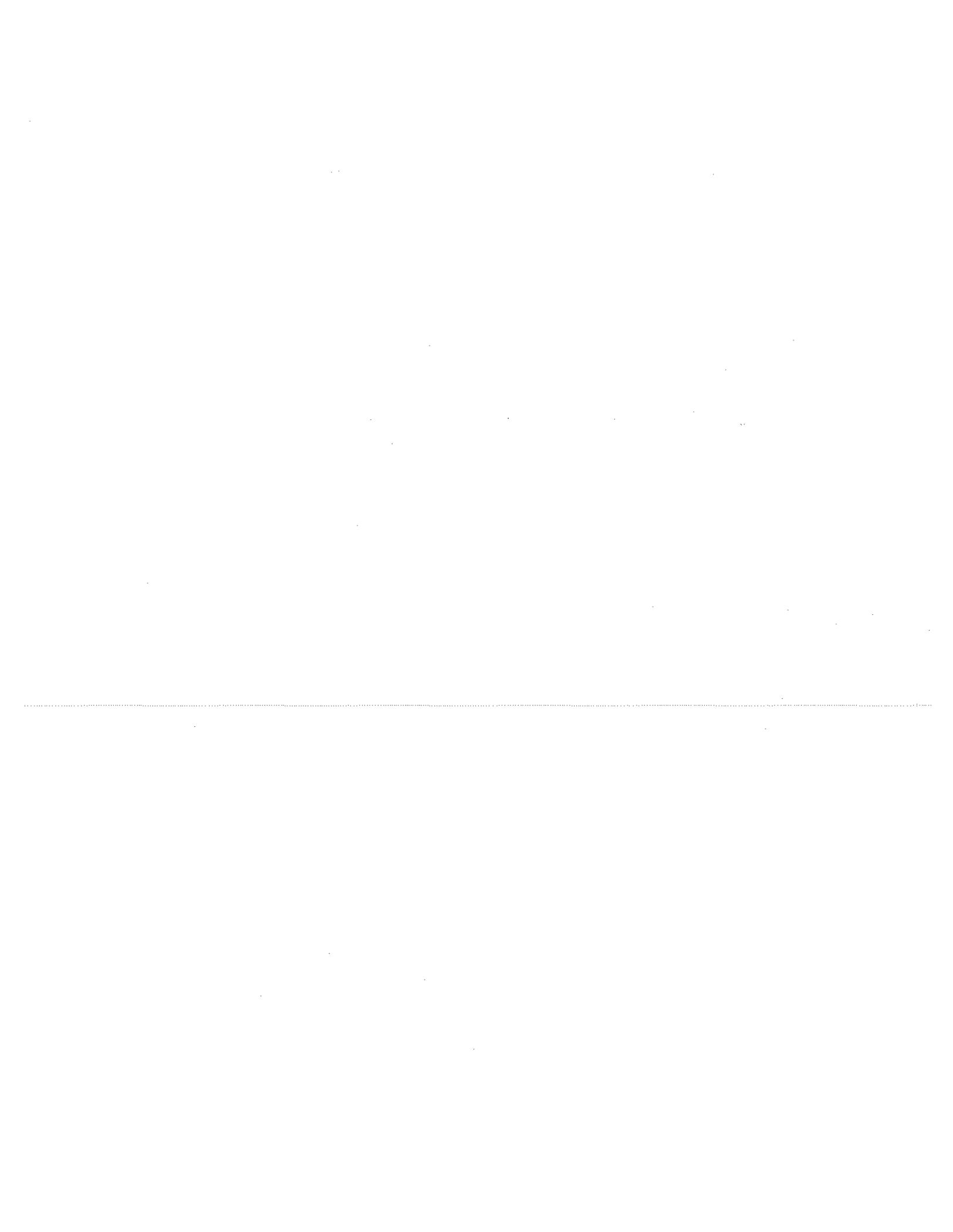
Promulgated Under: 119.03  
Statutory Authority: 3704.03(E)  
Rule Amplifies: 3704.03(A), 3704.03(E)  
Prior Effective Dates: 12/28/79, 2/17/11

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Attachment M-13  
Article II

Copy of Public Notice and  
Director's Findings & Orders

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OHIO E.P.A.

OCT 13 2015

BEFORE THE

OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

The Adoption of Amended  
Rules 3745-18-01, 3745-18-03  
3745-18-04, 3745-18-47,  
and 3745-18-49 of the Ohio  
Administrative Code

Director's Final Findings and  
Orders

I certify this to be a true and accurate copy of the  
official documents as filed in the records of the Ohio  
Environmental Protection Agency.

FINDINGS AND ORDERS

*[Signature]*

Date: 10-13-15

The Director of Environmental Protection, having considered in compliance with the Administrative Procedure Act the adoption, in final form, of the proposed amended rules of the Ohio Administrative Code cited above, finds:

1. That due notice of a public hearing in this matter pursuant to the Administrative Procedure Act was given, that a public hearing was held on September 16, 2015 in Columbus, Ohio, and that all interested persons were afforded the opportunity to be heard; and
2. That upon due consideration, the adoption, in final form, of the proposed amended rules of the Ohio Administrative Code cited above, is reasonable and lawful and within the purview of authority provided by law.

It is therefore

**ORDERED** that amended rules 3745-18-01, 3745-18-03, 3745-18-04, 3745-18-47, and 3745-18-49, of the Ohio Administrative Code be adopted in final form.

It is further

**ORDERED** that the effective date of said amended rules shall be OCT 23 2015.

It is further

**ORDERED** that copies of these Findings and Orders and certified copies of said amended rules, in final form, shall be filed with the Secretary of State, the Joint Committee on

Agency Rule Review, the Legislative Services Commission, and the Department of Development's Office of Small and Developing Business, as required by law.

### APPEAL RIGHTS

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 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, 17<sup>th</sup> Floor  
Columbus, OH 43215



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Craig W. Butler, Director  
Ohio Environmental Protection Agency

Issued at Columbus, Ohio this 13<sup>th</sup> day of October, 2015.

## 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) rules 3745-18-01, 3745-18-03, 3745-18-04, 3745-18-47, and 3745-18-49.

The purpose of this rule making was to make changes to assist Ohio with our Demonstration for Attainment of the 1-Hour Sulfur Dioxide Standard in Nonattainment Areas State Implementation Plan (SIP).

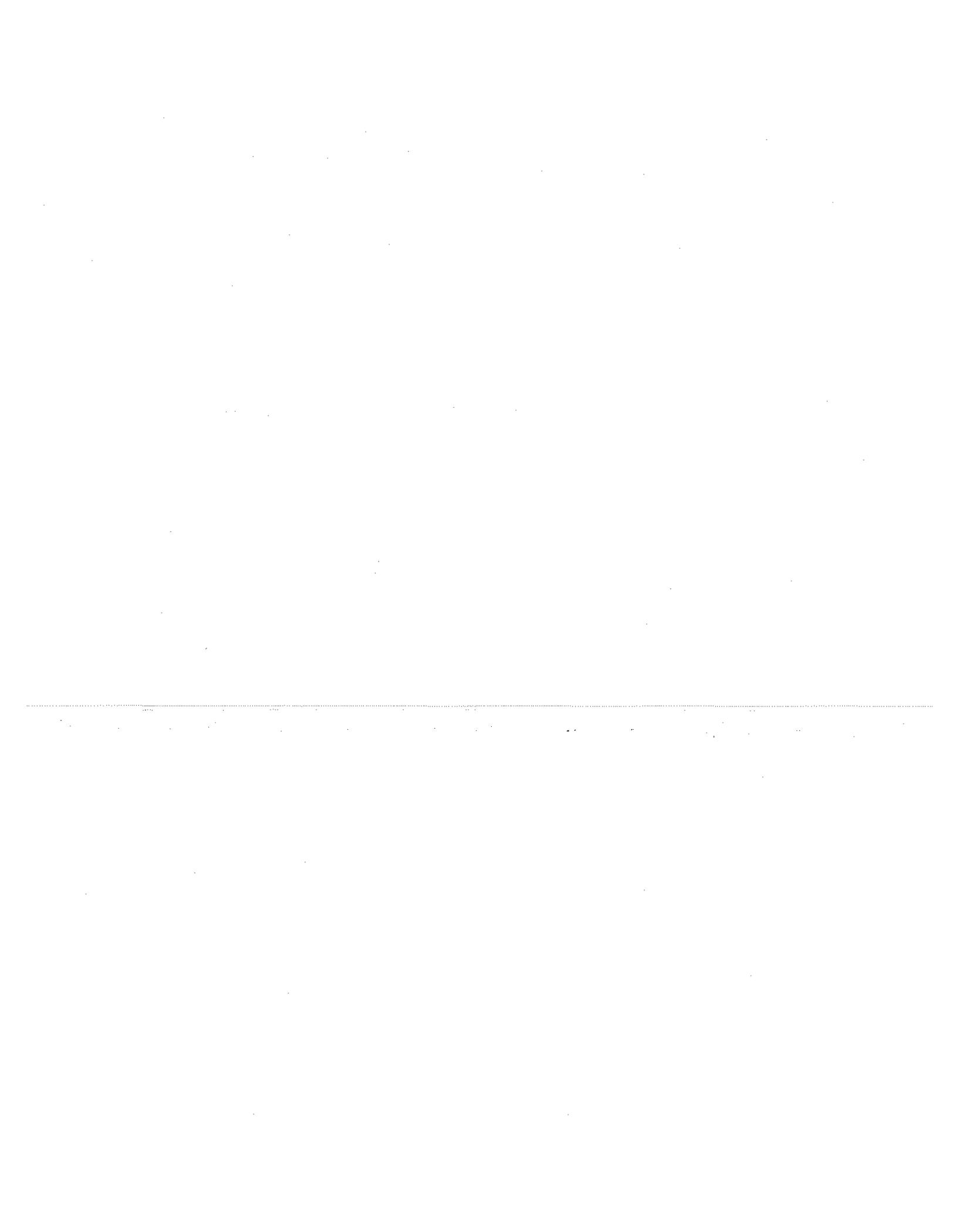
Pursuant to Section 121.39 of the Ohio Revised Code, Ohio EPA was required to consult with interested parties affected by the rules before the division formally adopts them. On May 27, 2015, these rules and the draft business impact analysis document went out for a 30+-day review by interested parties ending July 9, 2015. The rules were also released for a 30-day proposal comment period ending September 16, 2015 and a public hearing was held on September 16, 2015.

The Director's order of adoption was issued on October 13, 2015. **The effective date of the adoption is October 23, 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 Paul Braun, Ohio EPA, Division of Air Pollution Control, Lazarus Government Center, PO Box 1049, Columbus, Ohio 43216-1049 or call Paul Braun 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:

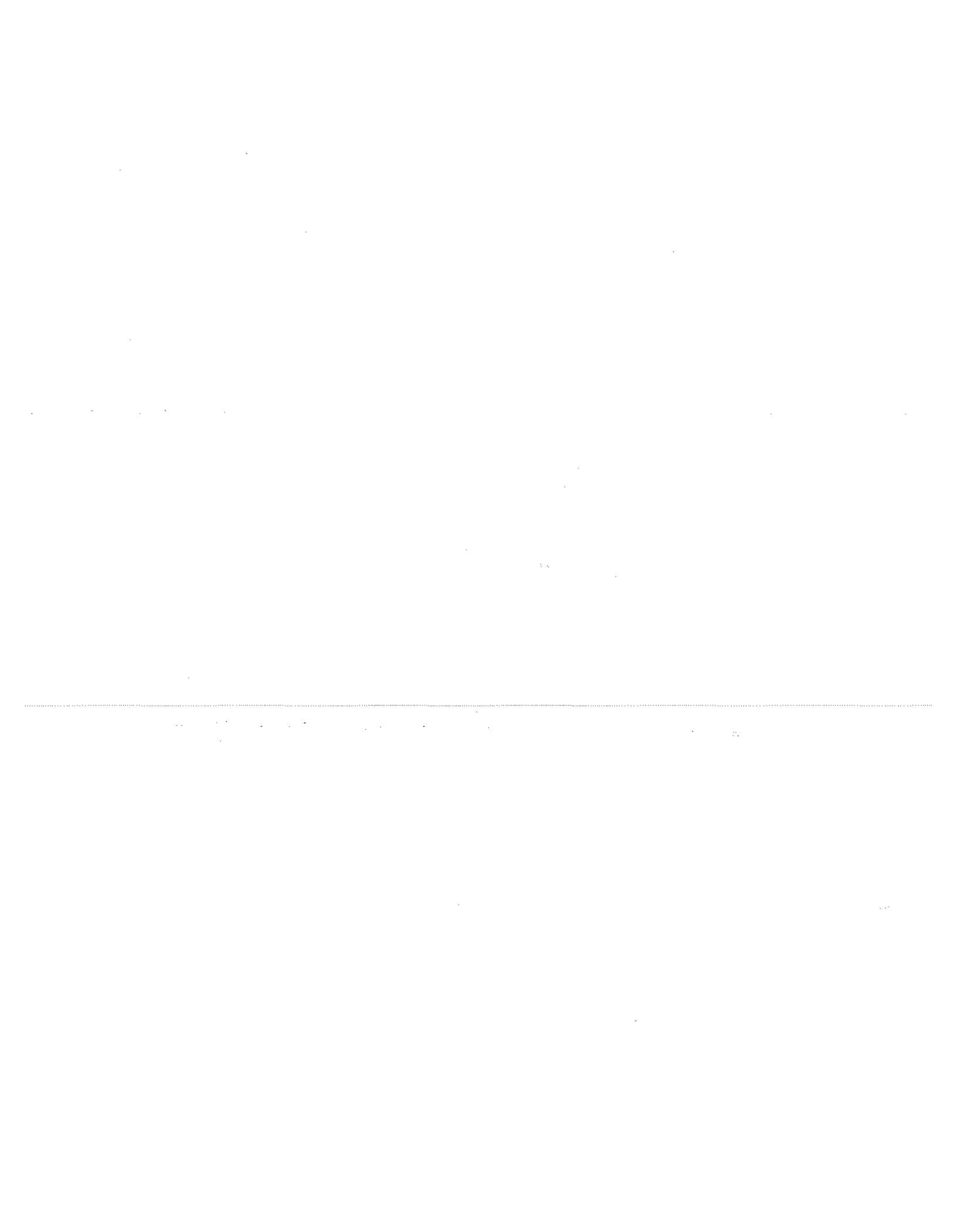
Environmental Review Appeals Commission  
77 South High Street, 17th Floor  
Columbus, Ohio 43215



**Attachment M-13  
Article III**

**Evidence Ohio EPA  
Followed Rule Adoption  
Procedures**

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## Evidence Ohio EPA Followed Rule Adoption Procedures

Ohio Revised Code (ORC) 119.03, Procedures for adoption, amendment, or rescission of rules; finding that fiscal analysis is incomplete or inaccurate, outlines the requirements Ohio EPA must follow during the rule-making process. A copy of ORC 119.03 can be provided upon request. Ohio EPA fully complied with the requirements of this law and has provided evidence on the major requirements below:

1. ORC 119.03(A): Reasonable public notice shall be given in the register of Ohio at least 30 days prior to the date set for a hearing.

Ohio's electronic rule filing system automatically posts public notices in the Ohio Register when rules are proposed. A copy of the Public Hearing notice can be provided upon request. The Public Hearing notice was placed in the Ohio Register on August 7, 2015. Ohio EPA held a public hearing on September 16, 2015 at Ohio EPA central office in Columbus, Ohio. This hearing was held 40 days after the notice was placed in the register. The ORC 119.03 requirements for public notice contents were met as evidenced by comparing the public notice and ORC 119.03 (A)(1)-(4). In addition to the Register of Ohio, Ohio EPA also placed an advertisement in the major newspapers throughout the state. Copies can be provided upon request.

2. ORC 119.03(B): The required materials must be filed with the secretary of state and the director of the legislative service commission (LSC).

Ohio's electronic filing system automatically generates a letter when all the required elements have been uploaded on the system and the package is proposed. This letter is included (Attachment A to this appendix).

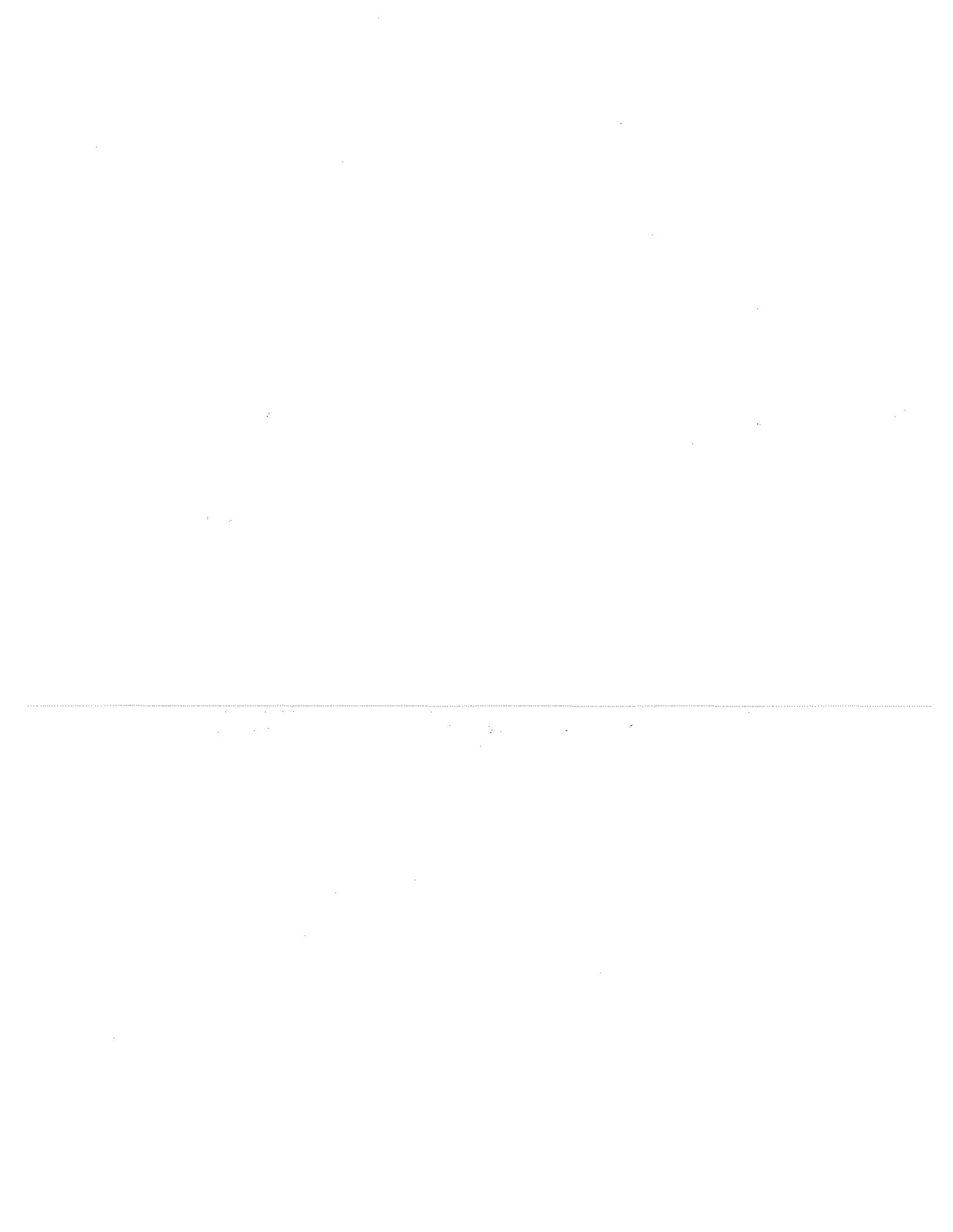
Ohio EPA also complied with all requirements for incorporated materials. In addition, the answers to questions eight and nine of each of the Rule Summary and Fiscal Analysis (RSFA) documents are provided (Attachment B to this appendix).

3. ORC 119.03(C): Conduct public hearings as advertised.

Ohio EPA conducted the public hearing required under this paragraph off the ORC on September 16, 2015 as identified in the Public Hearing notice. A copy of the hearings transcript is provided as appendix M-9 of Ohio's Demonstration of Attainment SIP .

4. ORC 119.03(D): After the period of time when legislative review and invalidation may occur expires, the agency may issue an order adopting the rule.

The Joint Committee on Agency Rule Review (JCARR) oversees agency rulemaking in Ohio. A hearing was held with JCARR on October 5, 2015 where these rules were placed on the consent agenda (Attachment C to this appendix).



No testimony, questions or invalidation of the rules occurred during this hearing. JCARR jurisdiction expired on October 11, 2015 as evidenced by the JCARR consent agenda.

Ohio EPA issued the order to adopt the rules on October 13, 2015 as evidenced by the Director's Findings & Orders and the Public Notice (both contained in Article 2 of this appendix). The Secretary of the State and Director of the LSC once again received a letter of notice (Attachment D of this appendix).

5. ORC 119.03(E): Provide notice to public prior to effective date of rules.

Ohio EPA provided an update of the adoption of the rules through the Ohio EPA website and through an e-mail notice to all interested parties on October 13, 2015. A copy of these notifications can be provided upon request.

ORC 121.39, Provisions applicable to proposed legislation or administrative rules concerning environmental protection, imposes further requirements for interested party review specific to environmental rule adoption. Ohio EPA fully complied with the requirements of this law and has provided evidence on the major requirements below:

1. ORC 121.39(B): Legislation dealing with the environment must be accompanied by a statement identifying if it is necessary to comply with a federal requirement. It must also include information on the estimated cost of compliance.

The RSFA and Environmental Rule Adoption/Amendment Form (ERAF) documents are automatically generated questions that are part of the States electronic rule filing system (Attachment B of this appendix). The questions are intended to address the items in ORC 121.39. As evidenced in Question 6 of the RSFA documents and item (C) of the ERAF for the rule, Ohio EPA stated the adoption of this rule, or a version as stringent as, is required by U.S. EPA. The RSFA documents also contain a section entitled Fiscal Analysis which addresses potential costs. Our responses met the requirements of this law as evidenced in the consent by JCARR who reviews these documents.

2. ORC 121.39(D): Prior to adopting any environmental rule, the agency must consult with interested parties, consider all documentation relevant to the need for the rule making, identify any need to adopt in order to maintain approval to administer a federal environmental law, and it must include an RSFA.

On May 27, 2015 Ohio EPA notified interested parties via e-mail of the draft rule language. A copy of the notification may be provided upon request. We provided a 43-day comment period closing July 9, 2015. The interested parties list included Ohio EPA, DAPC's general rule making list. A copy of the e-mail and interested party list will be provided upon request.

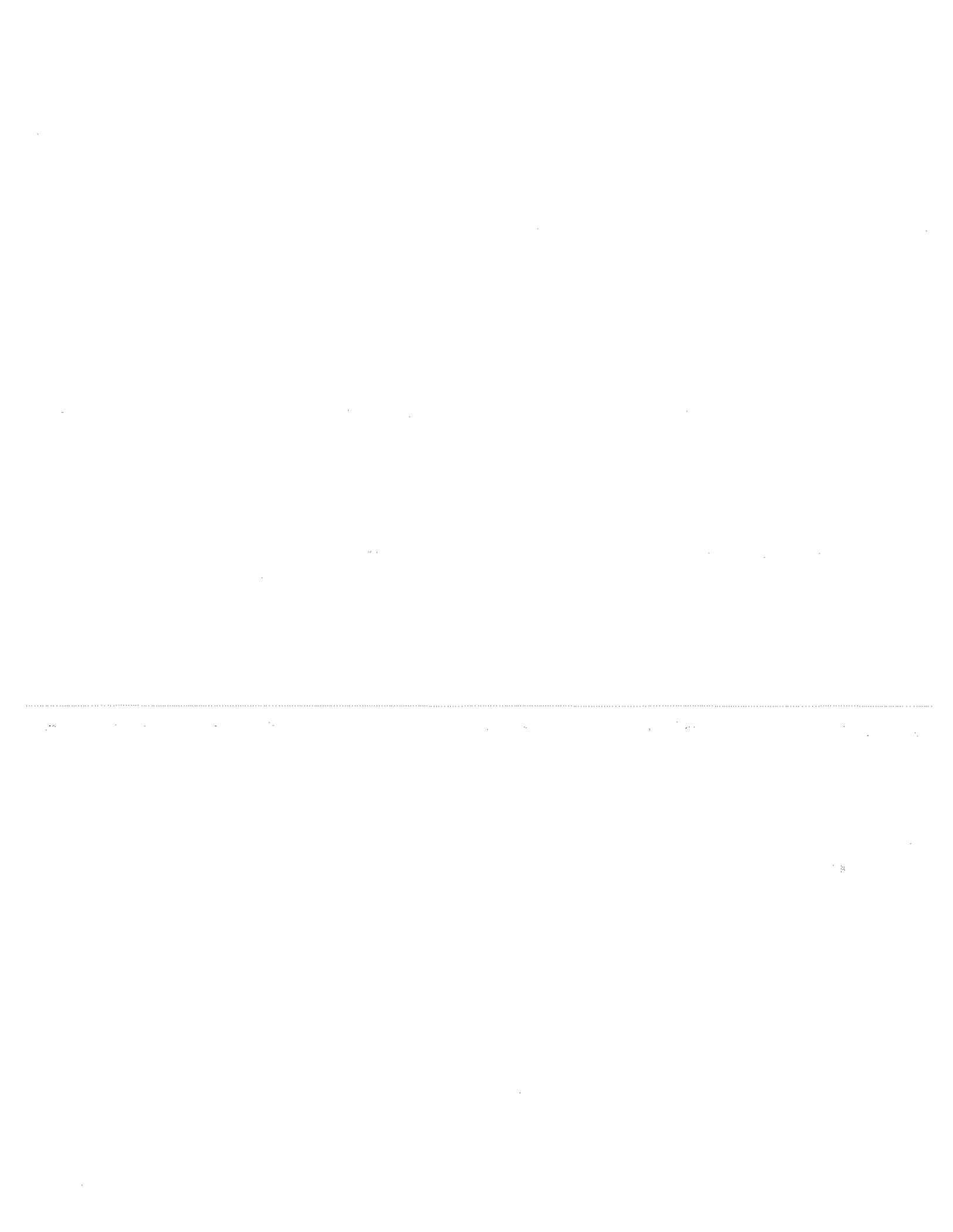
As evidenced in item (C) of the ERAF for each rule, Ohio EPA stated the adoption



of this rule is required in order to maintain approval to administer a federal environmental law.

As evidenced in item (A) of the ERAF for each rule, Ohio EPA identified that it considered all documentation relevant to the need for the rule making and identified those documents in list form.

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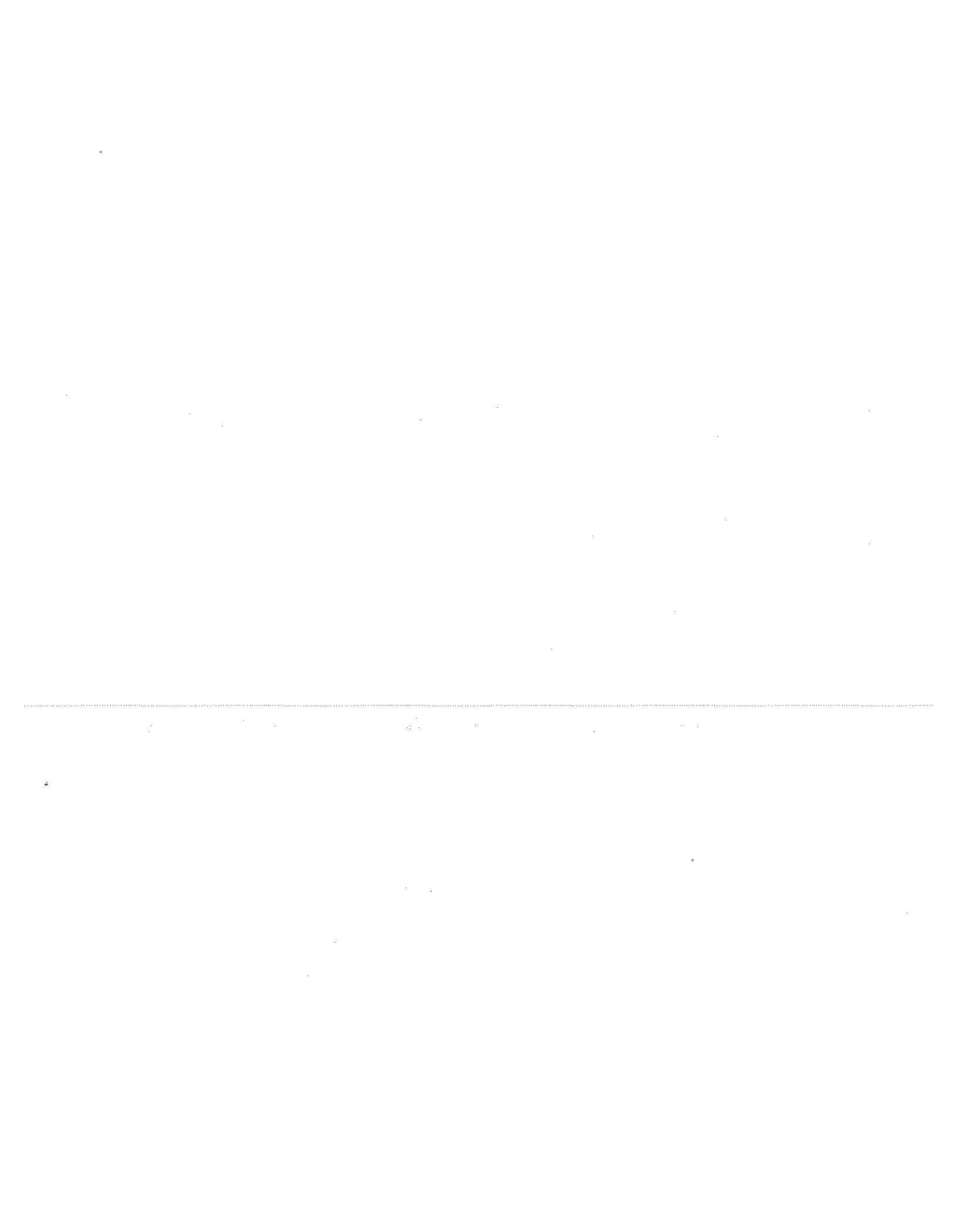


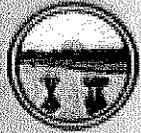
Attachment M-13  
Article III

Attachment A

Letter to Secretary of State  
and Director of LSC

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# Electronic Rule Filing

The Honorable Jon Husted  
Secretary of State  
180 E. Broad St., 15th Floor  
Columbus, OH 43215

Mark Flanders, Director  
Legislative Service Commission  
77 South High St., 9th Floor  
Columbus, OH 43215

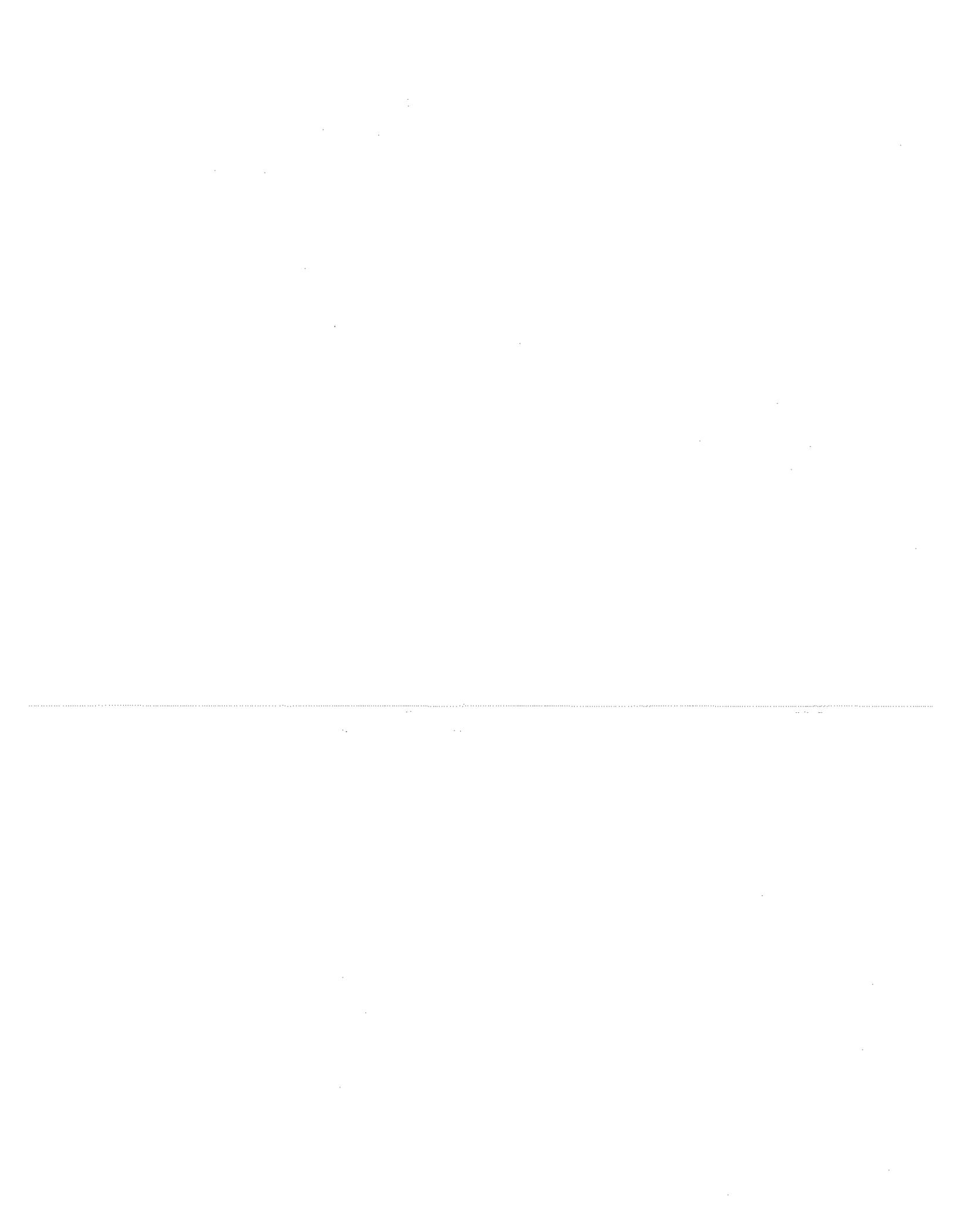
Larry Wolpert, Director  
Joint Committee on Agency Rule Review  
77 South High St., Concourse Level  
Columbus, OH 43215

It is hereby confirmed that the Ohio Environmental Protection Agency **original filed** the following rule(s) pursuant to section 119.03 of the Ohio Revised Code.

**Package Number:** 156137  
**File Date and Time:** 08/07/2015 08:46 AM  
**Confirmation Number:** 9e3e559cc4dd4797c9aa5381e61c281

## ORIGINAL FILE

Rule Number	Type	FYR	CSI	JE Date	Eff Date	Next FYR	Tagline
3745-18-01	Amendment	N	Y	10/11/2015			Definitions and incorporation by reference.
3745-18-03	Amendment	N	Y	10/11/2015			Compliance time schedules.
3745-18-04	Amendment	N	Y	10/11/2015			Measurement methods and procedures.
3745-18-47	Amendment	N	Y	10/11/2015			Jefferson county emission limits.
3745-18-49	Amendment	N	Y	10/11/2015			Lake county emission limits.

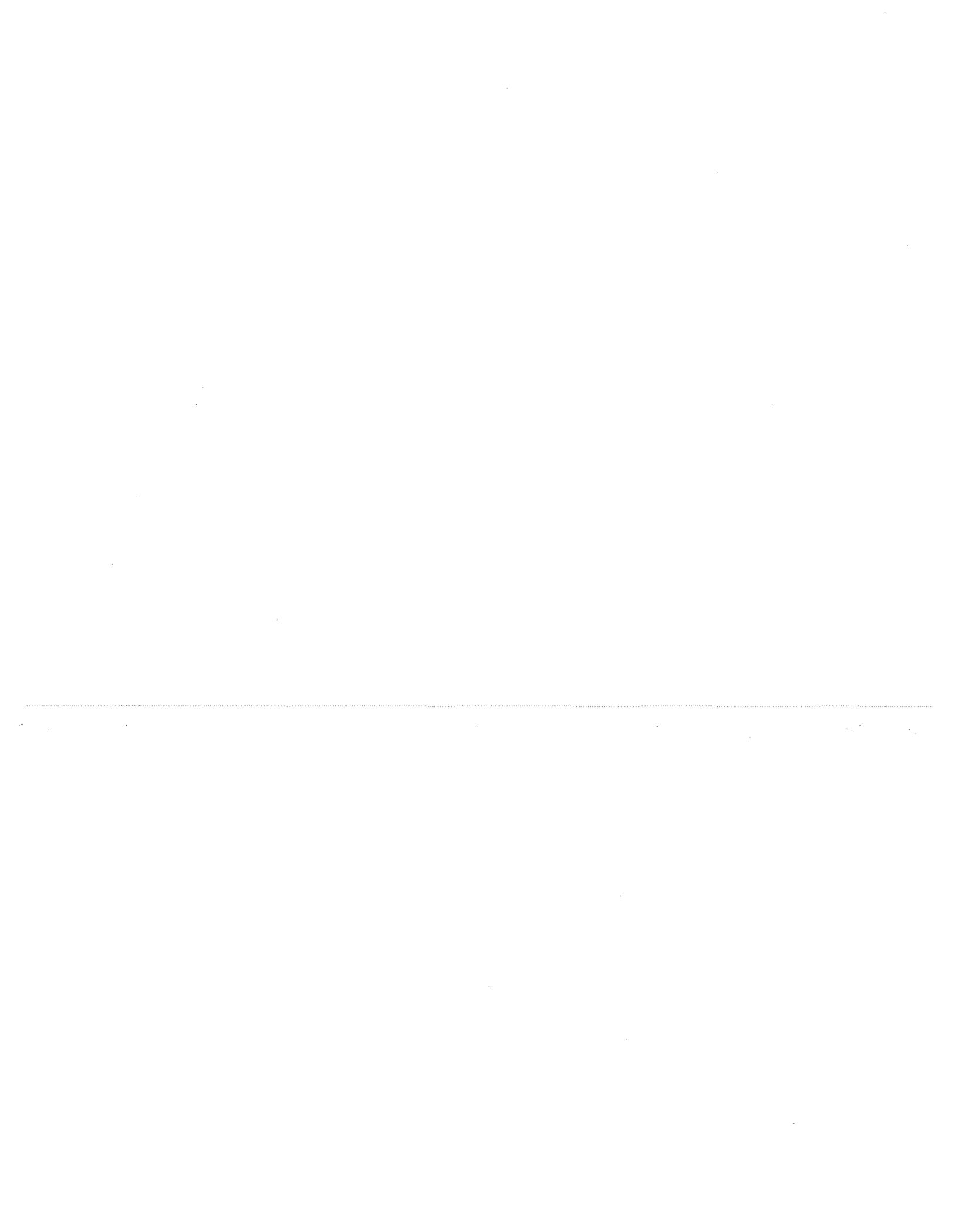


Attachment M-13  
Article III

Attachment B

RSFAs

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**Rule Summary and Fiscal Analysis (Part A)**

**Ohio Environmental Protection Agency**

Agency Name

**Division of Air Pollution Control (DAPC)**

Division

**Paul J. Braun**

Contact

**50 West Town Street, Suite 700 PO Box 1049  
Columbus OH 43216-1049**

Agency Mailing Address (Plus Zip)

**614-644-2270**

Phone

**614-644-3681**

Fax

**Paul.Braun@epa.ohio.gov**

Email

**3745-18-01**

Rule Number

**AMENDMENT**

TYPE of rule filing

Rule Title/Tag Line

**Definitions and incorporation by reference.**

**RULE SUMMARY**

1. Is the rule being filed for five year review (FYR)? **No**
2. Are you proposing this rule as a result of recent legislation? **No**
3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**
4. Statute(s) authorizing agency to adopt the rule: **3704.03(E)**
5. Statute(s) the rule, as filed, amplifies or implements: **3704.03(A), 3704.03(E)**
6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

This rule is being filed to make amendments necessary for Ohio's SO2 attainment demonstration to USEPA for the 2010 1-hr sulfur dioxide national ambient air quality standard.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:



This rule contains definitions used throughout chapter 3745-18 of the Administrative Code.

Three new referenced materials are being added to paragraph (C)(2) to address requirements incorporated into OAC rule 3745-18-49 for the Painesville Municipal Power Plant. Ohio EPA is also making several minor style and typo changes for clarification.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

This rule contains references to the Ohio Administrative Code (OAC). While copies of these rules and statutes are generally available to the public through libraries and on-line sources, including the Ohio EPA website, ORC 121.76 (A) exempts such references from the provisions of ORC 121.71 through 121.75.

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

---

Not Applicable

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

*Not Applicable.*

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so. If applicable, indicate each specific paragraph of the rule that has been modified:

*Not Applicable.*

12. Five Year Review (FYR) Date: **11/30/2015**

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this



rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

**FISCAL ANALYSIS**

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

\$0.00

Not Applicable

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

Not Applicable

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

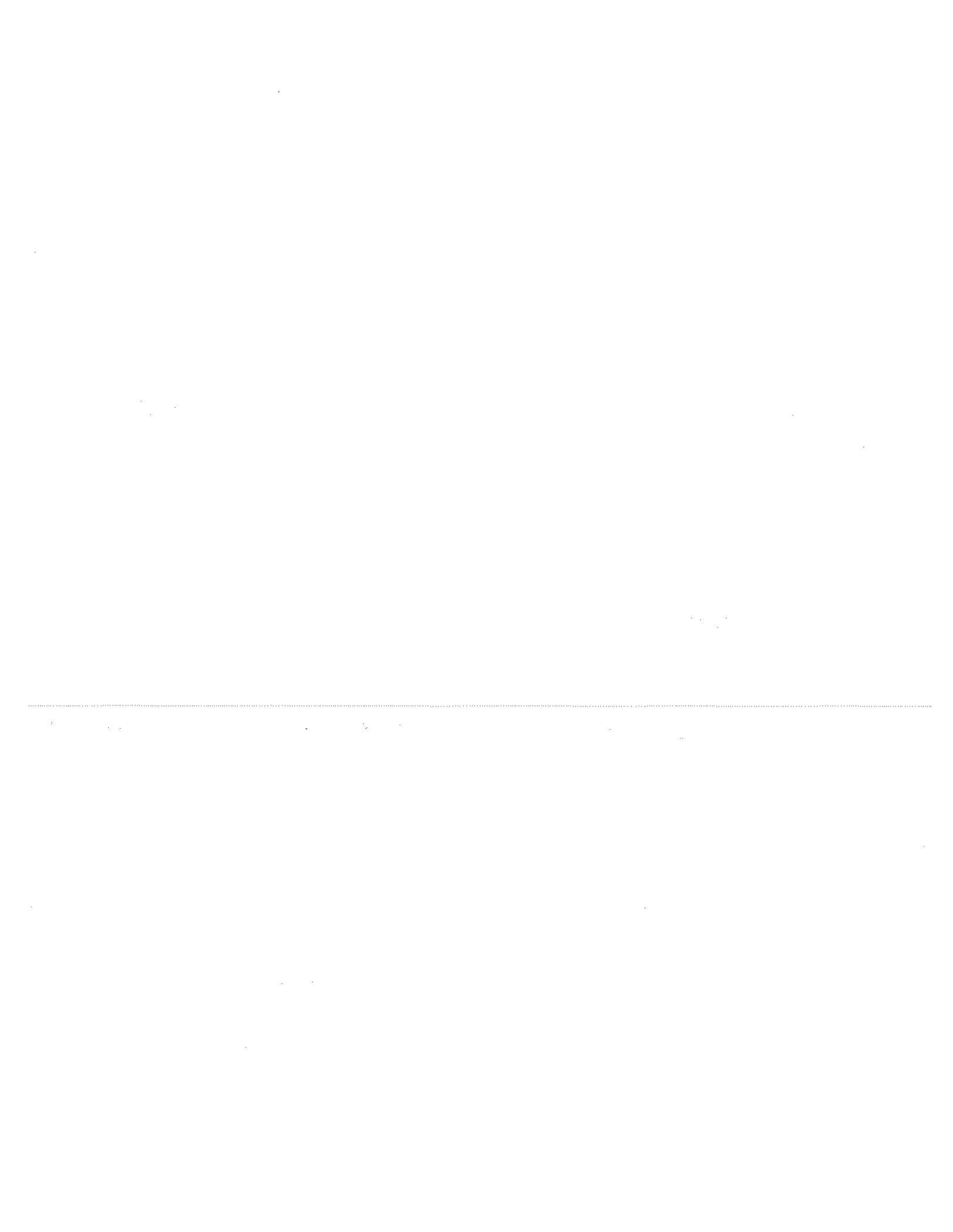
This rule contains definitions used throughout chapter 3745-18 of the Administrative Code. There is no cost of compliance with this rule.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **Yes**

You must complete the Environmental rule Adoption/Amendment Form in order to comply with Am. Sub. 106 of the 121st General Assembly.

**S.B. 2 (129th General Assembly) Questions**



18. Has this rule been filed with the Common Sense Initiative Office pursuant to R.C. 121.82? Yes

19. Specific to this rule, answer the following:

A.) Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No

B.) Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No

C.) Does this rule require specific expenditures or the report of information as a condition of compliance? No



### Environmental Rule Adoption/Amendment Form

Pursuant to Am. Sub. H.B. 106 of the 121st General Assembly, prior to adopting a rule or an amendment to a rule dealing with environmental protection, or containing a component dealing with environmental protection, a state agency shall:

- (1) Consult with organizations that represent political subdivisions, environmental interests, business interests, and other persons affected by the proposed rule or amendment.
- (2) Consider documentation relevant to the need for, the environmental benefits or consequences of, other benefits of, and the technological feasibility of the proposed rule or rule amendment.
- (3) Specifically identify whether the proposed rule or rule amendment is being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal environmental law or to participate in a federal environmental program, whether the proposed rule or rule amendment is more stringent than its federal counterpart, and, if the proposed rule or rule amendment is more stringent, the rationale for not incorporating its federal counterpart.
- (4) Include with the proposed rule or rule amendment and rule summary and fiscal analysis required to be filed with the Joint Committee on Agency Rule Review information relevant to the previously listed requirements.

(A) Were organizations that represent political subdivisions, environmental interests, business interests, and other persons affected by the proposed rule or amendment consulted? **Yes**

Please list each contact.

The draft rules and BIA were sent out for a 30+-day draft comment period ending July 9, 2015. The rules were released to Ohio EPA's electronic interested parties list, posted on Ohio EPA's regulations website and shared with interested industry parties.

(B) Was documentation that is relevant to the need for, the environmental benefits or consequences of, other benefits of, and the technological feasibility of the proposed rule or amendment considered? **Yes**

Please list the information provided and attach a copy of each piece of documentation to this form. (A SUMMARY OR INDEX MAY BE ATTACHED IN LIEU OF THE ACTUAL DOCUMENTATION.)

Clean Air Act, Facility Records on Stars2 Electronic Permitting System, Survey of historic records from Ohio EPA District offices and Local Air Agencies, and



Comments submitted by interested parties and affected facilities.

- (C) Is the proposed rule or rule amendment being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal environmental law or to participate in a federal environmental program ?

Yes

Is the proposed rule or rule amendment more stringent than its federal counterpart ? No

Not Applicable

- (D) If this is a rule amendment that is being adopted under a state statute that establishes standards with which the amendment is to comply, is the proposed rule amendment more stringent than the rule that it is proposing to amend? No



## Rule Summary and Fiscal Analysis (Part A)

### Ohio Environmental Protection Agency

Agency Name

### Division of Air Pollution Control (DAPC)

Division

### Paul J. Braun

Contact

50 West Town Street, Suite 700 PO Box 1049

614-644-2270

614-644-3681

Columbus OH 43216-1049

Agency Mailing Address (Plus Zip)

Phone

Fax

Paul.Braun@epa.ohio.gov

Email

3745-18-03

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Compliance time schedules.

### RULE SUMMARY

1. Is the rule being filed for five year review (FYR)? **No**
2. Are you proposing this rule as a result of recent legislation? **No**
3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**
4. Statute(s) authorizing agency to adopt the rule: **3704.03(E)**
5. Statute(s) the rule, as filed, amplifies or implements: **3704.03(A), 3704.03(E)**
6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

This rule is being filed to make amendments necessary for Ohio's SO2 attainment demonstration to USEPA for the 2010 1-hr sulfur dioxide national ambient air quality standard.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:



This rule contains attainment dates, time schedules and requirements for compliance with the emission limits in the rules of this chapter.

Paragraph (B)(9) is being added to provide the requirement for sources subject to the new facility specific requirements to submit a permit application to incorporate those requirements into their permit.

Paragraph (C)(3)(w)(ii) is being reserved. This paragraph required the Wheeling Pittsburgh Steel Plant in Mingo Junction to comply with its limitations by June 17, 1980. However, the particular sources at this facility that originally had to comply with limits by that date have permanently shut down. If the language was retained it would conflict with the new limits that are being established under OAC rule 3745-18-47 which has a different compliance schedule being incorporated into paragraph (C)(11) of this rule.

Paragraph (C)(11) is being added to provide the compliance timeline requirement for sources subject to the new facility specific requirements. January 1, 2017 is the compliance date suggested by U.S. EPA guidance while October 4, 2018 is the actual date by which attainment with the SO<sub>2</sub> NAAQS is required of states.

Several incorrect cross references are being corrected throughout this rule. Ohio EPA is also making several minor style and typo changes for clarification.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

This rule contains references to the Ohio Administrative Code (OAC). While copies of these rules and statutes are generally available to the public through libraries and on-line sources, including the Ohio EPA website, ORC 121.76 (A) exempts such references from the provisions of ORC 121.71 through 121.75.

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

Not Applicable

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material,



provide an explanation of why filing the text or other material was infeasible:

*Not Applicable.*

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so. If applicable, indicate each specific paragraph of the rule that has been modified:

*Not Applicable.*

12. Five Year Review (FYR) Date: **11/30/2015**

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

### FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars). Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

\$0.00

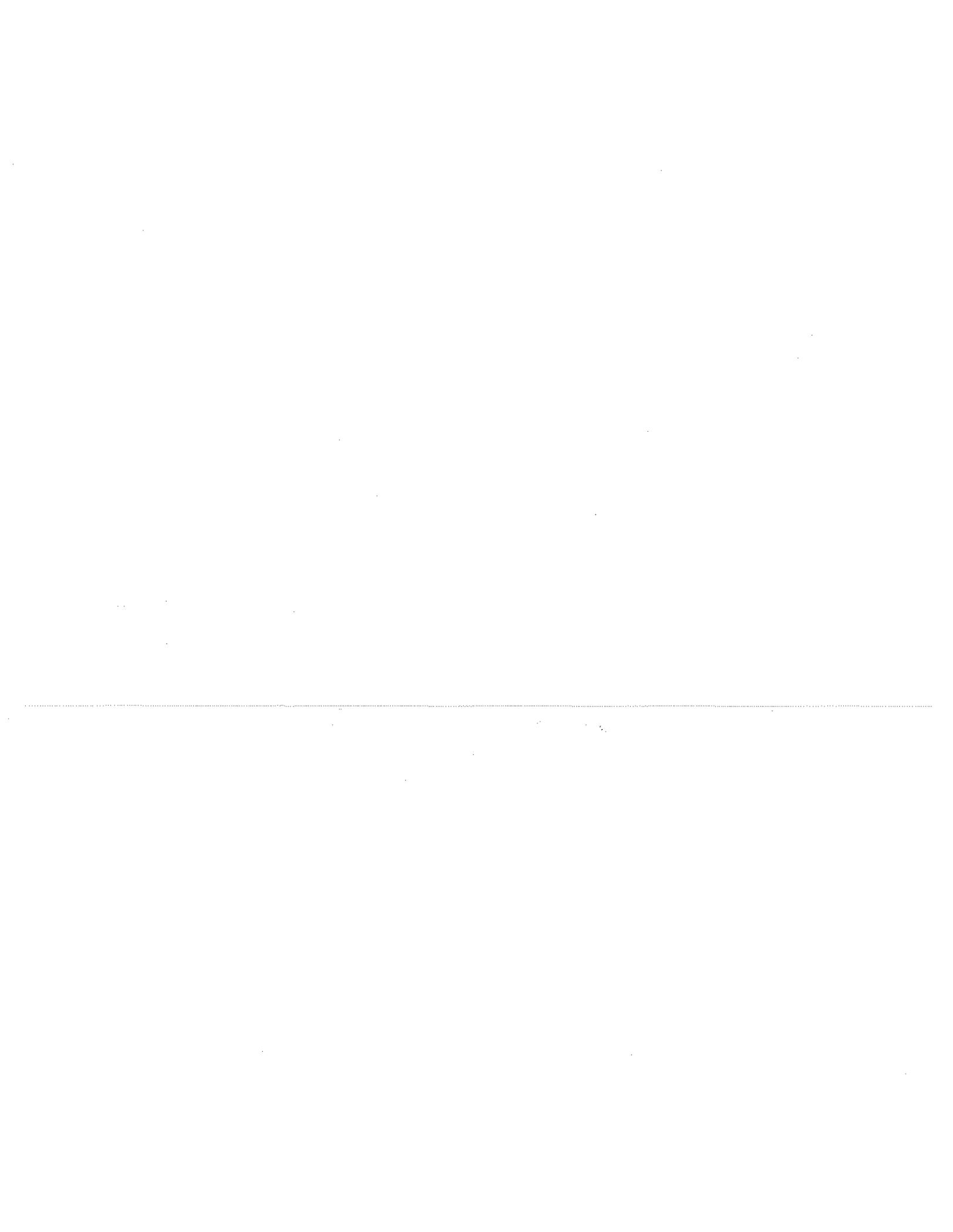
Not Applicable

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

Not Applicable

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

This rule contains attainment dates, time schedules and requirements for compliance with the emission limits in the rules of this chapter. These rules were



originally promulgated in the late 1970's and have been around for 30+ years. The facilities named in the existing rules of this chapter have already installed controls and/or made process changes to comply with these rules and would not have any new costs of compliance.

The amendments being made to these rules for this rulemaking affect 3 facilities in the state of Ohio. The costs of compliance for each facility is as follows:

The "Wheeling-Pittsburgh Steel, Steubenville South Plant" (OAC 3745-18-47(G)) and the "Mingo Junction Energy Center" (OAC 3745-18-47(P)) are both adjusting their allowable emission limits to reflect a change in fuels from Coke Oven gas to natural gas as coke oven gas is no longer available for them to burn. This change is estimated to cause minimal to no additional cost of compliance because no new equipment will need to be installed to burn natural gas at these facilities.

The "Painesville Municipal Electric Plant" (OAC 3745-18-49(F)) is adjusting the operational limits (maximums) for their facilities. This facility is subject to U.S. EPA's Boiler MACT and as a compliance option will be accepting a federally enforceable operating limit that reduces each unit's annual net heat input capacity by 90% to meet the "Limited Use" definition under the Boiler MACT (40 CFR Section 63.7575). These reductions, which also assist Ohio EPA in achieving and maintaining the SO<sub>2</sub> NAAQS, are intended to allow the facility to comply with the federal boiler MACT requirements in 40 CFR Part 63.7575.

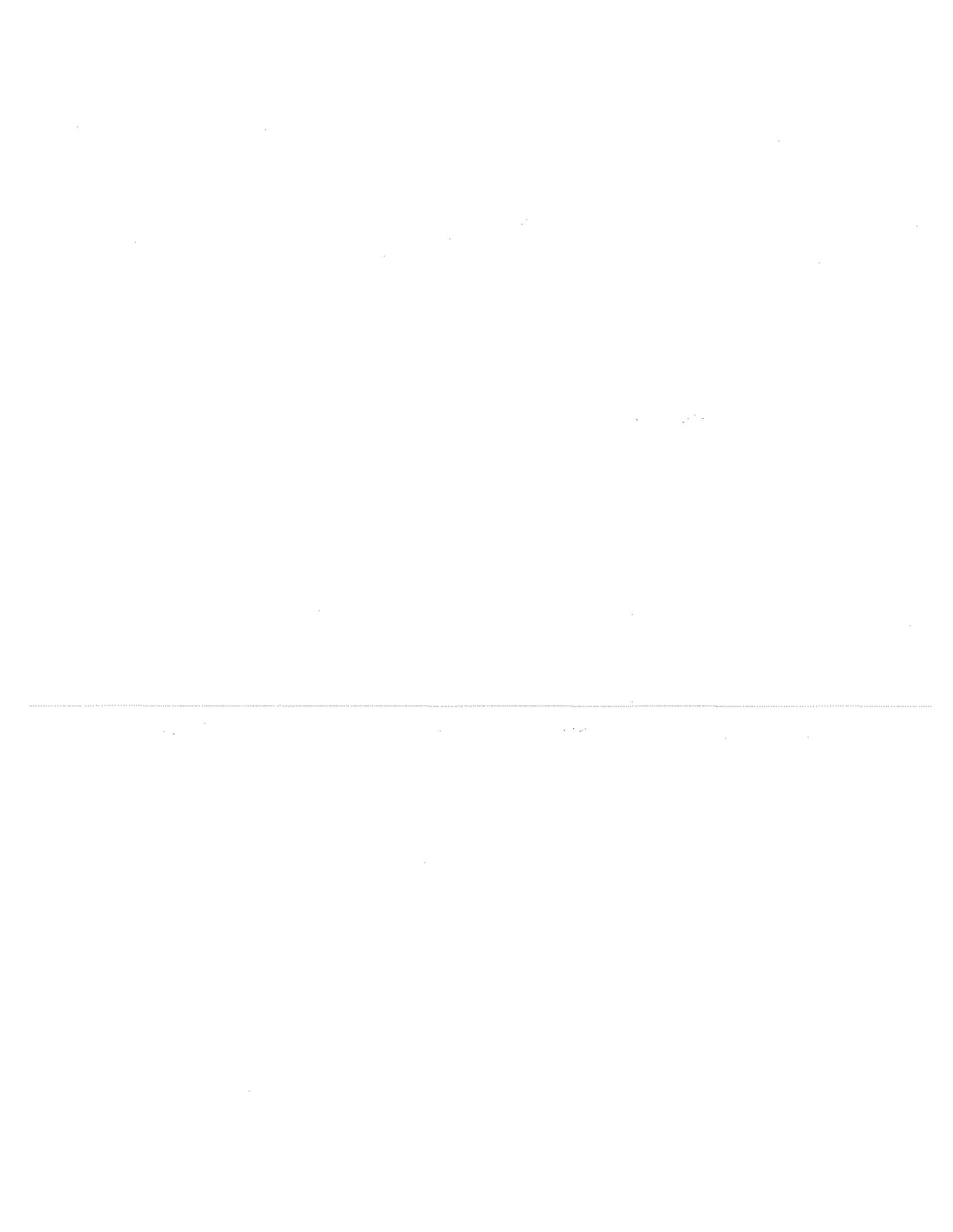
While the Painesville facility will not see a cost of compliance in the form of capital costs to install control equipment, the facility may experience a cost of compliance in loss of revenue due to reduced operation. However, this is the compliance option the facility had selected for compliance with the federal boiler MACT and the proposed change in this rule is consistent with the compliance option to address the federal boiler MACT. Therefore, this rule is not attributed directly to any loss in revenue. Absence this rule change the facility would still be reducing operations.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **Yes**

You must complete the Environmental rule Adoption/Amendment Form in order to comply with Am. Sub. 106 of the 121st General Assembly.

**S.B. 2 (129th General Assembly) Questions**



18. Has this rule been filed with the Common Sense Initiative Office pursuant to R.C. 121.82? **Yes**

19. Specific to this rule, answer the following:

A.) Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? **Yes**

This rule requires facilities to obtain a permit-to-install or submit an application for a permit-to-install as required under OAC rule 3745-35-02. It should be noted that the compliance date for these requirements was prior to 1979/1984 and all facilities required to comply with this rule have either obtained their permit and are still operating, or have shut down and will be removed from this rule during the next 5-year review.

It should also be noted that the rules in OAC Chapter 3745-35 were rescinded on June 30, 2008 and replaced with Ohio EPA's permit-to-install and operate rules in OAC chapter 3745-31. Ohio EPA is amending this rule to reflect that the facilities needed to comply with OAC rule 3745-35-02 as it existed on the date their compliance was required.

B.) Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? **No**

C.) Does this rule require specific expenditures or the report of information as a condition of compliance? **No**

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2000





**Environmental Rule Adoption/Amendment Form**

Pursuant to Am. Sub. H.B. 106 of the 121st General Assembly, prior to adopting a rule or an amendment to a rule dealing with environmental protection, or containing a component dealing with environmental protection, a state agency shall:

- (1) Consult with organizations that represent political subdivisions, environmental interests, business interests, and other persons affected by the proposed rule or amendment.
  - (2) Consider documentation relevant to the need for, the environmental benefits or consequences of, other benefits of, and the technological feasibility of the proposed rule or rule amendment.
  - (3) Specifically identify whether the proposed rule or rule amendment is being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal environmental law or to participate in a federal environmental program, whether the proposed rule or rule amendment is more stringent than its federal counterpart, and, if the proposed rule or rule amendment is more stringent, the rationale for not incorporating its federal counterpart.
  - (4) Include with the proposed rule or rule amendment and rule summary and fiscal analysis required to be filed with the Joint Committee on Agency Rule Review information relevant to the previously listed requirements.
- 

(A) Were organizations that represent political subdivisions, environmental interests, business interests, and other persons affected by the proposed rule or amendment consulted? **Yes**

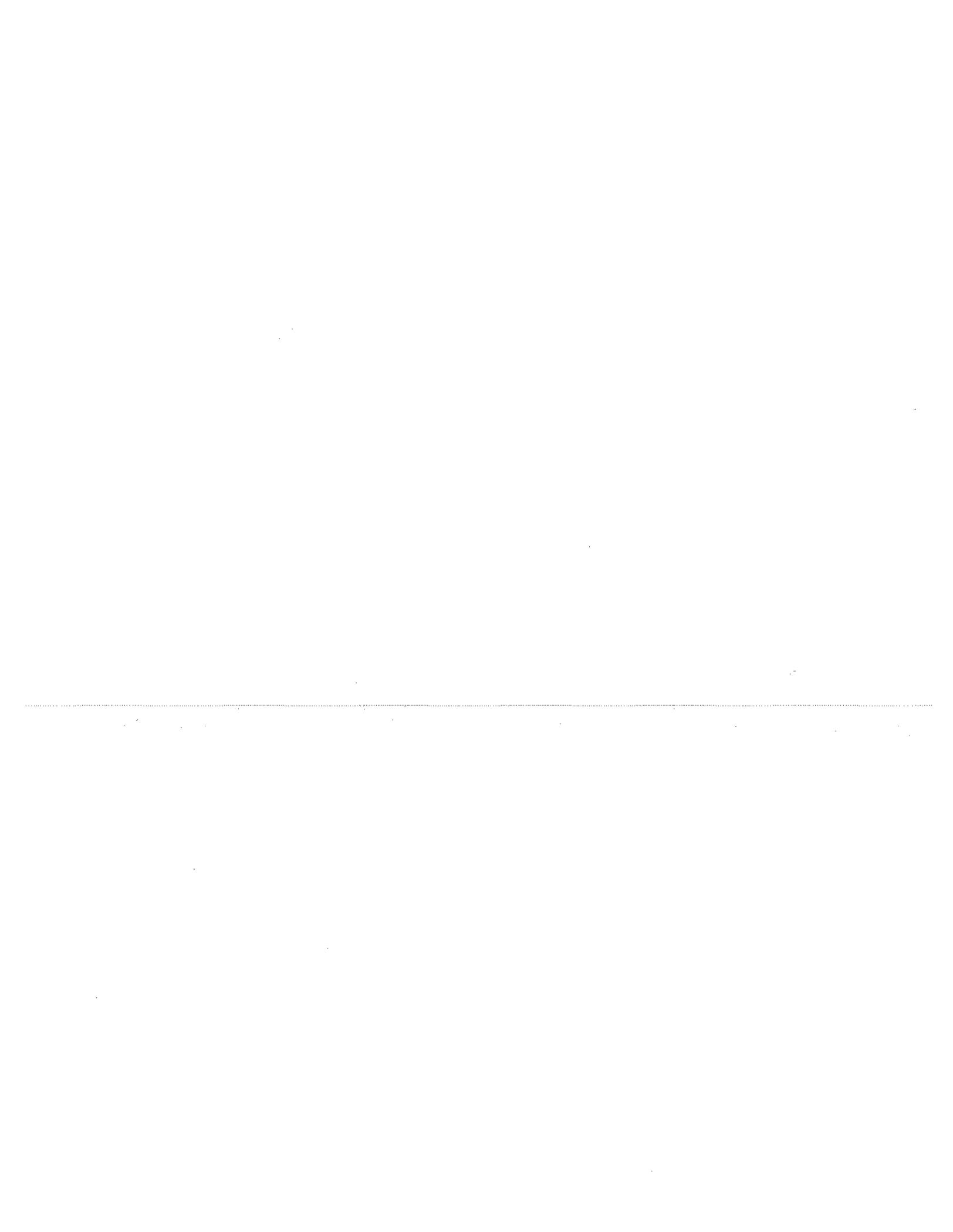
Please list each contact.

The draft rules and BIA were sent out for a 30+-day draft comment period ending July 9, 2015. The rules were released to Ohio EPA's electronic interested parties list, posted on Ohio EPA's regulations website and shared with interested industry parties.

(B) Was documentation that is relevant to the need for, the environmental benefits or consequences of, other benefits of, and the technological feasibility of the proposed rule or amendment considered? **Yes**

Please list the information provided and attach a copy of each piece of documentation to this form. (A SUMMARY OR INDEX MAY BE ATTACHED IN LIEU OF THE ACTUAL DOCUMENTATION.)

Clean Air Act, Facility Records on Stars2 Electronic Permitting System, Survey of historic records from Ohio EPA District offices and Local Air Agencies, and



Comments submitted by interested parties and affected facilities.

(C) Is the proposed rule or rule amendment being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal environmental law or to participate in a federal environmental program ?

Yes

Is the proposed rule or rule amendment more stringent than its federal counterpart ? No

Not Applicable

(D) If this is a rule amendment that is being adopted under a state statute that establishes standards with which the amendment is to comply, is the proposed rule amendment more stringent than the rule that it is proposing to amend? No

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**Rule Summary and Fiscal Analysis (Part A)**

**Ohio Environmental Protection Agency**

Agency Name

**Division of Air Pollution Control (DAPC)**

Division

**Paul J. Braun**

Contact

**50 West Town Street, Suite 700 PO Box 1049**

**614-644-2270**

**614-644-3681**

**Columbus OH 43216-1049**

Agency Mailing Address (Plus Zip)

Phone

Fax

**Paul.Braun@epa.ohio.gov**

Email

**3745-18-04**

Rule Number

**AMENDMENT**

TYPE of rule filing

Rule Title/Tag Line

**Measurement methods and procedures.**

**RULE SUMMARY**

1. Is the rule being filed for five year review (FYR)? **No**

2. Are you proposing this rule as a result of recent legislation? **No**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **3704.03(E)**

5. Statute(s) the rule, as filed, amplifies or implements: **3704.03(A), 3704.03(E)**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

This rule is being filed to make amendments necessary for Ohio's SO2 attainment demonstration to USEPA for the 2010 1-hr sulfur dioxide national ambient air quality standard.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:



These rules contains the requirements for demonstrating compliance with the emission limits in the chapter.

Paragraph (D)(10) is being added to incorporate the method for demonstrating compliance with new emissions limits being added to paragraphs (F)(4) and (F)(5) of OAC rule 3745-18-49 for the Painesville Municipal Power Plant.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

This rule contains references to the Ohio Administrative Code (OAC) and Ohio Revised Code (ORC). While copies of these rules and statutes are generally available to the public through libraries and on-line sources, including the Ohio EPA website, ORC 121.76 (A) exempts such references from the provisions of ORC 121.71 through 121.75.

This rule also contains references to the Code of Federal Regulations (CFR). These rules are generally available through libraries, Ohio EPA and U.S. EPA websites. CFR references have also been dated to reference the specific version of the rules. ORC 121.75 (D) exempts such references from the requirements of ORC 121.71 through 121.74.

---

Referenced materials are cited, dated and availability noted in rule OAC 3745-18-01(C).

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

Not Applicable

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

*Not Applicable.*

11. If **revising** or **refiling** this rule, identify changes made from the previously



filed version of this rule; if none, please state so. If applicable, indicate each specific paragraph of the rule that has been modified:

*Not Applicable.*

12. Five Year Review (FYR) Date: **11/30/2015**

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

**FISCAL ANALYSIS**

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

\$0.00

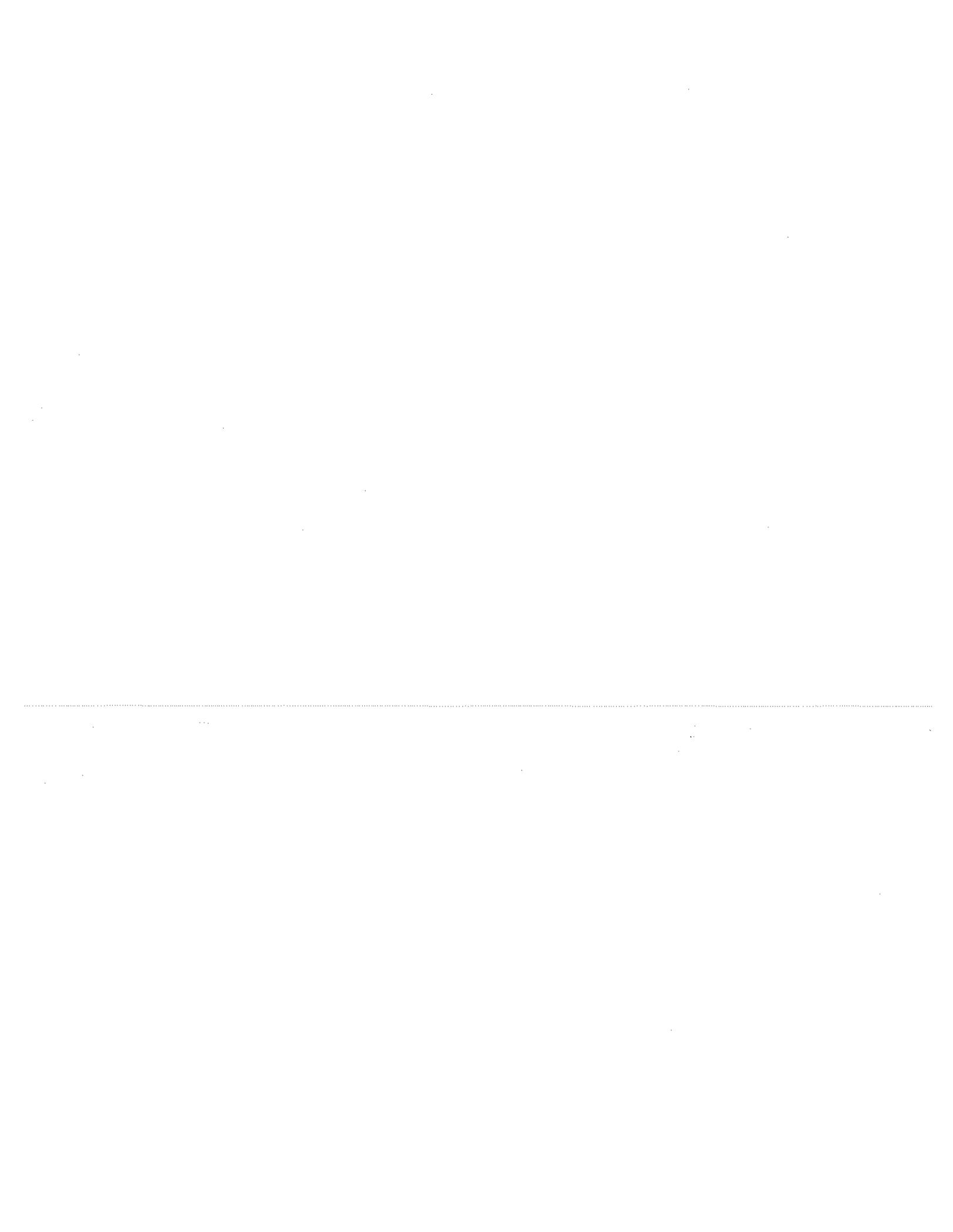
Not Applicable

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

Not Applicable

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

These rules contains the requirements for demonstrating compliance with the emission limits in the chapter. The rule requires facilities to demonstrate compliance by utilizing one of several different methods found in 40 CFR Part 60, appendix A. Facilities which are required to comply with this rule must perform testing according to the methods listed in this rule. A typical stack test under the methods listed in this rule would cost approximately \$15,000 to \$20,000 and would be performed once every 5 to 10 years to demonstrate compliance with the



emission limits in this chapter when the facility renews their permit-to-operate (PTO) or permit-to-install and operate (PTIO).

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **Yes**

You must complete the Environmental rule Adoption/Amendment Form in order to comply with Am. Sub. 106 of the 121st General Assembly.

**S.B. 2 (129th General Assembly) Questions**

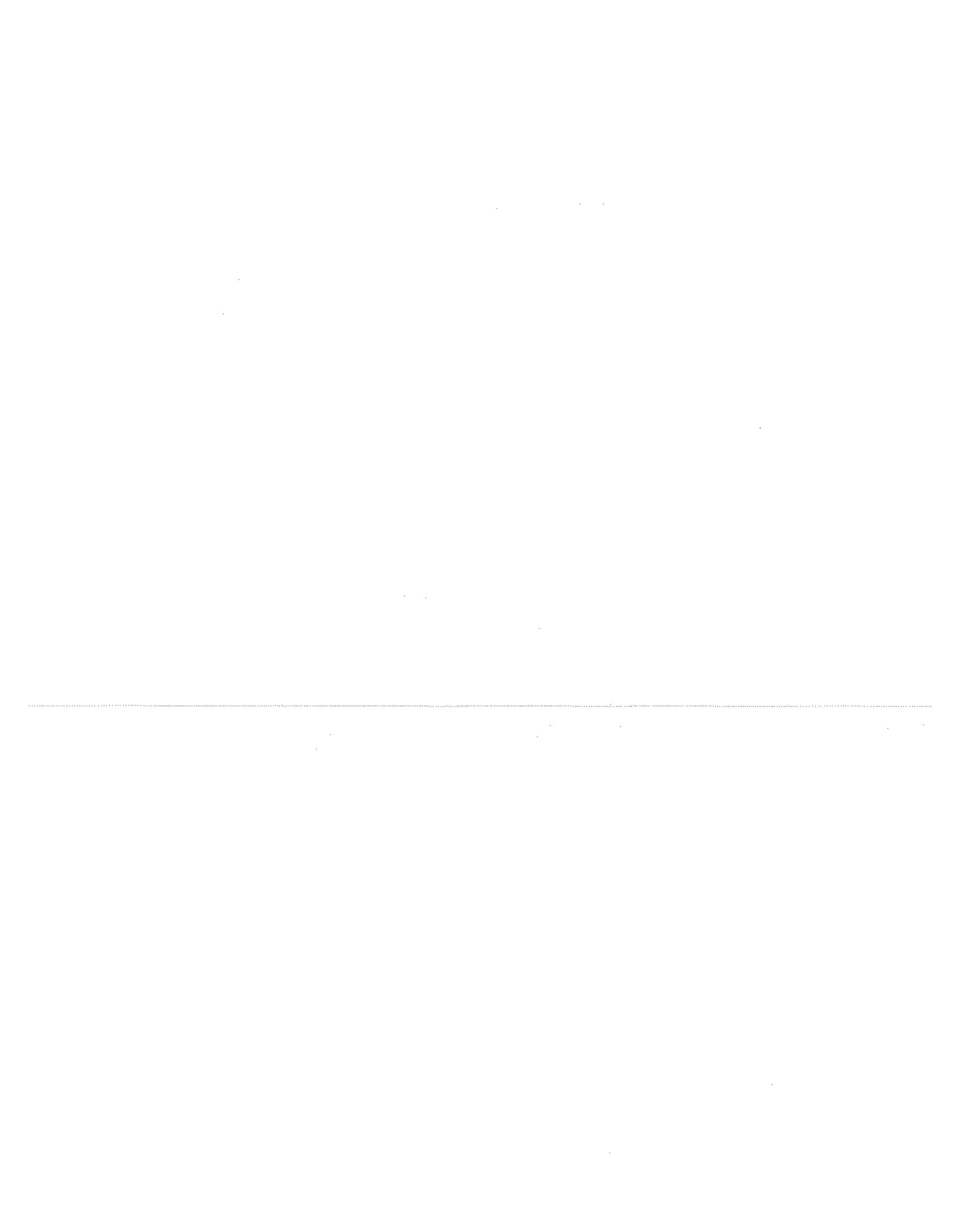
18. Has this rule been filed with the Common Sense Initiative Office pursuant to R.C. 121.82? **Yes**

19. Specific to this rule, answer the following:

A.) Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? **No**

B.) Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? **No**

C.) Does this rule require specific expenditures or the report of information as a condition of compliance? **No**



### Environmental Rule Adoption/Amendment Form

Pursuant to Am. Sub. H.B. 106 of the 121st General Assembly, prior to adopting a rule or an amendment to a rule dealing with environmental protection, or containing a component dealing with environmental protection, a state agency shall:

- (1) Consult with organizations that represent political subdivisions, environmental interests, business interests, and other persons affected by the proposed rule or amendment.
- (2) Consider documentation relevant to the need for, the environmental benefits or consequences of, other benefits of, and the technological feasibility of the proposed rule or rule amendment.
- (3) Specifically identify whether the proposed rule or rule amendment is being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal environmental law or to participate in a federal environmental program, whether the proposed rule or rule amendment is more stringent than its federal counterpart, and, if the proposed rule or rule amendment is more stringent, the rationale for not incorporating its federal counterpart.
- (4) Include with the proposed rule or rule amendment and rule summary and fiscal analysis required to be filed with the Joint Committee on Agency Rule Review information relevant to the previously listed requirements.

(A) Were organizations that represent political subdivisions, environmental interests, business interests, and other persons affected by the proposed rule or amendment consulted? **Yes**

Please list each contact.

The draft rules and BIA were sent out for a 30+-day draft comment period ending July 9, 2015. The rules were released to Ohio EPA's electronic interested parties list, posted on Ohio EPA's regulations website and shared with interested industry parties.

(B) Was documentation that is relevant to the need for, the environmental benefits or consequences of, other benefits of, and the technological feasibility of the proposed rule or amendment considered? **Yes**

Please list the information provided and attach a copy of each piece of documentation to this form. (A SUMMARY OR INDEX MAY BE ATTACHED IN LIEU OF THE ACTUAL DOCUMENTATION.)

Clean Air Act, Facility Records on Stars2 Electronic Permitting System, Survey of historic records from Ohio EPA District offices and Local Air Agencies, and



Comments submitted by interested parties and affected facilities.

- (C) Is the proposed rule or rule amendment being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal environmental law or to participate in a federal environmental program ?

Yes

Is the proposed rule or rule amendment more stringent than its federal counterpart ? No

Not Applicable

- (D) If this is a rule amendment that is being adopted under a state statute that establishes standards with which the amendment is to comply, is the proposed rule amendment more stringent than the rule that it is proposing to amend? No
-



## Rule Summary and Fiscal Analysis (Part A)

### Ohio Environmental Protection Agency

Agency Name

### Division of Air Pollution Control (DAPC)

Division

### Paul J. Braun

Contact

50 West Town Street, Suite 700 PO Box 1049

614-644-2270

614-644-3681

Columbus OH 43216-1049

Agency Mailing Address (Plus Zip)

Phone

Fax

Paul.Braun@epa.ohio.gov

Email

3745-18-47

Rule Number

AMENDMENT

TYPE of rule filing

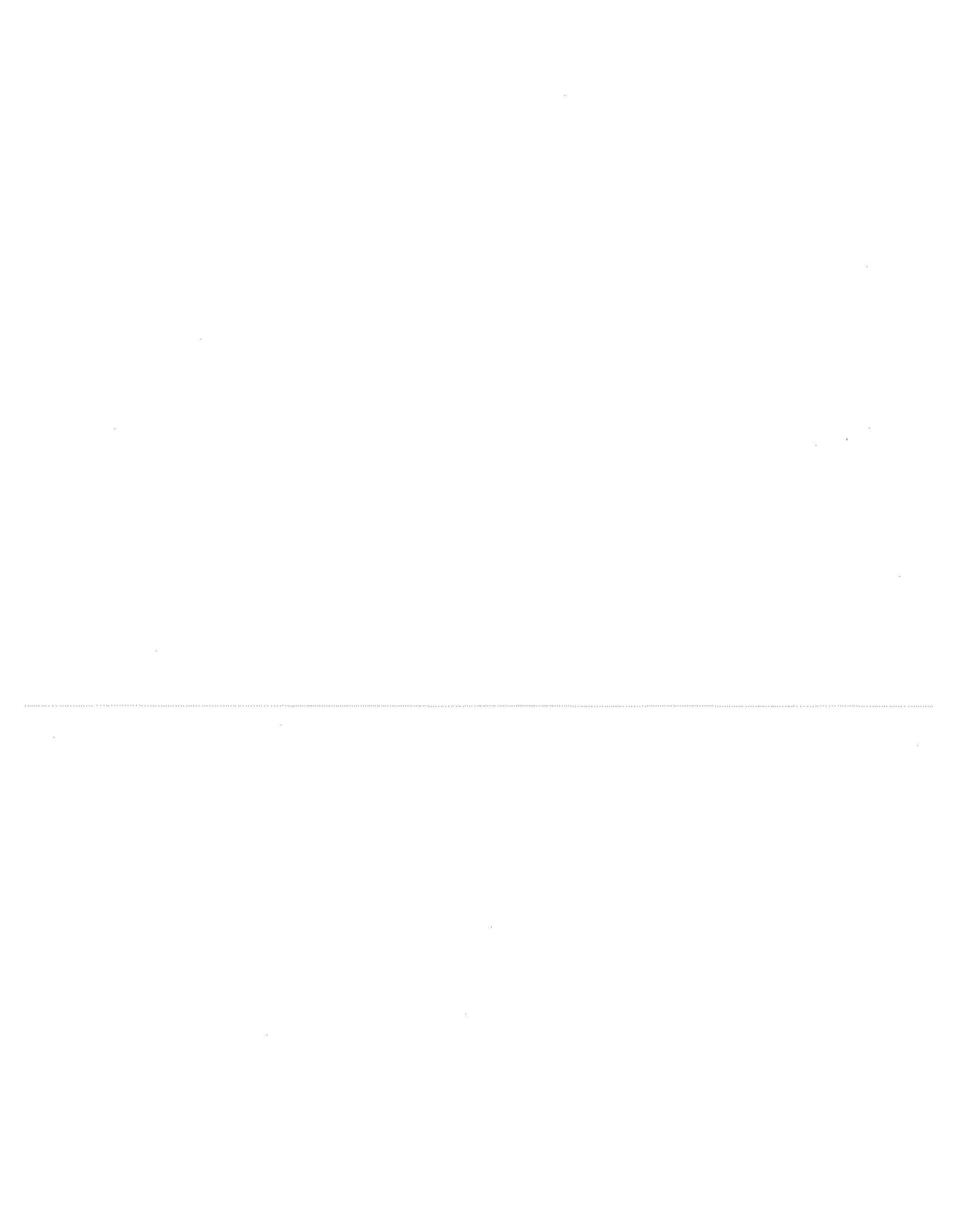
Rule Title/Tag Line

Jefferson county emission limits.

### RULE SUMMARY

1. Is the rule being filed for five year review (FYR)? **No**
2. Are you proposing this rule as a result of recent legislation? **No**
3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**
4. Statute(s) authorizing agency to adopt the rule: **3704.03(E)**
5. Statute(s) the rule, as filed, amplifies or implements: **3704.03(A), 3704.03(E)**
6. State the reason(s) for proposing (i.e., why are you filing,) this rule:  

This rule is being filed to make amendments necessary for Ohio's SO2 attainment demonstration to USEPA for the 2010 1-hr sulfur dioxide national ambient air quality standard.
7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:



This rule contains emission limits for sulfur dioxide in Jefferson county.

Paragraph (G) is being amended for the Wheeling Pittsburgh Steel Mingo Junction facility to remove older requirements for emissions sources that have shut down and incorporate new emissions limits necessary to ensure attainment of the 2010 SO<sub>2</sub> NAAQS.

Paragraph (P) is being added for the Mingo Junction Energy Center facility to incorporate new emissions limits necessary to ensure attainment of the 2010 SO<sub>2</sub> NAAQS.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

*This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.*

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was **infeasible**:

*This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.*

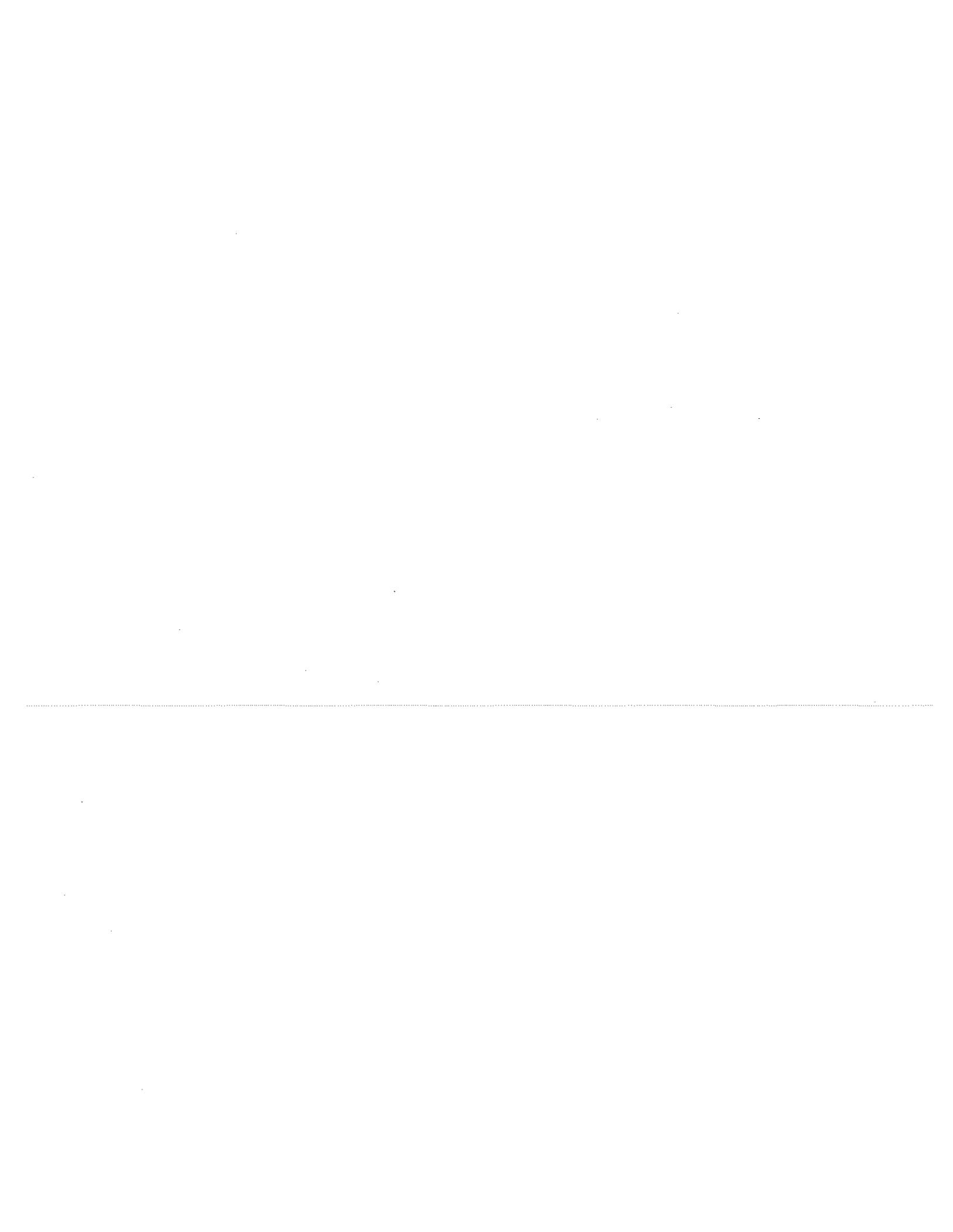
10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

*Not Applicable.*

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so. If applicable, indicate each specific paragraph of the rule that has been modified:

*Not Applicable.*

12. Five Year Review (FYR) Date: **11/30/2015**



(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

### **FISCAL ANALYSIS**

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars); Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

\$0.00

Not Applicable

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

Not Applicable

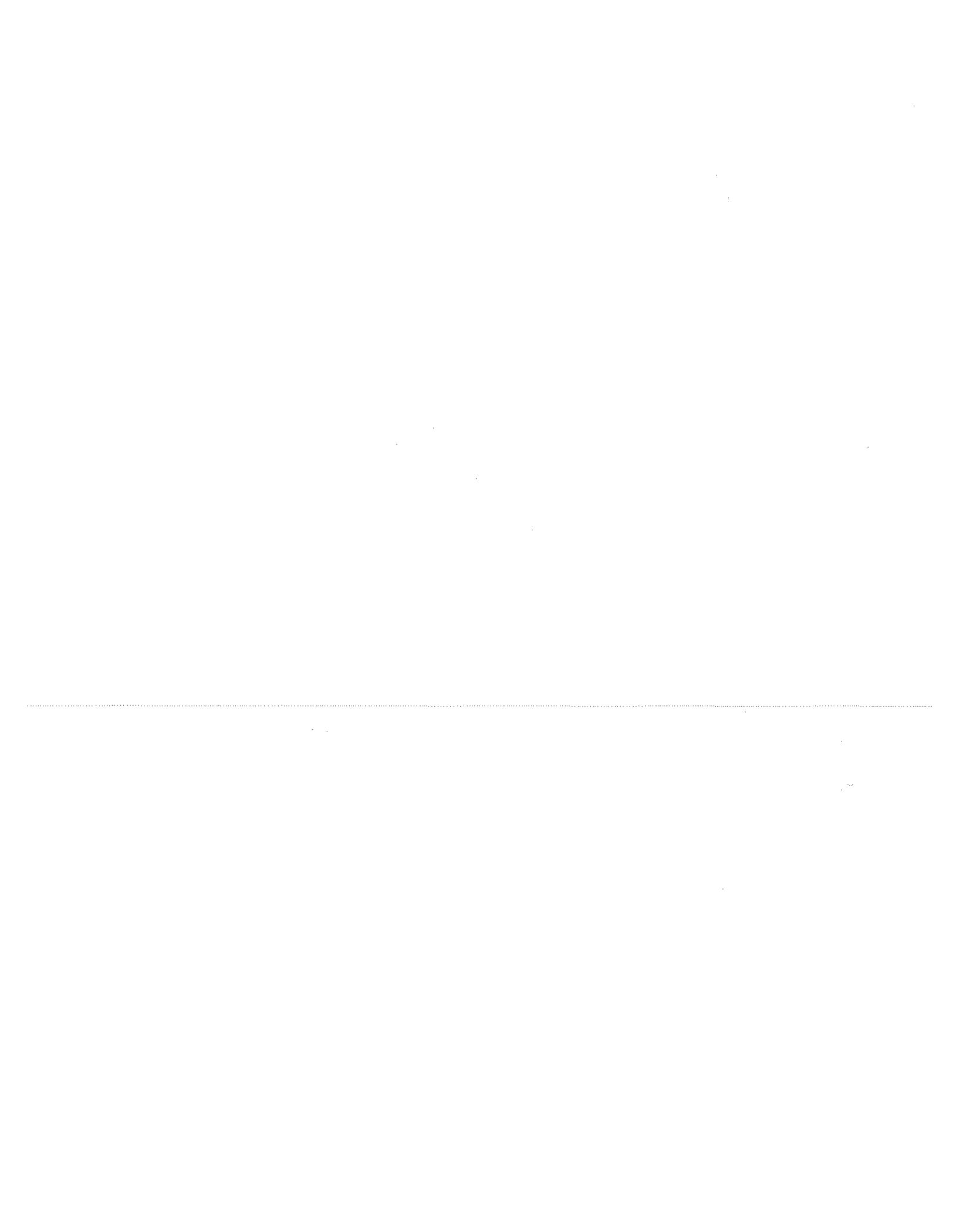
15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

This rule contains emission limits for sulfur dioxide in Jefferson county. The requirements to comply with these limits are contained in OAC rule 3745-18-03. There is no cost of compliance with this rule.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **Yes**

You must complete the Environmental rule Adoption/Amendment Form in order to comply with Am. Sub. 106 of the 121st General Assembly.



**S.B. 2 (129th General Assembly) Questions**

18. Has this rule been filed with the Common Sense Initiative Office pursuant to R.C. 121.82? **Yes**

19. Specific to this rule, answer the following:

A.) Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? **No**

B.) Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? **No**

C.) Does this rule require specific expenditures or the report of information as a condition of compliance? **No**

---



### Environmental Rule Adoption/Amendment Form

Pursuant to Am. Sub. H.B. 106 of the 121st General Assembly, prior to adopting a rule or an amendment to a rule dealing with environmental protection, or containing a component dealing with environmental protection, a state agency shall:

- (1) Consult with organizations that represent political subdivisions, environmental interests, business interests, and other persons affected by the proposed rule or amendment.
- (2) Consider documentation relevant to the need for, the environmental benefits or consequences of, other benefits of, and the technological feasibility of the proposed rule or rule amendment.
- (3) Specifically identify whether the proposed rule or rule amendment is being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal environmental law or to participate in a federal environmental program, whether the proposed rule or rule amendment is more stringent than its federal counterpart, and, if the proposed rule or rule amendment is more stringent, the rationale for not incorporating its federal counterpart.
- (4) Include with the proposed rule or rule amendment and rule summary and fiscal analysis required to be filed with the Joint Committee on Agency Rule Review information relevant to the previously listed requirements.

(A) Were organizations that represent political subdivisions, environmental interests, business interests, and other persons affected by the proposed rule or amendment consulted? **Yes**

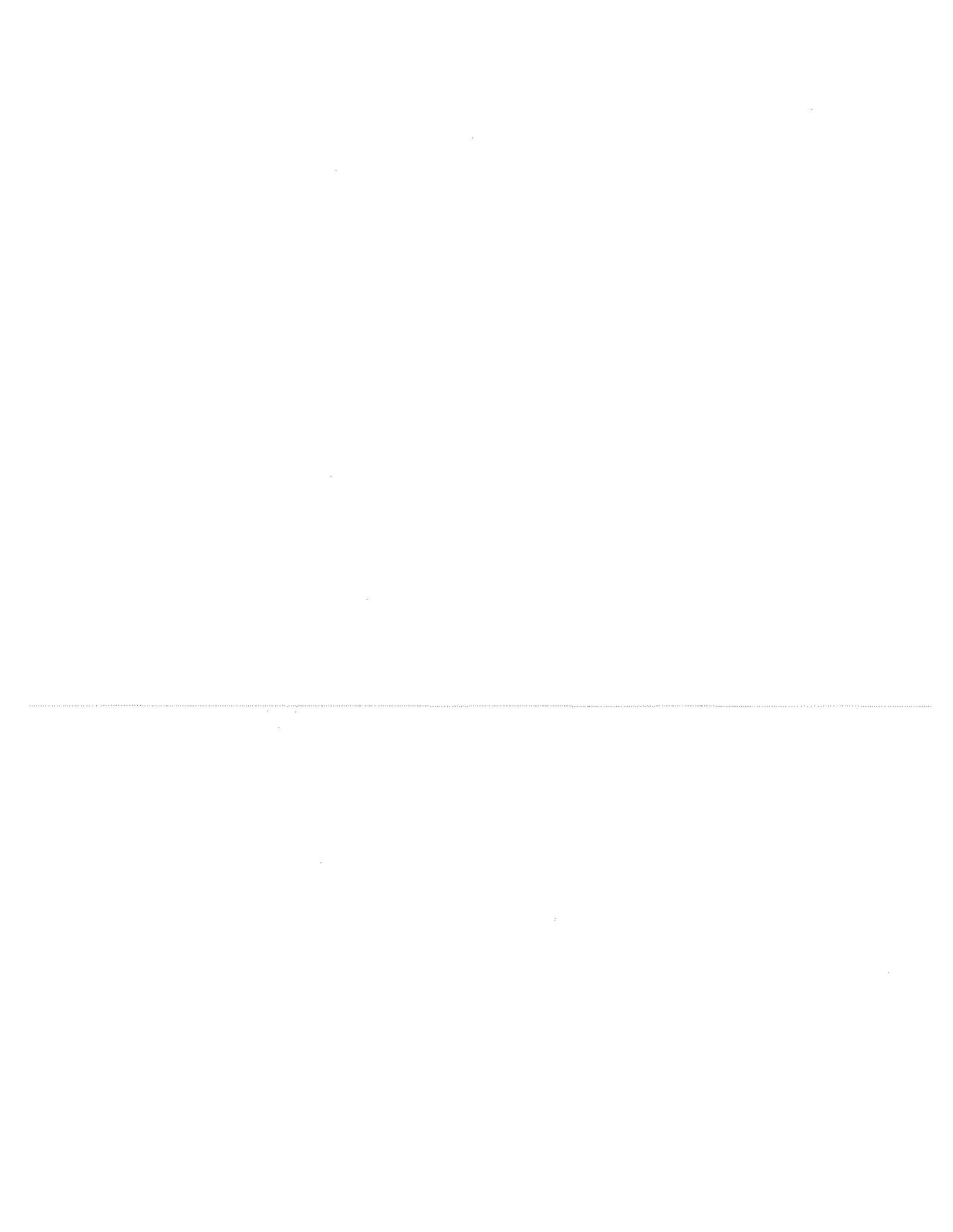
Please list each contact.

The draft rules and BIA were sent out for a 30+-day draft comment period ending July 9, 2015. The rules were released to Ohio EPA's electronic interested parties list, posted on Ohio EPA's regulations website and shared with interested industry parties.

(B) Was documentation that is relevant to the need for, the environmental benefits or consequences of, other benefits of, and the technological feasibility of the proposed rule or amendment considered? **Yes**

Please list the information provided and attach a copy of each piece of documentation to this form. (A SUMMARY OR INDEX MAY BE ATTACHED IN LIEU OF THE ACTUAL DOCUMENTATION.)

Clean Air Act, Facility Records on Stars2 Electronic Permitting System, Survey of historic records from Ohio EPA District offices and Local Air Agencies, and



Comments submitted by interested parties and affected facilities.

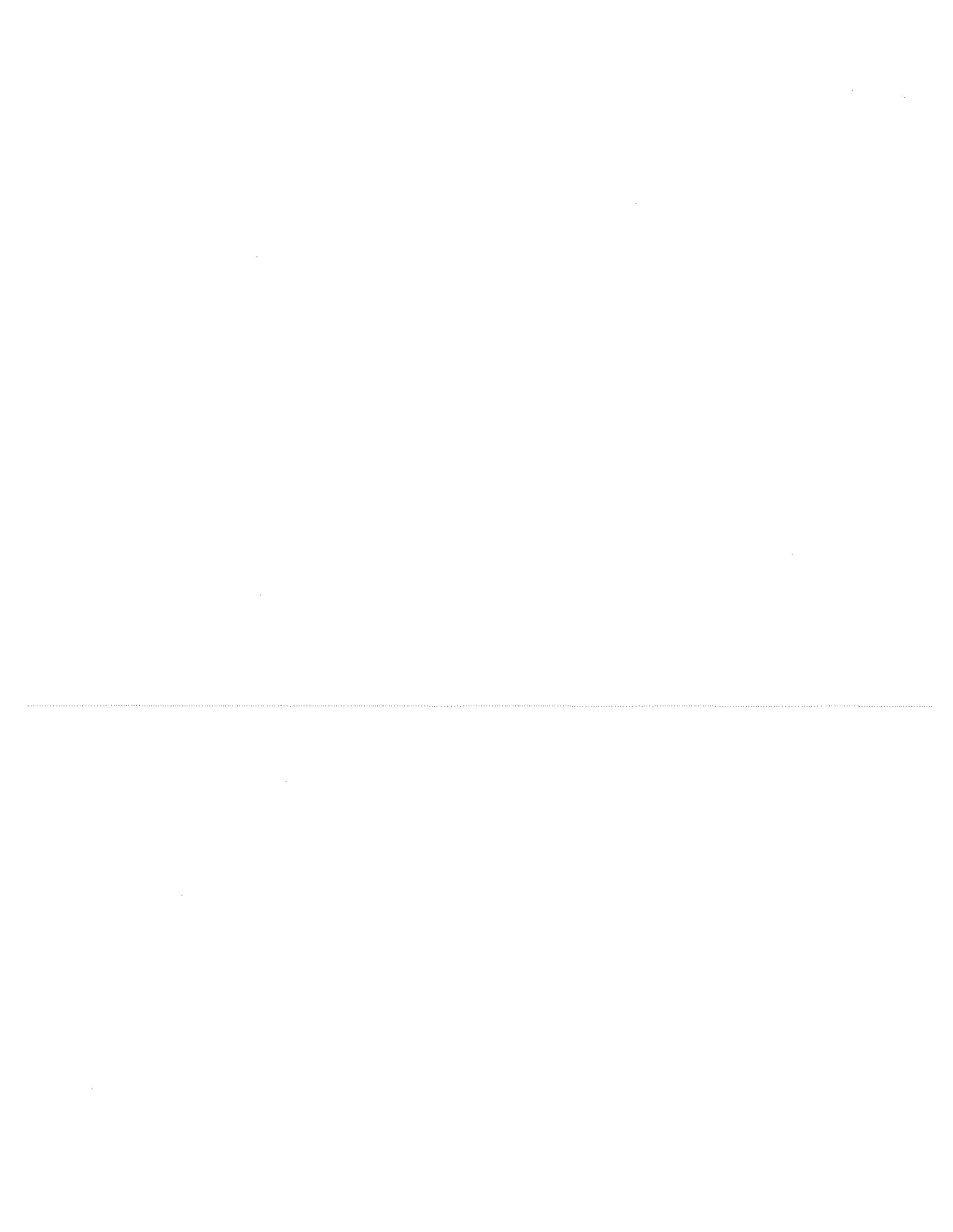
- (C) Is the proposed rule or rule amendment being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal environmental law or to participate in a federal environmental program ?

Yes

Is the proposed rule or rule amendment more stringent than its federal counterpart ? No

Not Applicable

- (D) If this is a rule amendment that is being adopted under a state statute that establishes standards with which the amendment is to comply, is the proposed rule amendment more stringent than the rule that it is proposing to amend? No
-



## Rule Summary and Fiscal Analysis (Part A)

### Ohio Environmental Protection Agency

Agency Name

### Division of Air Pollution Control (DAPC)

Division

### Paul J. Braun

Contact

50 West Town Street, Suite 700 PO Box 1049  
Columbus OH 43216-1049

Agency Mailing Address (Plus Zip)

614-644-2270

Phone

614-644-3681

Fax

Paul.Braun@epa.ohio.gov

Email

3745-18-49

Rule Number

AMENDMENT

TYPE of rule filing

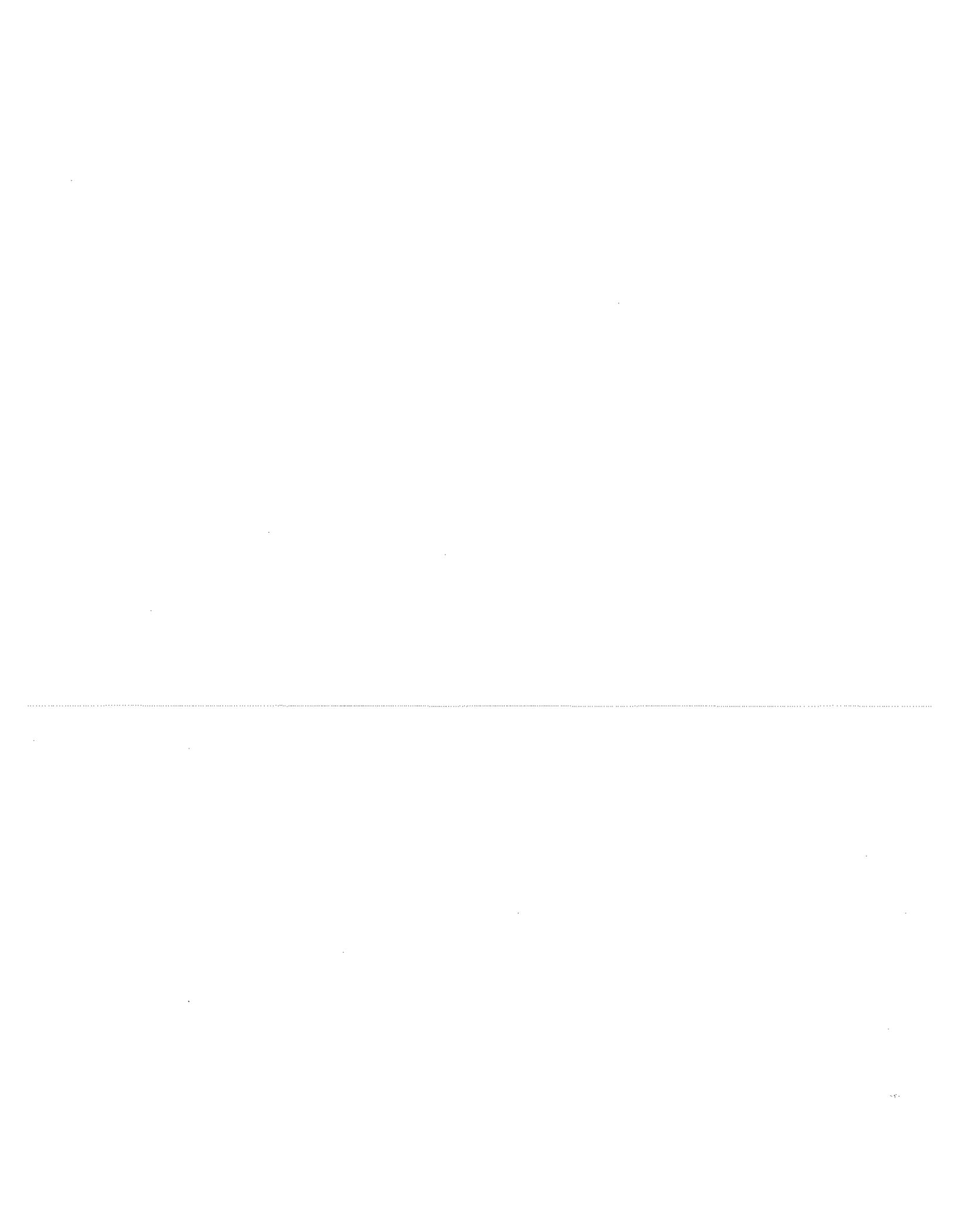
Rule Title/Tag Line

Lake county emission limits.

### RULE SUMMARY

1. Is the rule being filed for five year review (FYR)? **No**
2. Are you proposing this rule as a result of recent legislation? **No**
3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**
4. Statute(s) authorizing agency to adopt the rule: **3704.03(E)**
5. Statute(s) the rule, as filed, amplifies or implements: **3704.03(A), 3704.03(E)**
6. State the reason(s) for proposing (i.e., why are you filing,) this rule:  

This rule is being filed to make amendments necessary for Ohio's SO2 attainment demonstration to USEPA for the 2010 1-hr sulfur dioxide national ambient air quality standard.
7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:



This rule contains emission limits for sulfur dioxide in Lake county.

Paragraph (F) is being amended for the Painesville Municipal Power Plant to remove older requirements and incorporate new emissions limits and requirements necessary to ensure attainment of the 2010 SO2 NAAQS.

Paragraph (G) is being reserved due to the permanent shutdown of the Eastlake Power Plant, which aides in ensuring attainment of the 2010 SO2 NAAQS.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

This rule contains references to the Code of Federal Regulations (CFR). These rules are generally available through libraries, Ohio EPA and U.S. EPA websites. CFR references have also been dated to reference the specific version of the rules. ORC 121.75 (D) exempts such references from the requirements of ORC 121.71 through 121.74.

Referenced materials are cited, dated and availability noted in rule OAC 3745-18-01(C).

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9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

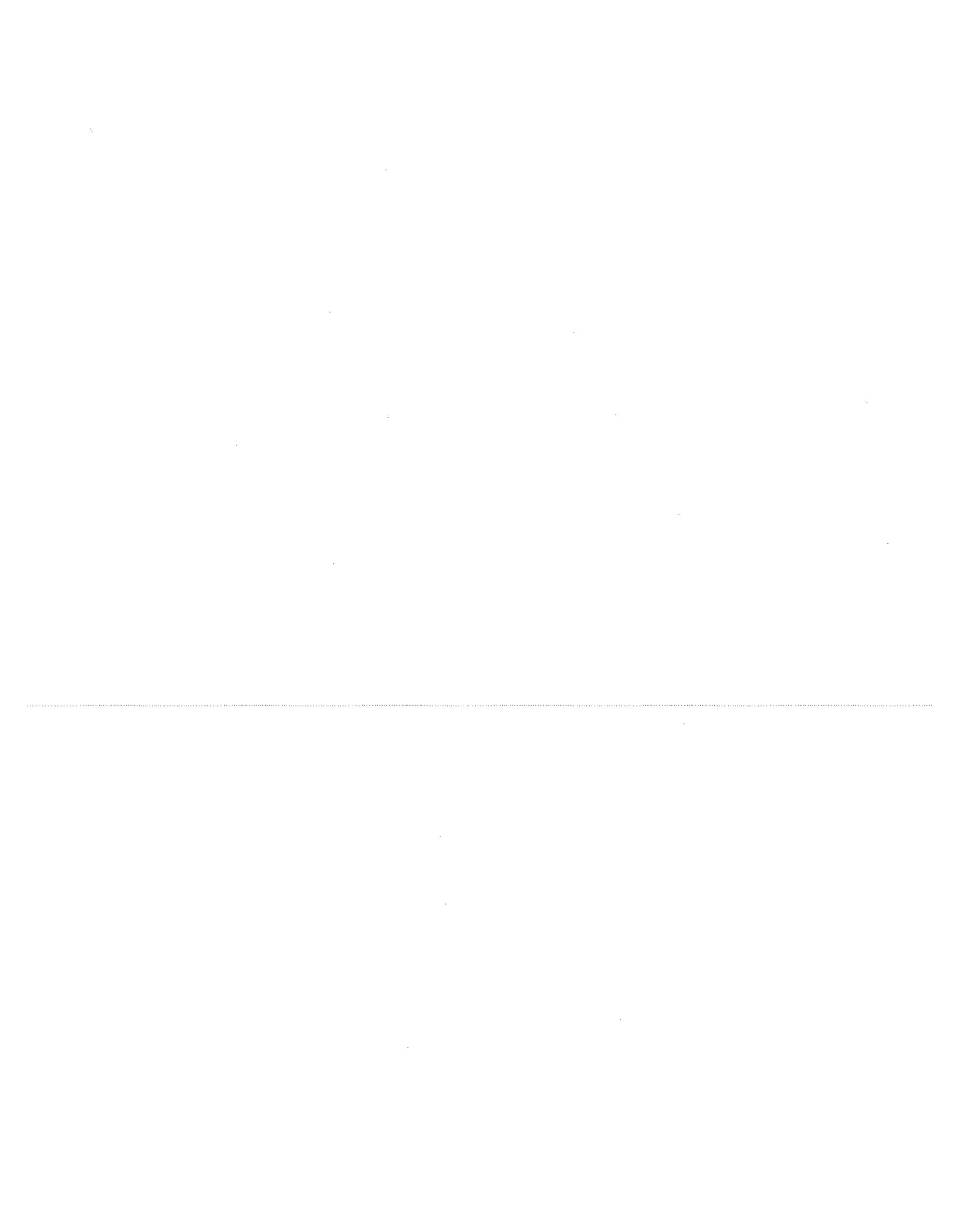
Not Applicable

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

*Not Applicable.*

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so. If applicable, indicate each specific paragraph of the rule that has been modified:

*Not Applicable.*



12. Five Year Review (FYR) Date: **11/30/2015**

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

**FISCAL ANALYSIS**

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

\$0.00

Not Applicable

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

Not Applicable

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

This rule contains emission limits for sulfur dioxide in Lake county. The requirements to comply with these limits are contained in OAC rule 3745-18-03. There is no cost of compliance with this rule.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **Yes**



You must complete the Environmental rule Adoption/Amendment Form in order to comply with Am. Sub. 106 of the 121st General Assembly.

**S.B. 2 (129th General Assembly) Questions**

18. Has this rule been filed with the Common Sense Initiative Office pursuant to R.C. 121.82? **Yes**

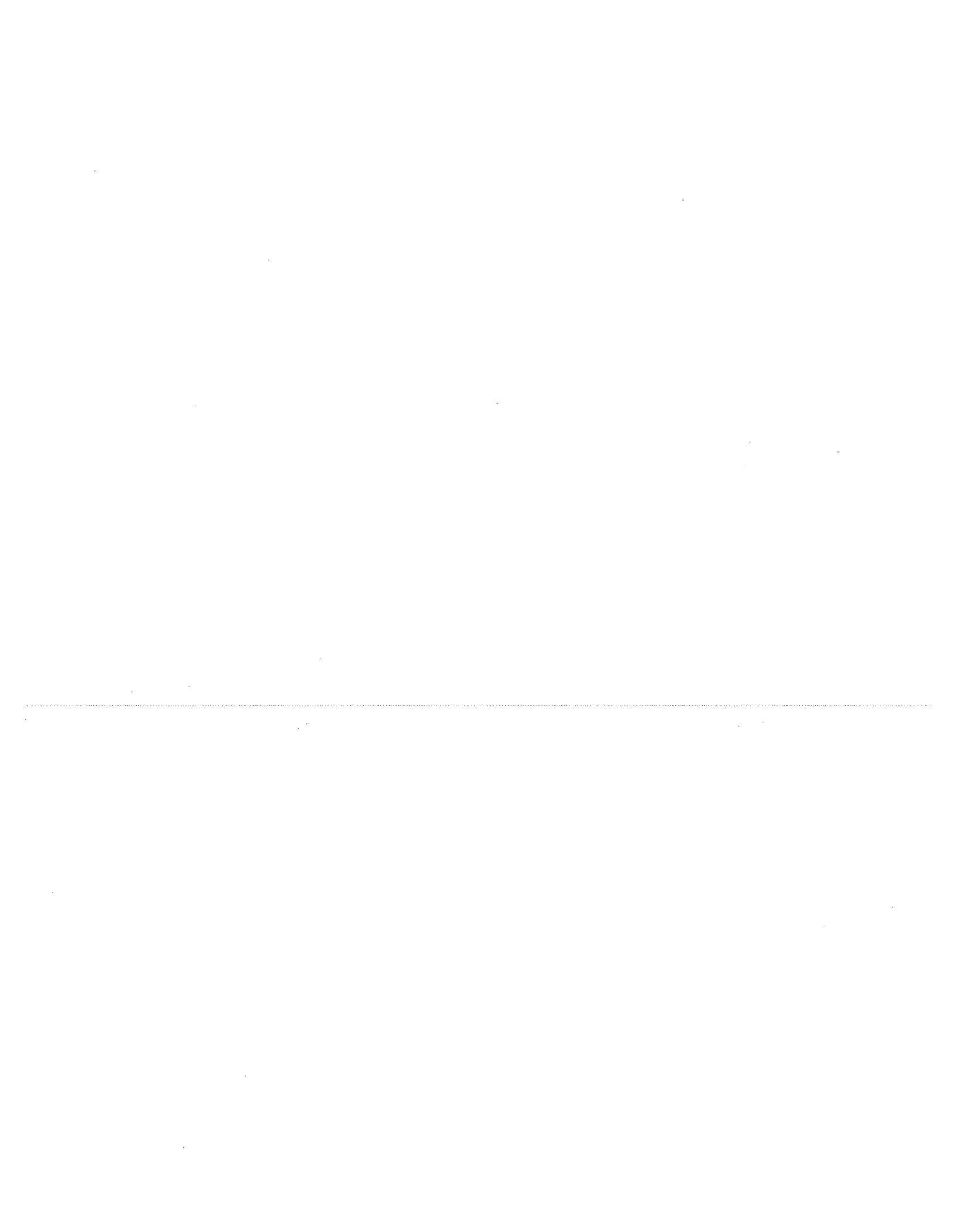
19. Specific to this rule, answer the following:

A.) Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? **No**

B.) Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? **No**

C.) Does this rule require specific expenditures or the report of information as a condition of compliance? **No**

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### Environmental Rule Adoption/Amendment Form

Pursuant to Am. Sub. H.B. 106 of the 121st General Assembly, prior to adopting a rule or an amendment to a rule dealing with environmental protection, or containing a component dealing with environmental protection, a state agency shall:

- (1) Consult with organizations that represent political subdivisions, environmental interests, business interests, and other persons affected by the proposed rule or amendment.
- (2) Consider documentation relevant to the need for, the environmental benefits or consequences of, other benefits of, and the technological feasibility of the proposed rule or rule amendment.
- (3) Specifically identify whether the proposed rule or rule amendment is being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal environmental law or to participate in a federal environmental program, whether the proposed rule or rule amendment is more stringent than its federal counterpart, and, if the proposed rule or rule amendment is more stringent, the rationale for not incorporating its federal counterpart.
- (4) Include with the proposed rule or rule amendment and rule summary and fiscal analysis required to be filed with the Joint Committee on Agency Rule Review information relevant to the previously listed requirements.

(A) Were organizations that represent political subdivisions, environmental interests, business interests, and other persons affected by the proposed rule or amendment consulted ? **Yes**

Please list each contact.

The draft rules and BIA were sent out for a 30+-day draft comment period ending July 9, 2015. The rules were released to Ohio EPA's electronic interested parties list, posted on Ohio EPA's regulations website and shared with interested industry parties.

(B) Was documentation that is relevant to the need for, the environmental benefits or consequences of, other benefits of, and the technological feasibility of the proposed rule or amendment considered ? **Yes**

Please list the information provided and attach a copy of each piece of documentation to this form. (A SUMMARY OR INDEX MAY BE ATTACHED IN LIEU OF THE ACTUAL DOCUMENTATION.)

Clean Air Act, Facility Records on Stars2 Electronic Permitting System, Survey of historic records from Ohio EPA District offices and Local Air Agencies, and



Comments submitted by interested parties and affected facilities.

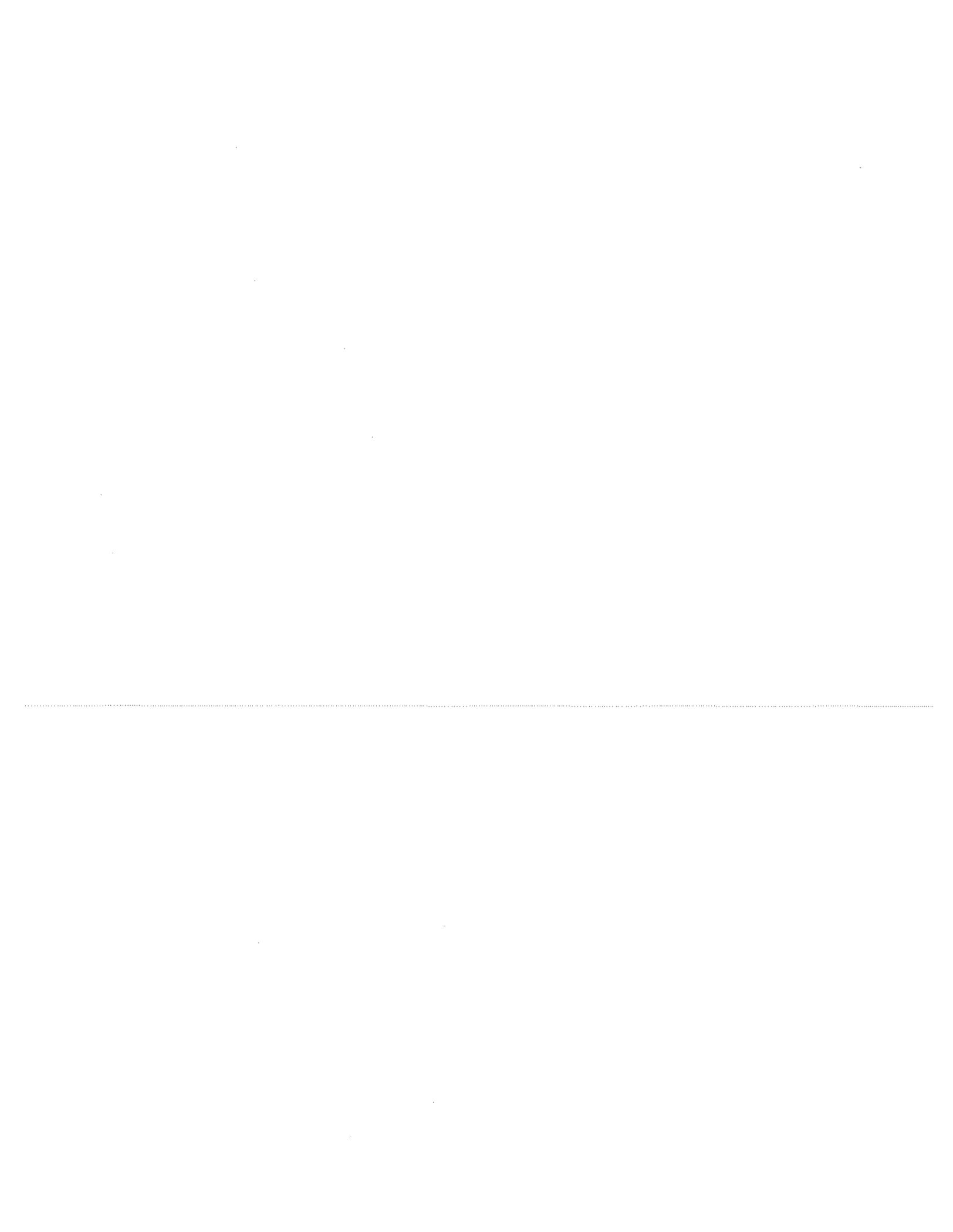
- (C) Is the proposed rule or rule amendment being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal environmental law or to participate in a federal environmental program ?

Yes

Is the proposed rule or rule amendment more stringent than its federal counterpart ? No

Not Applicable

- (D) If this is a rule amendment that is being adopted under a state statute that establishes standards with which the amendment is to comply, is the proposed rule amendment more stringent than the rule that it is proposing to amend? No
-

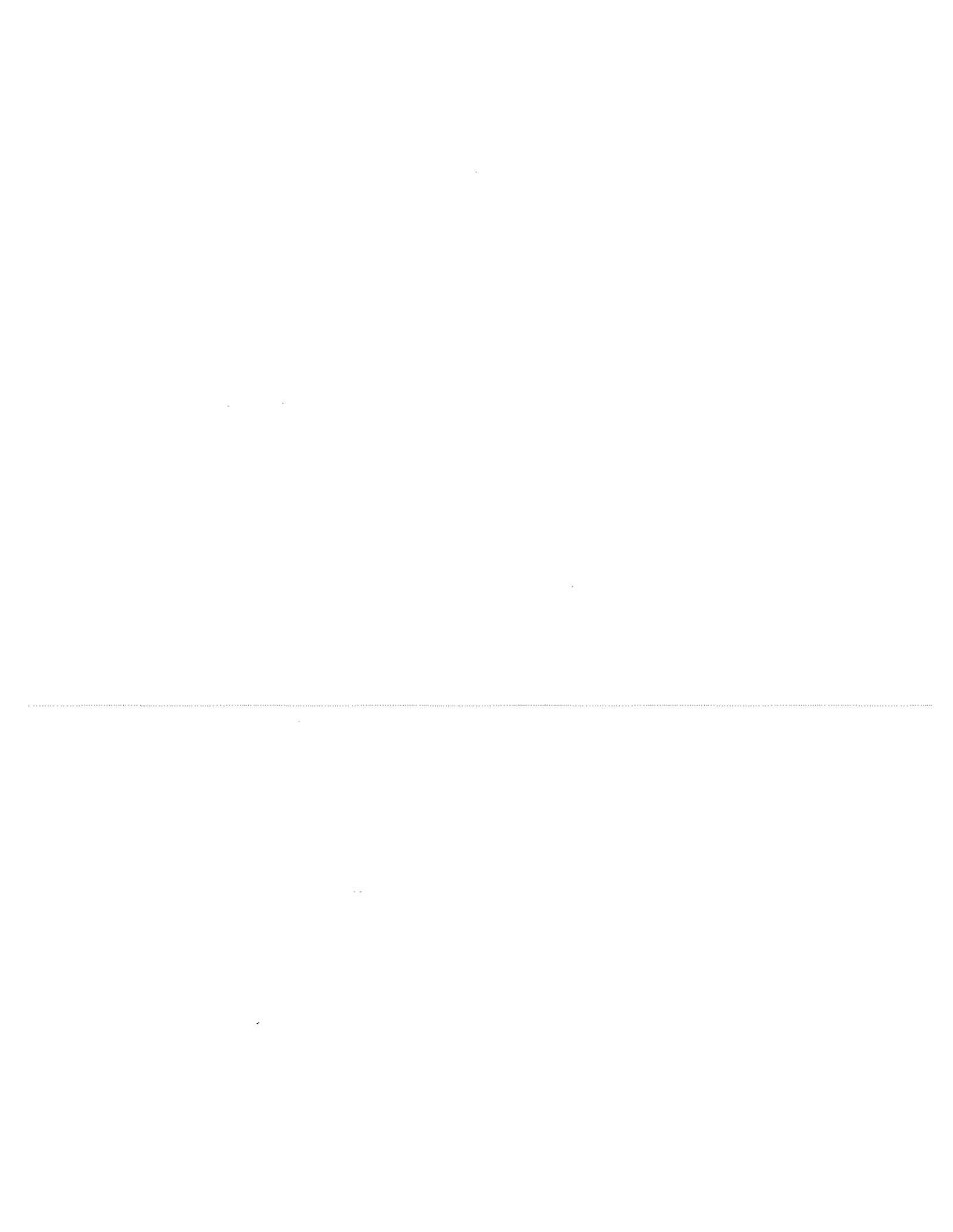


Attachment M-13  
Article III

Attachment C

JCARR Agenda

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**JOINT COMMITTEE ON AGENCY RULE REVIEW**  
**Agenda - 10/26/2015 - 1:30 P.M.**  
**Statehouse Hearing Room 121(William McKinley Room)**



**TENTATIVE AGENDA**

**TENTATIVE AGENDA**

**Consent**

**1 Attorney General • Bureau of Criminal Identification and Investigation**

Total Rules: 1      Original Filing Date: 10/31/2012      Date of Refiled Filing: 9/28/2015      Jurisdiction Ends: 10/28/2015      Public Hearing: 10/9/2015

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Refiled Filing	No	Yes	109:5-1-01	Procedure for requesting criminal records.

**2 Attorney General • Bureau of Criminal Identification and Investigation**

Total Rules: 1      Original Filing Date: 9/3/2015      Jurisdiction Ends: 11/7/2015      Public Hearing: 10/9/2015

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
New Rule	Original Filing	No	No	109:5-7-01	Ohio law enforcement gateway.

**3 Auditor of State •**

Total Rules: 15      Original Filing Date: 8/28/2015      Date of Revised Filing: 8/28/2015      Jurisdiction Ends: 11/1/2015      Public Hearing: 9/28/2015

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Revised Filing	No	Yes	117-1-01	Definitions.
Amendment	Revised Filing	No	Yes	117-2-01	Internal controls.
Amendment	Revised Filing	No	Yes	117-2-02	Accounting and reporting records.
Amendment	Revised Filing	No	Yes	117-2-04	Notice procedures.
Amendment	Revised Filing	No	Yes	117-2-05	Standards for examinations.
Amendment	Revised Filing	No	Yes	117-3-03	Audit contract standards.
Amendment	Revised Filing	No	Yes	117-3-04	Election of public office.
Amendment	Revised Filing	No	Yes	117-3-05	Request for proposals.
Amendment	Revised Filing	No	Yes	117-3-06	Submission of request for proposals.
Amendment	Revised Filing	No	Yes	117-3-07	Proposal.
Amendment	Revised Filing	No	Yes	117-3-08	Criteria for selection.
Amendment	Revised Filing	No	Yes	117-3-09	Selection and award.
Amendment	Revised Filing	No	Yes	117-4-02	Audit standards for local public offices not subject to the single audit act.

Click on the rule number in blue above to view the rule in its entirety on the *Register of Ohio* website.

TENTATIVE AGENDA

JOINT COMMITTEE ON AGENCY RULE REVIEW  
 10/26/2015 - 1:30 P.M.  
 Statehouse Hearing Room 121(William McKinley Room)

TENTATIVE AGENDA

Amendment	Revised Filing	No	Yes	117-6-01	Chart of accounts - school districts.
Rescission	Revised Filing	No	Yes	117-6-05	Reduction in school district textbooks and instructional materials set-aside.
Total Rules: 1	Original Filing Date: 8/28/2015			Date of Revised Filing: 8/31/2015	Jurisdiction Ends: 11/1/2015 Public Hearing: 9/28/2015

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Revised Filing	No	Yes	117-6-03	Set asides for textbooks and capital improvements: schools.
Total Rules: 1	Original Filing Date: 8/28/2015			Date of Revised Filing: 9/28/2015	Jurisdiction Ends: 11/1/2015 Public Hearing: 9/28/2015

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Revised Filing	No	Yes	117-2-03	Annual financial reports.

**4 Auditor of State •**

Total Rules: 5	Original Filing Date: 8/31/2015				Jurisdiction Ends: 11/4/2015 Public Hearing: 10/2/2015
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<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
New Rule	Original Filing	No	No	117-5-03	Filing Affidavit of Failure of Performance of County Auditor.
New Rule	Original Filing	No	No	117-5-04	Filing Affidavit of Failure of Performance of County Treasurer.
New Rule	Original Filing	No	No	117-7-03	Filing Affidavit of Failure of Performance of Township Fiscal Officer.
New Rule	Original Filing	No	No	117-9-03	Filing Affidavit of Failure of Performance of Fiscal Officer.
New Rule	Original Filing	No	No	117-13-01	Filing Affidavit of Failure of Performance of Fiscal Officer.

**5 Bureau of Workers' Compensation •**

Total Rules: 6	Original Filing Date: 8/26/2015				Jurisdiction Ends: 10/30/2015 Public Hearing: 10/1/2015
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<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	Yes	Yes	4123-6-51	Employer participation in the QHP system - bureau certification of QHPs.
New Rule	Original Filing	Yes	No	4123-6-52	Employer participation in the QHP system - bureau recertification of QHPs.
Amendment	Original Filing	Yes	Yes	4123-6-53	Employer participation in the QHP system - QHP quality assurance program required.
Amendment	Original Filing	Yes	Yes	4123-6-55	Employer participation in the QHP system - bureau's authority to decertify, to refuse to certify or recertify a QHP.
Amendment	Original Filing	Yes	Yes	4123-6-59	Provider access to the QHP system - QHP provider selection.
Amendment	Original Filing	Yes	Yes	4123-6-72	Confidentiality.

**6 Bureau of Workers' Compensation •**

Total Rules: 33	Original Filing Date: 8/26/2015				Jurisdiction Ends: 10/30/2015 Public Hearing: 10/1/2015
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<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Rescission	Original Filing	Yes	Yes	4123-6-01	Definitions.

Click on the rule number in blue above to view the rule in its entirety on the Register of Ohio website.

TENTATIVE AGENDA

JOINT COMMITTEE ON AGENCY RULE REVIEW  
 10/26/2015 - 1:30 P.M.  
 Statehouse Hearing Room 121(William McKinley Room)

TENTATIVE AGENDA

New Rule	Original Filing	Yes	No	4123-6-01	Definitions.
Amendment	Original Filing	Yes	Yes	4123-6-02	Provider access to the HPP - generally.
Amendment	Original Filing	Yes	Yes	4123-6-02.2	Provider access to the HPP - provider credentialing criteria.
Amendment	Original Filing	Yes	Yes	4123-6-02.21	Provider access to the HPP - non-certified provider enrollment.
Amendment	Original Filing	Yes	Yes	4123-6-02.3	Provider access to the HPP - provider application and credentialing.
Amendment	Original Filing	Yes	Yes	4123-6-02.4	Provider access to the HPP - provider recredentialing and recertification.
Amendment	Original Filing	Yes	Yes	4123-6-02.5	Provider access to the HPP - provider not certified.
Amendment	Original Filing	Yes	Yes	4123-6-02.51	Provider access to the HPP -- Denial of provider, entity or MCO certification based on criminal conviction or civil action.
Amendment	Original Filing	Yes	Yes	4123-6-02.6	Provider access to the HPP -- selection by an MCO.
Amendment	Original Filing	Yes	Yes	4123-6-02.7	Provider access to the HPP - provider decertification procedures.
Amendment	Original Filing	Yes	Yes	4123-6-02.8	Provider requirement to notify of injury.
Amendment	Original Filing	Yes	Yes	4123-6-03.2	MCO participation in the HPP -- MCO application for certification or recertification
Amendment	Original Filing	Yes	Yes	4123-6-03.7	MCO participation in the HPP - bureau's authority to decertify, to refuse to certify or recertify an MCO.
Amendment	Original Filing	Yes	Yes	4123-6-03.9	MCO participation in the HPP - MCO disclosure of relationship.
Amendment	Original Filing	Yes	Yes	4123-6-04.3	MCO scope of services - MCO medical management and claims management assistance.
Amendment	Original Filing	Yes	Yes	4123-6-04.5	MCO scope of services - bureau claims management.
Amendment	Original Filing	Yes	Yes	4123-6-04.6	Thirty-day return to work assessment.
Amendment	Original Filing	Yes	Yes	4123-6-05.4	Employer access to the HPP; payment for referrals prohibited.
Amendment	Original Filing	Yes	Yes	4123-6-06.1	Employee access to medical services -- employee education by MCO and employer.
Amendment	Original Filing	Yes	Yes	4123-6-06.2	Employee access to the HPP - employee choice of provider.
Amendment	Original Filing	Yes	Yes	4123-6-07	Services and supplies never covered.
Amendment	Original Filing	Yes	Yes	4123-6-10	Payment to providers.
Rescission	Original Filing	Yes	Yes	4123-6-13	Payment to MCOs.
Amendment	Original Filing	Yes	Yes	4123-6-14	MCO bill submission to bureau.
Amendment	Original Filing	Yes	Yes	4123-6-15	Confidentiality of records.
Amendment	Original Filing	Yes	Yes	4123-6-16	Alternative dispute resolution for HPP medical issues.
Amendment	Original Filing	Yes	Yes	4123-6-16.2	Medical treatment reimbursement requests.
Amendment	Original Filing	Yes	Yes	4123-6-16.3	Reimbursement of retroactive medical treatment reimbursement requests.

Click on the rule number in blue above to view the rule in its entirety on the *Register of Ohio* website.

**JOINT COMMITTEE ON AGENCY RULE REVIEW**  
**10/26/2015 - 1:30 P.M.**  
**Statehouse Hearing Room 121(William McKinley Room)**

TENTATIVE AGENDA

TENTATIVE AGENDA

Amendment	Original Filing	Yes	Yes	4123-6-17	Bureau refusal to certify or recertify, action to decertify a provider or MCO - standards and procedures for adjudication hearings.
Amendment	Original Filing	Yes	Yes	4123-6-18	Data gathering and reporting.
Amendment	Original Filing	Yes	Yes	4123-6-19	Remain at work program.
Amendment	Original Filing	Yes	Yes	4123-6-20.1	Charges for copies of medical reports.
Total Rules: 1	Original Filing Date: 8/26/2015			Date of Revised Filing: 9/29/2015	Jurisdiction Ends: 10/30/2015 Public Hearing: 10/1/2015

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Revised Filing	Yes	Yes	4123-6-20	Obligation for submitting medical documentation and reports.

**7 Bureau of Workers' Compensation \***

Total Rules: 15	Original Filing Date: 8/26/2015				Jurisdiction Ends: 10/30/2015 Public Hearing: 10/1/2015
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<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	Yes	Yes	4123-6-21	Payment for outpatient medication.
Amendment	Original Filing	Yes	Yes	4123-6-21.1	Payment for outpatient medication by self-insuring employer.
Amendment	Original Filing	Yes	Yes	4123-6-22	Stakeholders' health care quality assurance advisory committee.
Amendment	Original Filing	Yes	Yes	4123-6-25	Payment for medical supplies and services.
Amendment	Original Filing	Yes	Yes	4123-6-26	Claimant reimbursement.
Amendment	Original Filing	Yes	Yes	4123-6-30	Payment for physical medicine.
Amendment	Original Filing	Yes	Yes	4123-6-31	Payment for miscellaneous medical services and supplies.
Amendment	Original Filing	Yes	Yes	4123-6-38	Payment for home health nursing services.
Amendment	Original Filing	Yes	Yes	4123-6-38.1	Payment for nursing and caregiver services provided by persons other than home health agency employees.
Amendment	Original Filing	Yes	Yes	4123-6-39	Payment for prosthetic device or other artificial appliances.
Amendment	Original Filing	Yes	Yes	4123-6-40	Payment of claimant travel expenses.
Amendment	Original Filing	Yes	Yes	4123-6-41	No legal relationship between the industrial commission or bureau and a health care provider.
Amendment	Original Filing	Yes	Yes	4123-6-43	Payment for transcutaneous electrical nerve stimulators and neuromuscular electrical stimulators.
Amendment	Original Filing	Yes	Yes	4123-6-45	Audit of providers' patient and billing related records.
Amendment	Original Filing	Yes	Yes	4123-6-46	Standardized or negotiated payment rates for services or supplies.

**8 Bureau of Workers' Compensation \***

Total Rules: 1	Original Filing Date: 7/6/2015			Date of Refiled Filing: 9/30/2015	Jurisdiction Ends: 10/30/2015 Public Hearing: 8/14/2015
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<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
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Click on the rule number in blue above to view the rule in its entirety on the *Register of Ohio* website.

Amendment Refiled Filing No No 4123-3-37 Lump sum advancements.

**9 Department of Aging •**

Total Rules: 12 Original Filing Date: 9/3/2015 Date of Revised Filing: 9/25/2015 Jurisdiction Ends: 11/7/2015 Public Hearing: 10/6/2015

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Rescission	Revised Filing	Yes	Yes	173-45-01	Introduction and definitions.
New Rule	Revised Filing	Yes	No	173-45-01	Introduction and definitions.
Amendment	Revised Filing	Yes	Yes	173-45-03	Consumer guide content.
Amendment	Revised Filing	Yes	Yes	173-45-04	Search queries.
Amendment	Revised Filing	Yes	Yes	173-45-05	Display of comparative information following the execution of a search query.
Amendment	Revised Filing	Yes	Yes	173-45-06	Facility page.
Amendment	Revised Filing	Yes	Yes	173-45-06.1	Information on services provided by facilities.
Amendment	Revised Filing	Yes	Yes	173-45-06.2	Facility staffing information.
Amendment	Revised Filing	Yes	Yes	173-45-07	Quality measures for nursing facilities.
Amendment	Revised Filing	Yes	Yes	173-45-08	Regulatory survey data.
Amendment	Revised Filing	Yes	Yes	173-45-09	Fees.
Amendment	Revised Filing	Yes	Yes	173-45-10	Consumer satisfaction surveys.

**10 Department of Agriculture • Plant Industry**

Total Rules: 1 Original Filing Date: 9/4/2015 Jurisdiction Ends: 11/8/2015 Public Hearing: 10/8/2015

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Rescission	Original Filing	Yes	Yes	901:5-51-01	Geranium pest quarantine.

**11 Department of Agriculture • Plant Industry**

Total Rules: 1 Original Filing Date: 9/4/2015 Jurisdiction Ends: 11/8/2015 Public Hearing: 10/8/2015

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	Yes	Yes	901:5-43-01	Suppression and control of the white pine blister rust disease.

**12 Department of Commerce • Ohio Construction Industry Licensing Board**

Total Rules: 21 Original Filing Date: 9/4/2015 Jurisdiction Ends: 11/8/2015 Public Hearing: 10/6/2015

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Rescission	Original Filing	Yes	Yes	4101:16-1-01	Notice of administrative ruleshearing.
New Rule	Original Filing	Yes	No	4101:16-1-01	Definitions.
Rescission	Original Filing	Yes	Yes	4101:16-1-02	Public meeting.

Click on the rule number in blue above to view the rule in its entirety on the Register of Ohio website.

**JOINT COMMITTEE ON AGENCY RULE REVIEW**  
**10/26/2015 - 1:30 P.M.**  
**Statehouse Hearing Room 121(William McKinley Room)**

TENTATIVE AGENDA

TENTATIVE AGENDA

New Rule	Original Filing	Yes	No	4101:16-1-02	Notice of administrative rules hearing.	
Rescission	Original Filing	Yes	Yes	4101:16-1-03	Definitions.	
New Rule	Original Filing	Yes	No	4101:16-1-03	Public meetings.	
Rescission	Original Filing	Yes	Yes	4101:16-1-04	Administrative section officers.	
New Rule	Original Filing	Yes	No	4101:16-1-04	Administrative section.	
Rescission	Original Filing	Yes	Yes	4101:16-1-05	Annual report to the director of commerce.	
New Rule	Original Filing	Yes	No	4101:16-1-05	Investigations.	
Rescission	Original Filing	Yes	Yes	4101:16-1-06	Annual fiscal statement.	
Rescission	Original Filing	Yes	Yes	4101:16-1-07	Notification of examination result.	
New Rule	Original Filing	Yes	No	4101:16-1-07	Adjudication hearings.	
Rescission	Original Filing	Yes	Yes	4101:16-1-08	Display of license.	
New Rule	Original Filing	Yes	No	4101:16-1-08	Compliant Contractor Program.	
Rescission	Original Filing	Yes	Yes	4101:16-1-09	Replacement of a license.	
Rescission	Original Filing	Yes	Yes	4101:16-1-10	Notice of renewal date and application for renewal.	
Rescission	Original Filing	Yes	Yes	4101:16-1-11	Fees and insurance.	
Rescission	Original Filing	Yes	Yes	4101:16-1-12	Reciprocity.	
Rescission	Original Filing	Yes	Yes	4101:16-1-13	Inactive status.	
Rescission	Original Filing	Yes	Yes	4101:16-1-14	Criminal background check.	
Total Rules: 1		Original Filing Date: 9/4/2015		Date of Revised Filing: 9/15/2015	Jurisdiction Ends: 11/8/2015	Public Hearing: 10/6/2015

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
New Rule	Revised Filing	Yes	No	4101:16-1-06	Disciplinary action against a licensee.

**13 Department of Commerce • Ohio Construction Industry Licensing Board**

Total Rules: 17		Original Filing Date: 9/4/2015		Jurisdiction Ends: 11/8/2015		Public Hearing: 10/6/2015
<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>	
Rescission	Original Filing	Yes	Yes	4101:16-2-01	Continuing education - hours of instruction requirements.	
New Rule	Original Filing	Yes	No	4101:16-2-01	Qualifications to take licensing examination.	
Rescission	Original Filing	Yes	Yes	4101:16-2-02	Continuing education requirements - reporting.	
New Rule	Original Filing	Yes	No	4101:16-2-02	Application procedures for licensing examination and results.	
Rescission	Original Filing	Yes	Yes	4101:16-2-03	Training agencies.	
New Rule	Original Filing	Yes	No	4101:16-2-03	Examinations.	
Rescission	Original Filing	Yes	Yes	4101:16-2-04	Continuing education - course approval.	

Click on the rule number in blue above to view the rule in its entirety on the *Register of Ohio* website.

New Rule	Original Filing	Yes	No	4101:16-2-04	Issuance of licenses to successful applicants.
New Rule	Original Filing	Yes	No	4101:16-2-05	Display of license.
New Rule	Original Filing	Yes	No	4101:16-2-06	Notice of renewal date and application for renewal.
New Rule	Original Filing	Yes	No	4101:16-2-07	Renewal of license.
New Rule	Original Filing	Yes	No	4101:16-2-08	Continuing education - hours of instruction requirements.
New Rule	Original Filing	Yes	No	4101:16-2-09	Fees and insurance.
New Rule	Original Filing	Yes	No	4101:16-2-10	Reciprocity.
New Rule	Original Filing	Yes	No	4101:16-2-11	Conditional Licenses.
New Rule	Original Filing	Yes	No	4101:16-2-12	Inactive status.
New Rule	Original Filing	Yes	No	4101:16-2-13	Military provisions related to licensure.

**14 Department of Commerce • Ohio Construction Industry Licensing Board**

Total Rules: 7      Original Filing Date: 9/4/2015      Jurisdiction Ends: 11/8/2015      Public Hearing: 10/6/2015

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Rescission	Original Filing	Yes	Yes	4101:16-3-01	Examinations for license: definitions.
Rescission	Original Filing	Yes	Yes	4101:16-3-02	Qualifications to take licensing examination.
Rescission	Original Filing	Yes	Yes	4101:16-3-03	Application procedures for taking licensing examination.
New Rule	Original Filing	Yes	No	4101:16-3-03	Continuing education - course approval.
Rescission	Original Filing	Yes	Yes	4101:16-3-04	Examinations.
Rescission	Original Filing	Yes	Yes	4101:16-3-05	Issuance of licenses to successful applicants.
Rescission	Original Filing	Yes	Yes	4101:16-3-06	Renewal of license.

Total Rules: 2      Original Filing Date: 9/4/2015      Date of Revised Filing: 9/16/2015      Jurisdiction Ends: 11/8/2015      Public Hearing: 10/6/2015

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
New Rule	Revised Filing	Yes	No	4101:16-3-01	Approval of training agencies.
New Rule	Revised Filing	Yes	No	4101:16-3-02	Continuing education requirements - reporting.

**15 Department of Commerce • Ohio Construction Industry Licensing Board**

Total Rules: 4      Original Filing Date: 9/4/2015      Jurisdiction Ends: 11/8/2015      Public Hearing: 10/6/2015

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Rescission	Original Filing	Yes	Yes	4101:16-4-01	Investigations of complaints; time limitation.
Rescission	Original Filing	Yes	Yes	4101:16-4-02	Complaint review.
Rescission	Original Filing	Yes	Yes	4101:16-4-03	Criteria for disciplinary action against a licensee.
Rescission	Original Filing	Yes	Yes	4101:16-4-04	Adjudication hearings.

Click on the rule number in blue above to view the rule in its entirety on the Register of Ohio website.

16 **Department of Health • Radiation Control**

Total Rules: 13    Original Filing Date: 8/24/2015    Date of Revised Filing: 8/24/2015    Jurisdiction Ends: 10/28/2015    Public Hearing: 9/30/2015

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Rescission	Revised Filing	Yes	Yes	<a href="#">3701:1-46-04</a>	Certain devices and equipment.
Amendment	Revised Filing	Yes	Yes	<a href="#">3701:1-46-31</a>	Radioactive material contained in devices for use under rule 3701:1-46-05 of the Administrative Code: conditions of licenses.
Rescission	Revised Filing	Yes	Yes	<a href="#">3701:1-46-35</a>	Luminous safety devices for use in aircraft: quality assurance; prohibition of transfer.
New Rule	Revised Filing	Yes	No	<a href="#">3701:1-46-35</a>	Luminous safety devices for use in aircraft: quality assurance; prohibition of transfer.
Rescission	Revised Filing	Yes	Yes	<a href="#">3701:1-46-36</a>	Luminous safety devices for use in aircraft: material transfer reports.
Amendment	Revised Filing	Yes	Yes	<a href="#">3701:1-46-39</a>	Calibration or reference sources containing americium-241 or radium-226: leak testing of each source.
Rescission	Revised Filing	Yes	Yes	<a href="#">3701:1-46-41</a>	Ice detection devices containing strontium-90: quality assurance; prohibition of transfer.
New Rule	Revised Filing	Yes	No	<a href="#">3701:1-46-41</a>	Ice detection devices containing strontium-90: quality assurance; prohibition of transfer.
Rescission	Revised Filing	Yes	Yes	<a href="#">3701:1-46-46</a>	Prototype tests for calibration or reference sources containing americium-241 or radium-226.
Rescission	Revised Filing	Yes	Yes	<a href="#">3701:1-46-47</a>	Prototype tests for ice detection devices containing strontium-90.
Rescission	Revised Filing	Yes	Yes	<a href="#">3701:1-46-48</a>	Acceptance sampling procedures under certain specific licenses.
Rescission	Revised Filing	Yes	Yes	<a href="#">3701:1-46-49</a>	Registration of product information.
New Rule	Revised Filing	Yes	No	<a href="#">3701:1-46-49</a>	Registration of product information.

Total Rules: 1    Original Filing Date: 8/24/2015    Date of Revised Filing: 8/25/2015    Jurisdiction Ends: 10/28/2015    Public Hearing: 9/30/2015

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Rescission	Revised Filing	Yes	Yes	<a href="#">3701:1-46-45</a>	Prototype tests for luminous safety devices for use in aircraft.

Total Rules: 5    Original Filing Date: 8/24/2015    Date of Revised Filing: 8/26/2015    Jurisdiction Ends: 10/28/2015    Public Hearing: 9/30/2015

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Revised Filing	Yes	Yes	<a href="#">3701:1-46-33</a>	Luminous safety devices for use in aircraft: requirements for license to manufacture, assemble, repair or initially transfer.
New Rule	Revised Filing	Yes	No	<a href="#">3701:1-46-36</a>	Luminous safety devices for use in aircraft: material transfer reports.
Amendment	Revised Filing	Yes	Yes	<a href="#">3701:1-46-37</a>	Calibration or reference sources containing americium-241 or radium-226: requirements for license to manufacture or initially transfer.
Amendment	Revised Filing	Yes	Yes	<a href="#">3701:1-46-40</a>	Ice detection devices containing strontium-90; requirements for license to manufacture or initially transfer.

Click on the rule number in blue above to view the rule in its entirety on the Register of Ohio website.

Amendment Revised Filing Yes Yes 3701:1-46-44

Manufacture and distribution of sources or devices containing radioactive materi:  
 for medical use.

**17 Department of Health • Radiation Control**

Total Rules: 2 Original Filing Date: 8/24/2015

Jurisdiction Ends: 10/28/2015 Public Hearing: 9/30/2015

Rule Type	Action	CSI	FYR	Rule Number
Amendment	Original Filing	Yes	No	3701:1-37-11
Amendment	Original Filing	Yes	No	3701:1-37-26

Rule Title
Relief from fingerprinting, identification, and criminal history records checks and other elements of background investigations for designated categories of individuals permitted unescorted access to certain radioactive materials.
Advance notification of shipment of category one quantities of radioactive materi:

**18 Department of Job and Family Services • Division of Social Services**

Total Rules: 12 Original Filing Date: 8/28/2015

Jurisdiction Ends: 11/1/2015 Public Hearing: 10/1/2015

Rule Type	Action	CSI	FYR	Rule Number
Amendment	Original Filing	Yes	Yes	5101:2-12-10
Amendment	Original Filing	Yes	Yes	5101:2-12-12
Amendment	Original Filing	Yes	Yes	5101:2-12-13
Amendment	Original Filing	Yes	Yes	5101:2-12-15
Amendment	Original Filing	Yes	Yes	5101:2-12-15.2
Amendment	Original Filing	Yes	Yes	5101:2-12-15.3
Amendment	Original Filing	Yes	Yes	5101:2-12-15.4
Amendment	Original Filing	Yes	Yes	5101:2-12-16
Amendment	Original Filing	Yes	Yes	5101:2-12-17
Rescission	Original Filing	No	Yes	5101:2-12-29
Amendment	Original Filing	Yes	Yes	5101:2-12-31
Amendment	Original Filing	Yes	Yes	5101:2-12-39

Rule Title
Building approval for licensed child care centers.
Food service licensure requirements for licensed child care centers.
Indoor floor space requirements for licensed child care centers.
Safe and sanitary equipment and environment in licensed child care centers.
Diapering and toilet training for licensed child care centers.
Smoke free environment for licensed child care centers.
Toothbrushing in licensed child care centers.
Requirements for programming and equipment in licensed child care centers.
Swimming and water safety requirements for licensed child care centers.
Unlawful discriminatory practices in licensed child care centers.
Administration of medication in licensed child care centers.
Requirements for meals and snacks in licensed child care centers.

**19 Department of Job and Family Services • Division of Social Services**

Total Rules: 12 Original Filing Date: 8/28/2015

Jurisdiction Ends: 11/1/2015 Public Hearing: 10/1/2015

Rule Type	Action	CSI	FYR	Rule Number
Amendment	Original Filing	Yes	Yes	5101:2-13-12
Rescission	Original Filing	No	Yes	5101:2-13-13
New Rule	Original Filing	Yes	No	5101:2-13-13
Amendment	Original Filing	Yes	Yes	5101:2-13-15
Amendment	Original Filing	Yes	Yes	5101:2-13-15.2

Rule Title
Meal preparation and service and water sanitation for licensed type A homes.
Indoor floor space requirements in licensed type A homes.
Indoor floor space requirements in licensed type A homes.
Safe and sanitary equipment and environment in licensed type A homes.
Diapering and toilet training for licensed type A homes.

Click on the rule number in blue above to view the rule in its entirety on the Register of Ohio website.

Amendment	Original Filing	Yes	Yes	5101:2-13-15.3	Smoke free environment for licensed type A homes.
Amendment	Original Filing	Yes	Yes	5101:2-13-15.4	Toothbrushing in licensed type A homes.
Amendment	Original Filing	Yes	Yes	5101:2-13-16	Requirements for programming and equipment in licensed type A homes.
Amendment	Original Filing	Yes	Yes	5101:2-13-17	Swimming and water safety requirements in licensed type A homes.
Rescission	Original Filing	No	Yes	5101:2-13-29	Unlawful discriminatory practices in licensed type A homes.
Amendment	Original Filing	Yes	Yes	5101:2-13-31	Administration of medication requirements for licensed type A homes.
Amendment	Original Filing	Yes	Yes	5101:2-13-39	Requirements for meals and snacks in type A homes.

**20 Department of Mental Health and Addiction Services •**

Total Rules: 14 Original Filing Date: 9/3/2015

Jurisdiction Ends: 11/7/2015 Public Hearing: 10/6/2015

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Rescission	Original Filing	Yes	Yes	5122-27-01	Purpose.
New Rule	Original Filing	Yes	No	5122-27-01	Applicability.
Rescission	Original Filing	Yes	Yes	5122-27-02	Applicability.
Rescission	Original Filing	Yes	Yes	5122-27-03	Listing of components.
New Rule	Original Filing	Yes	No	5122-27-03	Treatment planning.
Rescission	Original Filing	Yes	Yes	5122-27-04	Consent for treatment.
New Rule	Original Filing	Yes	No	5122-27-04	Progress notes.
Rescission	Original Filing	Yes	Yes	5122-27-05	Individualized service plan.
New Rule	Original Filing	Yes	No	5122-27-05	Discharge summary.
Rescission	Original Filing	Yes	Yes	5122-27-06	Progress notes.
New Rule	Original Filing	Yes	No	5122-27-06	Release of information.
Rescission	Original Filing	Yes	Yes	5122-27-07	Discharge summary.
Rescission	Original Filing	Yes	Yes	5122-27-08	Release of information.
Rescission	Original Filing	Yes	Yes	5122-27-09	Security of clinical records systems.

Total Rules: 1 Original Filing Date: 9/3/2015

Date of Revised Filing: 9/15/2015

Jurisdiction Ends: 11/7/2015

Public Hearing: 10/6/2015

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
New Rule	Revised Filing	Yes	No	5122-27-07	AoD level of care protocols.

Total Rules: 1 Original Filing Date: 9/3/2015

Date of Revised Filing: 9/24/2015

Jurisdiction Ends: 11/7/2015

Public Hearing: 10/6/2015

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
New Rule	Revised Filing	Yes	No	5122-27-02	Individual client record requirements.

**21 Department of Mental Health and Addiction Services • Program Standards**

Click on the rule number in blue above to view the rule in its entirety on the *Register of Ohio* website.

Amendment	Original Filing	Yes	Yes	3332-1-11	Scholarships and institutional grants.	
Amendment	Original Filing	Yes	No	3332-1-12	Advertising, promotional literature and publicity.	
Amendment	Original Filing	Yes	Yes	3332-1-12.1	Recruitment and solicitation of students.	
Amendment	Original Filing	Yes	Yes	3332-1-14	Student surveys.	
Amendment	Original Filing	Yes	Yes	3332-1-18	Complaint procedure.	
Amendment	Original Filing	Yes	Yes	3332-1-19	The student tuition recovery fund.	
Amendment	Original Filing	Yes	Yes	3332-1-20	Penalties.	
Total Rules: 2		Original Filing Date: 8/24/2015		Date of Revised Filing: 8/25/2015	Jurisdiction Ends: 10/28/2015	Public Hearing: 9/30/2015
<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>	
Amendment	Revised Filing	Yes	Yes	3332-1-22	Fees for certificate of registration and program authorization.	
Amendment	Revised Filing	Yes	Yes	3332-1-22.1	Miscellaneous fees.	

**28 State Board of Pharmacy •**

Total Rules: 1		Original Filing Date: 9/4/2015			Jurisdiction Ends: 11/8/2015	Public Hearing: 10/6/2015
<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>	
Amendment	Original Filing	Yes	Yes	4729-5-14	Prescription format for a hospice outpatient.	
Total Rules: 3		Original Filing Date: 9/4/2015		Date of Revised Filing: 10/5/2015	Jurisdiction Ends: 11/8/2015	Public Hearing: 10/6/2015
<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>	
Amendment	Revised Filing	Yes	No	4729-5-10	Prescription pick-up station.	
New Rule	Revised Filing	Yes	No	4729-9-28	Licensure as a Virtual Wholesale Distributor/Broker.	
New Rule	Revised Filing	Yes	No	4729-9-29	Licensure as a Third Party Logistics Provider.	

**29 State Chiropractic Board •**

Total Rules: 1		Original Filing Date: 8/31/2015		Date of Refiled Filing: 10/9/2015	Jurisdiction Ends: 11/8/2015	Public Hearing: 10/8/2015
<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>	
New Rule	Refiled Filing	Yes	No	4734-8-09	Concussion management.	

**To Be Refiled**

**30 Ohio Environmental Protection Agency •**

Total Rules: 8		Original Filing Date: 8/26/2015		Date of To Be Refiled: 9/4/2015	Jurisdiction Ends:	Public Hearing: 10/5/2015
<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>	

Click on the rule number in blue above to view the rule in its entirety on the Register of Ohio website.

Amendment	Original Filing	Yes	Yes	4501-47-14	Termination of third-party examiners.
Amendment	Original Filing	Yes	Yes	4501-47-16	Military waiver of commercial driver's license skills test.
Total Rules: 1	Original Filing Date: 9/3/2015			Date of Revised Filing: 10/5/2015	Jurisdiction Ends: 11/7/2015 Public Hearing: 10/7/2015

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Revised Filing	Yes	Yes	4501-47-15	Third-party testing by the department of education.

**25 Department of Rehabilitation and Correction •**

Total Rules: 1	Original Filing Date: 9/3/2015			Jurisdiction Ends: 11/7/2015	Public Hearing:
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<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	No	No	5120-9-25.1	Appearance and grooming of female inmates.

**26 Ohio Uniform Food Safety Code •**

Total Rules: 12	Original Filing Date: 8/28/2015			Jurisdiction Ends: 11/1/2015	Public Hearing: 9/30/2015
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<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	Yes	Yes	3717-1-01	State of Ohio Uniform Food Safety Code and definitions.
Amendment	Original Filing	Yes	Yes	3717-1-02.2	Management and personnel: personal cleanliness.
Amendment	Original Filing	Yes	Yes	3717-1-02.4	Management and personnel: supervision.
Amendment	Original Filing	Yes	Yes	3717-1-03.2	Food: protection from contamination after receiving.
Amendment	Original Filing	Yes	Yes	3717-1-03.3	Food: destruction of organisms of public health concern.
Amendment	Original Filing	Yes	Yes	3717-1-03.5	Food: food identity, presentation, and on premises labeling.
Amendment	Original Filing	Yes	Yes	3717-1-04.2	Equipment, utensils, and linens: numbers and capacities.
Amendment	Original Filing	Yes	Yes	3717-1-04.4	Equipment, utensils, and linens: maintenance and operation.
Amendment	Original Filing	Yes	Yes	3717-1-04.5	Equipment, utensils, and linens: cleaning of equipment and utensils.
Amendment	Original Filing	Yes	Yes	3717-1-04.7	Equipment, utensils, and linens: laundering.
Amendment	Original Filing	Yes	Yes	3717-1-07.1	Poisonous or toxic materials: operational supplies and applications.
Amendment	Original Filing	Yes	Yes	3717-1-09	Criteria for reviewing facility layout and equipment specifications.

**27 State Board of Career Colleges and Schools •**

Total Rules: 11	Original Filing Date: 8/24/2015			Jurisdiction Ends: 10/28/2015	Public Hearing: 9/30/2015
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<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	Yes	Yes	3332-1-01	Authority for rule adoption.
Amendment	Original Filing	Yes	Yes	3332-1-04.5	Suspension or revocation of certificate of registration.
Amendment	Original Filing	Yes	No	3332-1-09	Student enrollment policies and practices.
Amendment	Original Filing	Yes	Yes	3332-1-10	Tuition and fees.

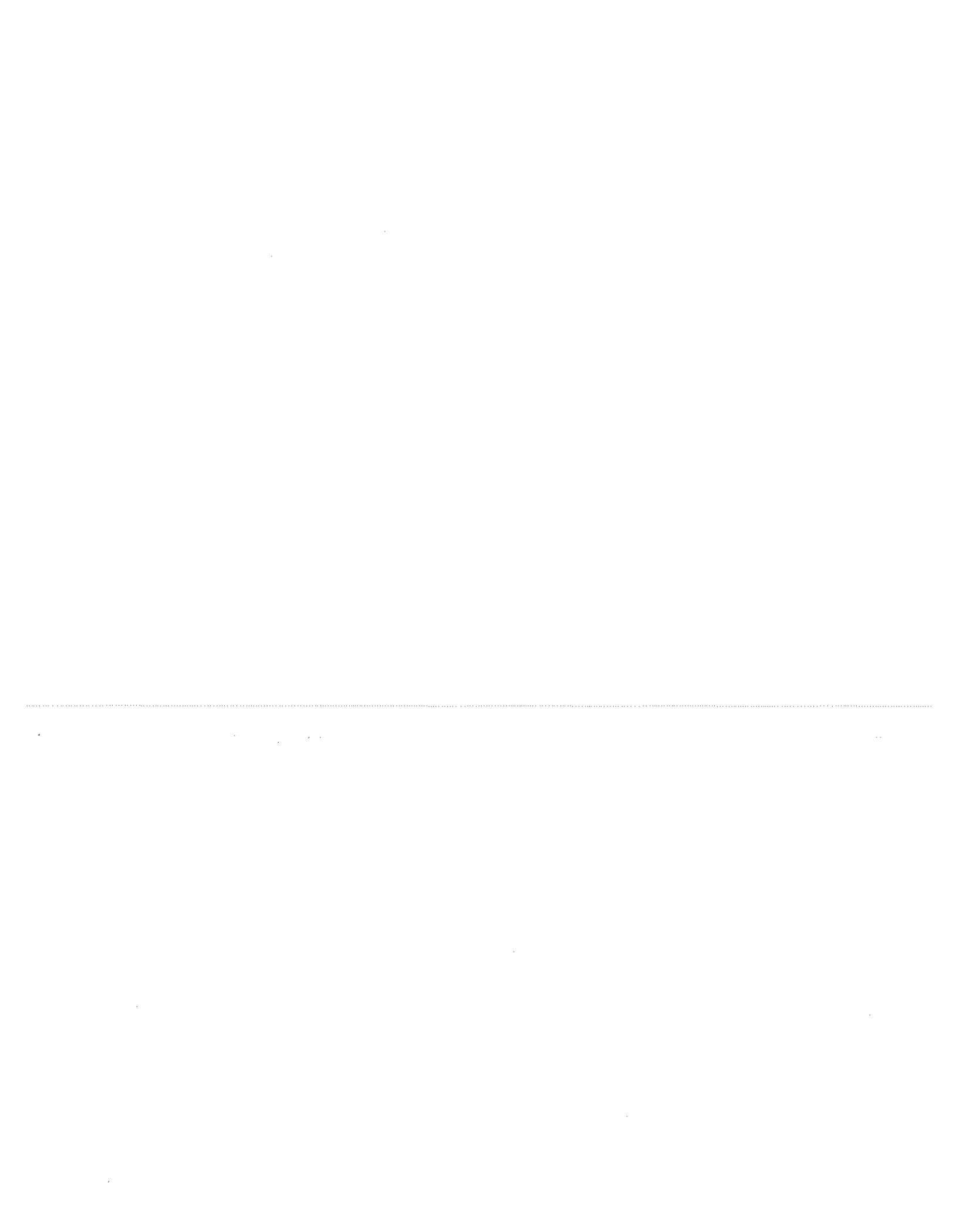
Click on the rule number in blue above to view the rule in its entirety on the *Register of Ohio* website.

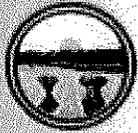
Attachment M-13  
Article III

Attachment D

Final Adoption Notice to LSC  
Director and Secretary of  
State

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# Electronic Rule Filing

The Honorable Jon Husted  
Secretary of State  
180 E. Broad St., 15th Floor  
Columbus, OH 43215

Mark Flanders, Director  
Legislative Service Commission  
77 South High St., 9th Floor  
Columbus, OH 43215

Larry Wolpert, Director  
Joint Committee on Agency Rule Review  
77 South High St., Concourse Level  
Columbus, OH 43215

It is hereby confirmed that the Ohio Environmental Protection Agency **final filed** the following rule(s) pursuant to section 119.04 of the Ohio Revised Code.

**Package Number:** 156137  
**File Date and Time:** 10/13/2015 09:04 AM  
**Confirmation Number:** 7f629d6174b06e5f79a3ad6e24a5d864

## FINAL FILE

Rule Number	Type	FYR	CSI	JE Date	Eff Date	Next FYR	Tagline
3745-18-01	Amendment	N	Y	10/11/2015	10/23/2015		Definitions and incorporation by reference.
3745-18-03	Amendment	N	Y	10/11/2015	10/23/2015		Compliance time schedules.
3745-18-04	Amendment	N	Y	10/11/2015	10/23/2015		Measurement methods and procedures.
3745-18-47	Amendment	N	Y	10/11/2015	10/23/2015		Jefferson county emission limits.
3745-18-49	Amendment	N	Y	10/11/2015	10/23/2015		Lake county emission limits.

