

**State of Ohio  
Environmental Protection Agency  
Notice of Adoption of Rules**

Notice is hereby given that the Ohio Environmental Protection Agency, Division of Air Pollution Control (DAPC) has performed a review of the above referenced rules primarily to satisfy the requirements of Section 119.032 of the Ohio Revised Code (five-year review). The DAPC finds the following rules to be necessary and with need for changes. The DAPC proposes to amend rule(s) 3745-104-01 to 3745-104-05, 3745-104-09, 3745-104-10, 3745-104-11, 3745-104-13, 3745-104-14, 3745-104-16, 3745-104-17, 3745-104-24, 3745-104-25, 3745-104-34, 3745-104-36, 3745-104-39, 3745-104-42, 3745-104-49, 3745-104-52, and 3745-104-53 to address minor typo graphical errors, update information on referenced items, and corrections to match LSC formatting conventions.

DAPC is proposing a change to OAC 3745-104-38 to ease reporting for subject facilities. Facilities will no longer be required to submit an RMP to Ohio EPA DAPC on their five-year anniversary. However, facilities will still be required to submit a copy of the RMP to Ohio EPA DAPC if it is an initial RMP, an RMP that is required to be updated due to a major change in the process or due to an RMP reportable release. The remaining rule amendments are due to format and language corrections.

Pursuant to Section 121.39 of the Ohio Revised Code, DAPC is required to consult with interested parties affected by the rules before the division formally adopts them. On June 24, 2009, these rules went out for a 30 day review by interested parties. Pursuant to Section 119.03 of the Ohio Revised Code, a public hearing on these rule changes was conducted on December 1, 2009 in Columbus, Ohio. There were no comments received during the comment period. The Director's order of adoption was issued on December 29, 2009. The effective date of these rules is January 8, 2010.

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 Sherri Swihart, Ohio EPA, Division of Air Pollution Control, Lazarus Government Center, PO Box 1049, Columbus, Ohio 43216-1049 or call Sherri Swihart at 614-644-3594. These rules are available on the Web page for electronic downloading. The URL is: <http://epa.ohio.gov/dapc/regs/regs.aspx>.

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 "Ohio Treasurer Richard Cordray," 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  
309 South Fourth Street, Room 222  
Columbus, OH 43215