



Early Stakeholder Outreach — ERC Banking Program Rules

Ohio EPA prepares early stakeholder outreach fact sheets to ensure stakeholders are brought into the review process as early as possible and to obtain additional input and discussion before development of interested party draft rules.

What does OAC Chapter 3745-111 cover?

Chapter 3745-111 of the Ohio Administrative Code (OAC) contains the rules governing the emission reduction credit (ERC) banking program. ERCs are credits representing the reduction of emissions at a facility that can be used as credit to offset increased emission at the same or a different facility. This chapter contains requirements defining how these credits are identified, transferred, and applied.

Why are these rules being sent out for Early Stakeholder Outreach?

The first step in the rule-making process is for Ohio EPA to identify that a rule needs to be amended, rescinded, or created. In response to EO 2011-01K, Ohio EPA has added an additional step to ensure stakeholders are brought into the rule process as early as possible. This additional interested party notification and request for information will allow for early feedback before the rule language has been developed by the Agency.

What changes are being considered?

The rules in this chapter are undergoing a periodic (5-year) review as required under Ohio Revised Code (ORC) Section 119.032. Ohio EPA will be performing a full review of the language in these rules and will make changes as necessary. Ohio EPA does not anticipate making any major content changes to the rules in this chapter.

Who will be regulated by these rules?

The ERC banking program is a voluntary program. Eligible facilities are those facilities or participants who qualify under the requirements of paragraph (B)(2) of OAC rule 3745-111.

How can I provide input?

The Agency is seeking stakeholder input on the ERC Banking Program Rules in OAC Chapter 3745-111. When preparing your comments, be sure to:

- explain your views as clearly as possible;
- describe any assumptions used;
- provide any technical information and/or data used to support your views;
- explain how you arrived at your estimate for potential burdens, benefits or costs;
- provide specific examples to illustrate your views; and
- offer alternatives.

Written comments will be accepted through close of business on Friday, November 8, 2013. Please submit input to:

Mr. Paul Braun
Ohio EPA Division of Air Pollution Control
PO Box 1049
Columbus, Ohio 43216-1049
(614)644-3134
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What if I have questions?

These rules can be found on Ohio EPA's website for electronic downloading at:

http://epa.ohio.gov/dapc/regs/3745_111.aspx
or contact Mr. Braun (information provided above).

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What is the rulemaking schedule?

Upon completion of the Early Stakeholder Outreach portion of this rulemaking, Ohio EPA will make any changes necessary to the rule language and make a draft of the rule language available to the public for a 30-day review.

What input is the Agency seeking?

The following questions may help guide you as you develop your comments.

- Is the general regulatory framework proposed the most appropriate? Should the Agency consider any alternative framework?
- What options are available for improving an identified concept?
- Are there considerations the Agency should take into account when developing a specific concept?
- Is there any information or data the Agency should be aware of when developing program concepts or rule language?

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

- Would this regulatory program have a positive impact on your business? Please explain how.
- Would this regulatory program have an adverse impact on your business? If so, please identify the nature of the adverse impact (for example, license fees, fines, employer time for compliance).