

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 rule 3745-14-05, NOx allowance allocations, of the Ohio Administrative Code (OAC).

The primary purpose of this rulemaking is for the deletion of paragraph (C)(7) of rule 3745-14-05 of the Administrative Code (NOx allowance allocations). The proposed deletion of this paragraph, which originally provided for the retirement of 240 tons of NOx (allowances) during the 2005 ozone season, is no longer needed. A recent action by US EPA indicated that the retirement provision on paragraph (C)(7) is no longer necessary.

Pursuant to Section 121.39 of the Ohio Revised Code, DAPC is required to consult with interested parties affected by the rule before the division formal adopts them. On June 23, 2010, 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 March 9, 2011, in Columbus, Ohio. There were no comments received during the comment period. The Director's order of adoption was issued on April 6, 2011. The effective date of these rules is April 16, 2011.

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 Lee Burkleca, Ohio EPA, Division of Air Pollution Control, Lazarus Government Center, PO Box 1049, Columbus, Ohio 43216-1049 or call Lee at 614-728-1344. The rule is available on the Web page for electronic downloading at: <http://www.epa.ohio.gov/dapc/regs/regs.aspx>.

This action of the Director is final and may be appealed to the Environmental Review Appeals Commission (ERAC) 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 ERAC within thirty (30) days after notice of the Director's action, at 309 South Fourth Street, Suite 222, Columbus, Ohio 43215. Copies of the appeal must be served upon the Director of the Ohio EPA within three (3) days of filing with ERAC. The appeal must be accompanied by a filing fee of \$70.00 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. Ohio EPA also requests that a copy of the appeal be served upon the Environmental Enforcement Section of the Ohio Attorney General's Office.