

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 3745-17-11 of the Administrative Code.

This rule was previously finalized and became effective on February 1, 2008. The 2008 version of the rule was conditionally approved by U.S. EPA into the Ohio state implementation plan (SIP) on December 27, 2010. In order to obtain full approval Ohio EPA agreed to incorporate an additional change which was documented in U.S. EPA's final Federal Register dated October 26, 2010. This rule change addresses concerns raised by U.S. EPA regarding paragraph (A)(1)(I) of Ohio's 2008 rule.

Specifically, the following text is added to paragraph (A)(1)(I) of this rule; "... any such exemption approved by the Director must be approved by the U.S. environmental protection agency as a revision of the state implementation plan." This wording is similar to what Ohio EPA has used before in OAC rule 3745-21-09(B)(2) for Director's discretion items in the VOC rules and is agreeable to U.S. EPA. With this proposed amendment U.S. EPA will grant full approval, regarding this rule, to Ohio's revised SIP. Federal Register Volume 75, No. 206, FR 65569-70 provides the full explanation of the needed change.

A public hearing on this rule was held on November 15, 2011 in Columbus, Ohio. After considering comments and oral testimony, the Director's order of adoption was issued on December 13, 2011. The effective date of this rule is Friday, December 23, 2011.

To request a copy of this rule, obtain further information, or inspect or request copies of agency files and records pertaining to the proceeding contact Mr. Alan Harness, Ohio EPA, Division of Air Pollution Control, Lazarus Government Center, PO Box 1049, Columbus, Ohio 43216-1049 or call Mr. Alan Harness at (614) 644-4838. This rule is available on Ohio EPA's 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 Ohio Revised Code Section 3745.04. 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. Ohio EPA also requests that a copy of the appeal be served upon the Environmental Enforcement Section of the Ohio Attorney General's Office.