

# **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 3745-18-01, 3745-18-54, and 3745-18-82 of the Ohio Administrative Code (OAC). These rules are related to the control of emissions of sulfur dioxide in Lucas and Stark counties.

The primary purpose of this rulemaking is to satisfy the requirements of Section 119.032 of the Ohio Revised Code (five-year review). Specific changes to the rules include removal of emission limits for facilities that have been shut down, and various minor changes to correct typos and update the rule language in this chapter to meet legislative service commission (LSC) style and formatting guidelines.

Pursuant to Section 121.39 of the Ohio Revised Code, DAPC was required to consult with interested parties affected by the rules before the division formally adopts them. On June 25, 2010, these rules went out for a 30 day review by interested parties. Several comments were received during the draft comment phase, primarily identifying additional shut down facilities which were added to the rule changes. Pursuant to Section 119.03 of the Ohio Revised Code, a public hearing on these rule changes was conducted on January 7, 2011 in Columbus, Ohio. Two comments were also received during the proposed rule comment period resulting in the removal of three rules from this rulemaking for further changes. These 3 rules will be adopted in a separate rulemaking.

The Director's order of adoption was issued on March 24, 2011. The effective date of these rules is Sunday, April 3, 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 Paul Braun, Ohio EPA, Division of Air Pollution Control, Lazarus Government Center, PO Box 1049, Columbus, Ohio 43216-1049 or call Paul Braun at 614-644-3134. The rules are 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.