

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 3745-31-01, 3745-31-02, 3745-31-04, 3745-31-06, 3745-31-07, 3745-31-08, 3745-31-09, 3745-31-10, 3745-31-11, 3745-31-12, 3745-31-13, 3745-31-14, 3745-31-15, 3745-31-16, 3745-31-17, 3745-31-18, 3745-31-19, 3745-31-20, 3745-31-21, 3745-31-22, 3745-31-23, 3745-31-24, 3745-31-25, 3745-31-26, 3745-31-27, 3745-31-28, 3745-31-29 and 3745-31-32 of the Ohio Administrative Code (OAC) and is rescinding OAC rules 3745-31-30 and 3745-31-31. These rules govern the Permits-to-Install New Sources and Permit-to-Install and Operate Program.

The amended rules incorporate the U.S. EPA requirements for implementation of the New Source Review (NSR) program for fine particulate matter (that is, particles with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers, generally referred to as "PM 2.5"), promulgated on May 16, 2008, as well as U.S. EPA's requirements for establishing increments, significant impact levels, and a significant monitoring concentration for fine particulate pollution, promulgated on October 20, 2010. As a fully approved NSR program, Ohio EPA is required to incorporate U.S. EPA's rules, or a version at least as stringent as U.S. EPA's rules, within three years of their promulgation. Please reference the federal register document (73 FR Vol. 96, page 28321) published on May 16, 2008 and the federal register document (75 FR 64863) published on October 20, 2010 for a detailed synopsis of the changes drafted by U.S. EPA. These documents, and additional information related to NSR, can be found at: <http://www.epa.gov/nsr/>.

Moreover, as a part of this rule package, Ohio EPA also incorporated changes in OAC Chapter 3745-31 not directly related to U.S. EPA's PM2.5 NSR implementation final rule. These second set of changes contain a host of revisions, including; adding or clarifying requirements to address Infrastructure State Implementation Plan (SIP) deficiencies identified by U.S. EPA (77 FR 65478), revising and adding definitions, adding federal land manager notification requirements and incorporating minor organizational or typographical changes.

Pursuant to Section 121.39 of the Ohio Revised Code, Ohio EPA was required to consult with interested parties affected by the rules before the division formally adopts them. On April 9, 2013, 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 February 18, 2014 in Columbus, Ohio. Several comments were received during the comment period and at the public hearing and Ohio EPA made appropriate changes to the draft rules. The Director's order of adoption was issued on May 19, 2014. **The effective date of these rules is May 29, 2014.**

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 614-644-3734. The rules are also available on Ohio EPA's Web page for electronic downloading at: http://epa.ohio.gov/dapc/regs/3745_31.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 77 South High Street, 17th Floor, 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.