

State of Ohio
Environmental Protection Agency
Notice of Adoption of Rules
OAC Chapter 3745-77, "Title V Permit 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 in Ohio Administrative Code (OAC) Chapter 3745-77, "Title V Permit Rules." These rules establish Ohio's Title V permitting program.

The amendments were proposed to incorporate changes that DAPC believes will improve implementation of the chapter (such as supporting a facility's transition out of Title V) and updates the chapter to reflect certain federal updates to 40 CFR Part 70 that have been made since the previous review of the rules in OAC chapter 3745-77. In addition, general changes have been made to update and clarify the rules' authorizing and amplifying statutes and update information on items incorporated by reference as required in ORC 121.72.

Pursuant to Section 121.39 of the Ohio Revised Code, DAPC is required to consult with interested parties affected by the rules before the division formally adopts them. On March 6, 2008, these rules went out for a 30 day draft review by interested parties. Pursuant to Section 119.03 of the Ohio Revised Code, a public hearing on these rule changes was also conducted on December 30, 2009, in Columbus, Ohio. Comments were received only during the draft rule phase. There were no comments received during the proposal comment period or at the public hearing. The Director's order of adoption was issued on February 3, 2010. The effective date of these rules is February 14, 2010.

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 Mike Ahern, Ohio EPA, Division of Air Pollution Control, Lazarus Government Center, PO Box 1049, Columbus, Ohio 43216-1049 or call Mike Ahern at 614-644-3631. The rules are also available on the Ohio EPA DAPC Regulations web page for electronic downloading. The URL is: <http://epa.ohio.gov/dapc/regs/regs.aspx>.

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission 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 the Commission within thirty (30) days after notice of the Director's action. The appeal must be accompanied by a filing fee of \$70.00, made payable to "Ohio Treasurer Kevin Boyce," 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. Notice of the filing of the appeal shall be filed with the Director within three (3) days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission
309 South Fourth Street, Room 222
Columbus, OH 43215