

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 3745-31-34 and 3745-77-11 of the Administrative Code.

The intent of this rulemaking was to adopt an exemption for facilities that use Biomass as a fuel in their processes. This will make Ohio's rules equivalent in scope and intent to the federal Greenhouse Gas Tailoring Rules (as amended at 76 FR 43490, July 20, 2011). The intent of Ohio's rulemaking is to prevent potentially affected facilities from obtaining unnecessary permits prior to the July 1, 2012 permitting deadline.

A public hearing on this rule was held on February 8, 2012 in Columbus, Ohio. No comments or testimony was received on these rules. The Director's order of adoption was issued on Monday, March 12, 2012. The effective date of this rule is Thursday, March 22, 2012.

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. Mike Ahern at (614) 644-4838. This rules are available on Ohio EPA's Web page 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 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. Ohio EPA also requests that a copy of the appeal be served upon the Environmental Enforcement Section of the Ohio Attorney General's Office.