

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 new rules 3745-31-34 and 3745-77-11 of the Ohio Administrative Code (OAC).

The intent of these new rules is to adopt rules that are consistent with, and no more stringent than, the Federal Greenhouse Gas Tailoring Rule (75 FR 31514, June 3, 2010).

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 January 5, 2011, 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 11, 2011 in Columbus, Ohio. There were comments received which prompted OEPA to amend the rules for clarification. On the whole, however, the comments were very positive and supportive of the rulemaking.

The Director's order of adoption was issued on March 21, 2011. The effective date of these rules is March 31, 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 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 available on the Ohio EPA Division of Air Pollution Control (DAPC) regulations web page for electronic downloading. The URL is: <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.