



State of Ohio Environmental Protection Agency

STREET ADDRESS:

Lazarus Government Center
50 W. Town St., Suite 700
Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-3184
www.epa.state.oh.us

MAILING ADDRESS:

P.O. Box 1049
Columbus, OH 43216-1049

January 3, 2008

Ms. Mary Gade
Acting Regional Administrator
U.S. EPA Region V
77 W. Jackson Blvd. Chicago, IL 60604

Re: Request for Approval of New Rules to Ohio Administrative Code (OAC Chapter 3745-110) as part of the State Implementation Plan.

Dear Ms. Gade:

This letter is intended to fulfill the requirement in 40 CFR Part 51, Appendix V, Section 2.1(a) for a "formal letter of submittal from the Governor or his designee, requesting EPA approval of the plan or revision."

The Ohio EPA has adopted the following new rules under Chapter 3745-110 of the Ohio Administrative Code (OAC):

1. OAC rule 3745-110-01 (Definitions)
2. OAC rule 3745-110-02 (Applicability)
3. OAC rule 3745-110-03 (RACT requirements and/or limitations for emissions of NOx from stationary sources)
4. OAC rule 3745-110-04 (Compliance deadlines)
5. OAC rule 3745-110-05 (Compliance methods)

These rules are related to the control of emissions of nitrogen oxides (NOx) from stationary combustion sources such as boilers, combustion turbines, and stationary internal combustion engines. The primary purpose of this rulemaking was to implement the USEPA 8-hour ozone standard (70 FR 71612) for subpart 2 "moderate" non-attainment areas.

A public hearing on the new rules was held on June 8, 2007 in Columbus, Ohio. After considering comments and oral testimony, the Director's order of adoption was issued on December 12, 2007 for OAC rules 3745-110-01 through 3745-110-05. The effective date of these rules will be December 22, 2007.

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

Ohio EPA is requesting U.S. EPA approve these new rules for incorporation into our state implementation plan (SIP).

The following documents are attached for your consideration per the requirements of 40 CFR Part 51, Appendix V.

Article One addresses the following two requirements:

40 CFR Part 51, Appendix V, Section 2.1(b)

“Evidence that the State has adopted the plan in the State code or body of regulations; or issued the permit, order, consent agreement (hereafter "document") in final form. That evidence shall include the date of adoption or final issuance as well as the effective date of the plan, if different from the adoption/issuance date.”

40 CFR Part 51, Appendix V, Section 2.1(d)

“A copy of the actual regulation, or document submitted for approval and incorporation by reference into the plan, including indication of the changes made to the existing approved plan, where applicable. The submittal shall be a copy of the official State regulation /document signed, stamped, dated by the appropriate State official indicating that it is fully enforceable by the State. The effective date of the regulation/document shall, whenever possible, be indicated in the document itself.”

A certified copy of this rule, in redline and strikeout, is being submitted for approval and incorporation by reference into the plan. The copies are included as evidence that the State has adopted the body of regulations in final form. This submittal is a copy of the official State regulation signed, stamped, and dated by the appropriate State official indicating that it is fully enforceable by the State. The effective date of the regulation/document is indicated in the document itself. Please consider that Ohio has an electronic rule filing system and all certifications/signatures of regulations are done electronically.

Article Two addresses the following requirement:

A copy of the public notice and Director's Findings & Orders has been included as evidence of the date of adoption as well as the effective date of the regulations and evidence that public notice was given of the proposed changes consistent with procedures approved by EPA, including the date of publication of such notice.

Article Three addresses the following requirement:

40 CFR Part 51, Appendix V, Section 2.1(c)

“Evidence that the State has the necessary legal authority under State law to adopt and implement the plan.”

A copy of Ohio Revised Code ("ORC") 3704.03(A) and (E) has been included as evidence that the State has the necessary legal authority under State law to adopt and implement the plan.

Article Four addresses the following requirements:

40 CFR Part 51, Appendix V, Section 2.1(e)

"Evidence that the State followed all of the procedural requirements of the State's laws and constitution in conducting and completing the adoption/issuance of the plan."

40 CFR Part 51, Appendix V, Section 2.1(f)

"Evidence that public notice was given of the proposed change consistent with procedures approved by EPA, including the date of publication of such notice."

Ohio EPA has included a narrative and several attachments as evidence that the State followed all of the procedural requirements of the State's laws and constitution in conducting and completing the adoption/issuance of the plan.

Article Five

40 CFR Part 51, Appendix V, Section 2.1(g)

"Certification that public hearings(s) were held in accordance with the information provided in the public notice and the State's laws and constitution, if applicable."

A copy of the transcript from the public hearing has been provided as evidence of certification that a public hearing was held in accordance with the information provided in the public notice and the State's laws and constitution, if applicable.

Article Six

40 CFR Part 51, Appendix V, Section 2.1(h)

"Compilation of public comments and the State's response thereto."

A copy of the "Response to Comments" document for both the draft language and proposed language comment periods are attached.

We would greatly appreciate it if U.S. EPA would expedite the review of this material, and approve the new rules into Ohio's State Implementation Plan. Please contact Bob Hodanbosi (614-644-3585) if you have any questions about this submittal.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Korleski", written in a cursive style.

Chris Korleski
Director

xc: Bob Hodanbosi, Chief, Division of Air Pollution Control
Bill Spires, DAPC

Attachment

Article I

Certified Copy of Rules

3745-110-01

Definitions.

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see the last paragraph of this rule titled "Incorporation by reference."]

(A) Except as otherwise provided in this rule, the definitions in rule 3745-15-01 of the Administrative Code shall apply to this chapter.

(B) As used in this chapter:

- (1) "Affected facility" means any facility that meets the applicability requirements in rule 3745-110-02 of the Administrative Code.
- (2) "Affected source" means any source which is located at any affected facility and is not exempt under paragraph (J) of rule 3745-110-03 of the Administrative Code.
- (3) "Auxiliary boiler" means either a boiler that produces steam and operates at a capacity factor of less than ten per cent or a boiler at a nuclear electrical generating facility that produces steam for the facility during either emergency periods or atypical extended periods of nuclear plant outage.
- (4) "Black start unit" means any electric generating unit operated only in the event of a complete loss of facility power to test reliability, or for maintenance.
- (5) "British thermal unit" or "Btu" means the amount of heat required to raise one pound of water one degree Fahrenheit.
- (6) "Capacity factor" means either the ratio of gross actual output to the gross rated output or the ratio of actual heat input to potential heat input for the calendar year, expressed as a percentage.
- (7) "Cell burner" means burner cells that consist of two or three circular burners combined into a vertically oriented assembly that creates a compact, intense flame.
- (8) "Coal" means all solid fuels classified as anthracite, bituminous, sub-bituminous or lignite, as defined by ASTM D388-05, "Standard Specification for Classification of Coals by Rank."
- (9) "Cyclone-fired boiler" means a boiler that combusts fuel in a horizontal water-cooled cylinder before releasing the combustion gases into the boiler.
- (10) "Diesel fuel" means a low sulfur fuel oil of grades 1-D or 2-D, as defined by ASTM D975-05, "Standard Specification for Diesel Fuel Oils."

- (11) "Distillate oil" means fuel oil that complies with the specifications for fuel oil number one or two, as defined by ASTM D396-05, "Standard Specification for Fuel Oils."
- (12) "Dry bottom" means a boiler design in which the coal-fired unit is equipped with an ash disposal hopper bottom with sufficient cooling surface so that the ash particles impinging on the furnace walls or hopper bottom can be removed in a dry state.
- (13) "Dual fuel" means a mixture of diesel fuel or distillate oil and gaseous fuels.
- (14) "Gaseous fuels" means natural gas, blast furnace gas, coke oven gas or refinery fuel gas.
- (15) "Industrial boiler" means a steam generating unit that generates steam to supply power and/or heat to an industrial, institutional, or commercial operation. This term does not include boilers that serve electrical generating units and cogeneration facilities.
- (16) "Internal combustion engine" means any engine in which power, produced by heat and/or pressure developed in the engine cylinder(s) by burning a mixture of air and fuel (including diesel fuel), is subsequently converted to mechanical work by means of one or more pistons.
- (17) "Large boiler" means an industrial boiler with a maximum heat input capacity greater than one hundred mmBtu/hr and equal to or less than two hundred fifty mmBtu/hr.
- (18) "Lean burn engine" means an internal combustion engine where the amount of oxygen in the exhaust gases is one per cent or more, by weight.
- (19) "Low NOx burner" means a burner designed to reduce flame turbulence by the mixing of fuel and air and by establishing fuel-rich zones for initial combustion, thereby reducing the formation of NOx.
- (20) "Mid-size boiler" means an industrial boiler with a maximum heat input capacity greater than fifty mmBtu/hr and equal to or less than one hundred mmBtu/hr.
- (21) "MmBtu/hr" means million British thermal units per hour.
- (22) "Municipal solid waste" means household, commercial/retail, and/or institutional waste. Household waste includes material discarded by single and multiple residential dwellings, hotels, motels, and other similar permanent or temporary housing establishments or facilities. Commercial/retail waste includes material discarded by stores, offices,

restaurants, warehouses, non-manufacturing activities at industrial facilities, and similar establishments or facilities. Institutional waste includes material discarded by schools, hospitals, non-manufacturing facilities and other similar establishments or facilities. Household, commercial/retail, and institutional wastes do not include sewage, wood pallets, construction and demolition wastes, or motor vehicles (including motor vehicle parts or vehicle fluff). Municipal solid waste does include motor vehicle maintenance materials, limited to vehicle batteries, used motor oil, and tires. Municipal solid waste does not include wastes that are solely segregated medical wastes. However any mixture of segregated wastes which contain more than thirty per cent medical waste discards is considered to be municipal solid waste.

- (23) "Municipal waste combustor" means any device that combusts any solid, liquid, or gasified municipal solid waste.
- (24) "N/A" means not applicable.
- (25) "Natural gas" means a naturally occurring mixture of hydrocarbon and non-hydrocarbon gases found in geologic formations beneath the earth's surface, of which the principal constituent is methane.
- (26) "Nitrogen oxides" or "NOx" means all oxides of nitrogen which are determined to be ozone precursors, including, but not limited to, nitrogen oxide and nitrogen dioxide, but excluding nitrous oxide, collectively expressed as nitrogen dioxide.
- (27) "Oil" means crude oil or petroleum, or a liquid fuel derived from crude oil or petroleum, including distillate oil and residual oil.
- (28) "Overfeed stoker-fired" means a boiler design that employs a moving grate assembly where the coal is fed into a hopper and then onto a continuous grate that conveys the coal into the furnace. As coal moves through the furnace, it passes over several air zones for staged burning.
- (29) "Peaking unit" means any electric generating unit that operates at a capacity factor of less than ten per cent between April first and October thirty-first of any calendar year.
- (30) "Potential to emit" means the maximum capacity of a facility or stationary source to emit NOx under its physical and operational design. Any physical or operational limitation on the capacity of the facility or stationary source to emit NOx, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is federally enforceable or legally and practicably enforceable by the state.

- (31) "Ppmvd" means parts per million by volume on a dry basis.
- (32) "RACT" means the lowest emissions limitation that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility.
- (33) "Research and development sources" means a research or laboratory facility the primary purpose of which is to conduct research and development into new processes and products, that is operated under the close supervision of technically trained personnel, and that is not engaged in the manufacture of products for sale or exchange for commercial profit, except in a de-minimis manner.
- (34) "Residual oil" means crude oil, fuel oil that does not comply with the specifications under the definition of "distillate oil," and all fuel oil numbers four, five, or six, as defined by ASTM D396-05, "Standard Specification for Fuel Oils."
- (35) "Rich burn engine" means an internal combustion engine where the amount of oxygen in the engine exhaust gases is less than one per cent, by weight.
- (36) "Small boiler" means an industrial boiler with a maximum heat input capacity greater than twenty mmBtu/hr and equal to or less than fifty mmBtu/hr.
- (37) "Space heating unit " means any fuel burning equipment that is used only for space heating purposes during the period from November first through March thirty-first or during other periods of cold weather conditions.
- (38) "Spreader stoker-fired" means a boiler design where mechanical or pneumatic feeders distribute coal uniformly over the surface of a moving grate.
- (39) "Stand-by fuel burning equipment" means any fuel burning equipment which is used only as a direct substitution for other fuel burning equipment for a limited period due to unpredictable breakdown or failure, or routine scheduled maintenance of such other fuel burning equipment or its associated air pollution control system.
- (40) "Start-up unit" means a unit operated only to start up larger electric generating units.
- (41) "Stationary combustion turbine" means any simple cycle combustion turbine, regenerative cycle combustion turbine, or any combustion turbine portion of a combined cycle steam/electric generating system that is not self-propelled, but which may be mounted on a vehicle for portability.
- (42) "Stationary internal combustion engine" means any reciprocating internal

combustion engine that is not self propelled, but which may be mounted on a vehicle for portability.

(43) "Tangential-fired" means a furnace firing design where the burners are mounted at the corners of the furnace chamber.

(44) "Tune-up" means adjustments made to a burner or boiler in accordance with procedures supplied by the manufacturer (or approved specialist) to optimize the combustion efficiency.

(45) "Very large boiler" means an industrial boiler with a maximum heat input capacity greater than two hundred fifty mmBtu/hr.

(46) "Wall-fired" means a furnace firing design in which the burners are mounted in an array on one or more vertical walls, including:

(a) Opposed firing, where the burners are mounted on two opposite walls; and

(b) Single-wall firing, where the burners are mounted on only one wall.

[Comment: Wall-fired does not include cell burner configurations.]

(47) "Wet bottom" means a furnace design in which the coal-fired unit is equipped for slag disposal with a two-stage arrangement consisting of a chamber in the lower part of the furnace where the slag is deposited in a liquid state onto a collection surface, and a tank, containing water, into which the liquid slag is tapped.

(C) Incorporation by reference. This chapter includes references to certain matter or materials. The text of the incorporated materials is not included in the regulations contained in this chapter. The materials are hereby made a part of the regulations in this chapter. For materials subject to change, only the specific version specified in the regulation are incorporated. Material is incorporated as it exists on the effective date of this rule. Except for subsequent annual publication of existing (unmodified) Code of Federal Regulation compilations, any amendment or revision to a referenced document is not incorporated unless and until this rule has been amended to specify the new dates.

(1) Availability. The materials incorporated by reference are available as follows:

(a) American Society for Testing Materials (ASTM). Information and copies of documents may be obtained by writing to: "ASTM International, 100 Bar Harbor Drive, P.O. Box C700, West Conshohocken, Pennsylvania 19426- 2959." These documents are also available for purchase at www.astm.org. ASTM documents are also available for inspection and copying at most public libraries and "The State Library of Ohio."

(b) Code of Federal Regulations (CFR). Information and copies may be obtained by writing to: "Superintendent of Documents, Attn: New Orders, PO Box 371954, Pittsburgh, PA 15250-7954." The full text of the CFR is also available in electronic format at <http://www.gpoaccess.gov/cfr/index.html>. The CFR compilations are also available for inspection and copying at most public libraries and "The State Library of Ohio."

(c) Federal Register (FR). Information and copies may be obtained by writing to: "Superintendent of Documents, Attn: New Orders, PO Box 371954, Pittsburgh, PA 15250-7954." Online access to the Federal Register is available at <http://www.gpoaccess.gov/nara/index.html>. A copy of the Federal Register is also available for inspection and copying at most public libraries and "The State Library of Ohio."

(d) "Guidance for Estimating Capital and Annual Costs of Air Pollution Systems;" Ohio environmental protection agency Engineering Guide 46. Information and copies of this document may be obtained by writing to: "Ohio environmental protection agency, Division of air pollution control, 122 S. Front Street, Columbus, Ohio, 43215." This document is also available for viewing at <http://www.epa.state.oh.us/dapc/engineer/eguides.html>.

(2) Incorporated materials.

(a) 40 CFR Part 60: "Standards of Performance for New Stationary Sources;" as published in the July 1, 2007 Code of Federal Regulations.

(b) 40 CFR Part 60, Appendix F: "Quality Assurance Procedures;" 52 FR 21008, June 4, 1987; 52 FR 27612, July 22, 1987, as amended at 56 FR 5527, Feb. 11, 1991; 69 FR 1816, Jan. 12, 2004.

(c) 40 CFR Part 75: "Continuous emission monitoring;" as published in the July 1, 2007 Code of Federal Regulations.

(d) ASTM D388-05: "Standard Classification of Coals by Rank;" updated 2005.

(e) ASTM D396-05: "Standard specification for fuel oils;" updated 2005.

(f) ASTM D975-05: "Standard Specification for Diesel Fuel Oils;" updated 2005.

(g) "Clean Air Interstate Rule;" as published May 12, 2005 in volume 70 of the Federal Register, page 25162.

- (h) "Guidance for Estimating Capital and Annual Costs of Air Pollution Systems;" Ohio environmental protection agency Engineering Guide 46; March 1983.
- (i) Performance Specification 2; contained in 40 CFR Part 60, Appendix B: "Specifications and Test Procedures for SO₂ and NO_X Continuous Emission Monitoring Systems in Stationary Sources;" 48 FR 13327, Mar. 30, 1983 and 48 FR 23611, May 25, 1983, as amended at 48 FR 32986, July 20, 1983; 51 FR 31701, Aug. 5, 1985; 52 FR 17556, May 11, 1987; 52 FR 30675, Aug. 18, 1987; 52 FR 34650, Sept. 14, 1987; 53 FR 7515, Mar. 9, 1988; 53 FR 41335, Oct. 21, 1988; 55 FR 18876, May 7, 1990; 55 FR 40178, Oct. 2, 1990; 55 FR 47474, Nov. 14, 1990; 56 FR 5526, Feb. 11, 1991; 59 FR 64593, Dec. 15, 1994; 64 FR 53032, Sept. 30, 1999; 65 FR 62130, 62144, Oct. 17, 2000; 65 FR 48920, Aug. 10, 2000; 69 FR 1802, Jan. 12, 2004; 70 FR 28673, May 18, 2005.
- (j) USEPA Method 7; contained in 40 CFR Part 60, Appendix A: "Determination of nitrogen oxide emissions from stationary sources;" as published in the July 1, 2007 Code of Federal Regulations.
- (k) USEPA Method 7a; contained in 40 CFR Part 60, Appendix A: "Determination of nitrogen oxide emissions from stationary sources-Ion chromatographic method ;" as published in the July 1, 2007 Code of Federal Regulations.
- (l) USEPA Method 7c; contained in 40 CFR Part 60, Appendix A: "Determination of nitrogen oxide emissions from stationary sources-Alkaline-permanganate/colorimetric method ;" as published in the July 1, 2007 Code of Federal Regulations.
- (m) USEPA Method 7d; contained in 40 CFR Part 60, Appendix A: "Determination of nitrogen oxide emissions from stationary sources-Alkaline-permanganate/ion chromatographic method ;" as published in the July 1, 2007 Code of Federal Regulations.
- (n) USEPA Method 7e; contained in 40 CFR Part 60, Appendix A: "Determination of Nitrogen Oxides Emissions From Stationary Sources (Instrumental Analyzer Procedure);" as published in the July 1, 2007 Code of Federal Regulations.

Effective: 12/22/2007

R.C. 119.032 review dates: 12/22/2012

CERTIFIED ELECTRONICALLY

Certification

12/12/2007

Date

Promulgated Under: 119.03
Statutory Authority: 3704.03(E)
Rule Amplifies: 3704.03(A), 3704.03(E)

3745-110-02

Applicability.

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see the last paragraph of this rule titled "Incorporation by reference."]

(A) Unless exempted under paragraph (J) of rule 3745-110-03 of the Administrative Code, the requirements of this chapter shall apply to any stationary source of NOx emissions that meets one of the following conditions:

(1) Existing sources.

(a) The source is, as defined in rule 3745-110-01 of the Administrative Code, a very large boiler, large boiler, mid-size boiler, small boiler, stationary combustion turbine, or stationary internal combustion engine; or it is located at a facility that emits or has the potential to emit a total of more than one hundred tons per year of NOx emissions from all sources at that facility, including all sources that are exempt under rule 3745-110-03 of the Administrative Code; and

(b) The source is located in Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Medina, Portage, or Summit County.

(2) New or modified sources, as defined in rule 3745-31-01 of the Administrative Code.

(a) The source is, as defined in rule 3745-110-01 of the Administrative Code, a very large boiler, large boiler, mid-size boiler, small boiler, stationary combustion turbine, or stationary internal combustion engine; and

(b) Except where the emission limitations and requirements of an applicable new source performance standard under 40 CFR Part 60 are more stringent than the emission limitations and requirements of this chapter, any new or modified source issued a permit-to-install after January 1, 2008, shall comply with the requirements of this chapter.

[Comment: If a new source performance standard is determined to be more stringent than the requirements of this chapter, the new source described under this paragraph shall comply with the new source performance standards in lieu of the requirements of this chapter].

Effective: 12/22/2007

R.C. 119.032 review dates: 12/22/2012

CERTIFIED ELECTRONICALLY

Certification

12/12/2007

Date

Promulgated Under: 119.03
Statutory Authority: 3704.03(E)
Rule Amplifies: 3704.03(A), 3704.03(E)

3745-110-03

RACT requirements and/or limitations for emissions of NOx from stationary sources.

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see the last paragraph in rule 3745-110-01 of the Administrative Code titled "Incorporation by reference."]

(A) Small boilers.

The owner or operator of a small boiler must annually perform a tune-up and maintain, in a permanently bound log book, or other format approved in writing by the director the following information:

- (1) The date of the last tune-up;
- (2) The name, title and affiliation of the person who performed the tune-up and made any adjustments; and
- (3) Any other information which the Ohio environmental protection agency may require as a condition of approval of any permit for the boiler.

(B) Mid-size boilers.

Except as otherwise provided in paragraphs (I) and (J) of this rule, on and after the compliance deadline specified by rule 3745-110-04 of the Administrative Code, no owner or operator of a mid-size boiler shall allow or permit the discharge into the ambient air of any NOx emissions in excess of the following:

Emissions limitations [pounds of NOx emissions per mmBtu]

<u>Fuel Type</u>	<u>Tangential-fired</u>	<u>Wall-fired</u>	<u>Cyclone-fired</u>	<u>Spreader Stoker-fired</u>	<u>Overfeed Stoker-fired</u>
<u>Gas Only</u>	<u>0.10</u>	<u>0.10</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>Distillate Oil</u>	<u>0.12</u>	<u>0.12</u>	<u>0.12</u>	<u>N/A</u>	<u>N/A</u>
<u>Residual Oil</u>	<u>0.23</u>	<u>0.23</u>	<u>0.23</u>	<u>N/A</u>	<u>N/A</u>
<u>Coal(Wet Bottom)</u>	<u>0.30</u>	<u>0.30</u>	<u>0.30</u>	<u>N/A</u>	<u>N/A</u>
<u>Coal(Dry Bottom)</u>	<u>0.30</u>	<u>0.30</u>	<u>0.30</u>	<u>0.30</u>	<u>0.30</u>

(C) Large boilers.

Except as otherwise provided in paragraphs (I) and (J) of this rule, on and after the compliance deadline specified by rule 3745-110-04 of the Administrative Code, no owner or operator of a large boiler shall allow or permit the discharge into the ambient air of any NOx emissions in excess of the following:

Emissions Limitations [pounds of NOx emissions per mmBtu]

<u>Fuel Type</u>	<u>Tangential-fired</u>	<u>Wall-fired</u>	<u>Cyclone-fired</u>	<u>Spreader Stoker-fired</u>	<u>Overfeed Stoker-fired</u>
<u>Gas Only</u>	<u>0.10</u>	<u>0.10</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>Distillate Oil</u>	<u>0.12</u>	<u>0.12</u>	<u>0.12</u>	<u>N/A</u>	<u>N/A</u>
<u>Residual Oil</u>	<u>0.23</u>	<u>0.23</u>	<u>0.23</u>	<u>N/A</u>	<u>N/A</u>
<u>Coal(Wet Bottom)</u>	<u>0.30</u>	<u>0.30</u>	<u>0.30</u>	<u>N/A</u>	<u>N/A</u>
<u>Coal(Dry Bottom)</u>	<u>0.30</u>	<u>0.30</u>	<u>0.30</u>	<u>0.30</u>	<u>0.30</u>

(D) Very large boilers.

Except as otherwise provided in paragraphs (I) and (J) of this rule, on and after the compliance deadline specified by rule 3745-110-04 of the Administrative Code, no owner or operator of a very large boiler shall allow or permit the discharge into the ambient air of any NOx emissions in excess of the following:

Emissions Limitations [pounds of NOx emissions per mmBtu]

<u>Fuel Type</u>	<u>Tangential-fired</u>	<u>Wall-fired</u>	<u>Cyclone-fired</u>	<u>Spreader Stoker-fired</u>	<u>Overfeed Stoker-fired</u>
<u>Gas Only</u>	<u>0.10</u>	<u>0.10</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>Distillate Oil</u>	<u>0.12</u>	<u>0.12</u>	<u>0.12</u>	<u>N/A</u>	<u>N/A</u>
<u>Residual Oil</u>	<u>0.23</u>	<u>0.23</u>	<u>0.23</u>	<u>N/A</u>	<u>N/A</u>
<u>Coal(Wet Bottom)</u>	<u>0.30</u>	<u>0.30</u>	<u>0.30</u>	<u>N/A</u>	<u>N/A</u>
<u>Coal(Dry Bottom)</u>	<u>0.30</u>	<u>0.30</u>	<u>0.30</u>	<u>0.30</u>	<u>0.30</u>

(E) Stationary combustion turbine:

Except as otherwise provided in paragraphs (I) and (J) of this rule, on and after the compliance deadline specified by rule 3745-110-04 of the Administrative Code, no owner or operator of a stationary combustion turbine shall allow or permit the discharge into the ambient air of any NOx emissions in excess of the following:

(1) Simple cycle turbines.

(a) Less than 3.5 megawatts.

(i) 150.0 ppmvd, corrected to fifteen per cent oxygen, for combustion turbines firing only natural gas fuel, for both mechanical drive and electrical generation.

(ii) 200.0 ppmvd corrected to fifteen per cent oxygen, for combustion turbines firing distillate oil or diesel fuel, for both mechanical drive and electrical generation.

(b) 3.5 megawatts up to, and including 25.0 megawatts.

(i) 42.0 ppmvd, corrected to fifteen per cent oxygen, for combustion turbines firing only natural gas fuel, for both mechanical drive and electrical generation.

(ii) 96.0 ppmvd, corrected to fifteen per cent oxygen, for combustion turbines firing distillate oil or diesel fuel, for both mechanical drive and electrical generation.

(c) Greater than 25.0 megawatts and less than 50.0 megawatts.

(i) 42.0 ppmvd, corrected to fifteen per cent oxygen, for combustion turbines firing only natural gas fuel.

(ii) 96.0 ppmvd, corrected to fifteen per cent oxygen, for combustion turbines firing distillate oil or diesel fuel.

(d) Equal to or greater than 50.0 megawatts.

(i) 42.0 ppmvd, corrected to fifteen per cent oxygen, for combustion turbines firing only natural gas fuel.

(ii) 96.0 ppmvd, corrected to fifteen per cent oxygen, for combustion turbines firing distillate oil or diesel fuel.

(2) Combined cycle turbines.

(a) Less than 3.5 megawatts.

(i) 150.0 ppmvd, corrected to fifteen per cent oxygen, for combustion turbines firing only natural gas fuel, for both mechanical drive and electrical generation.

(ii) 200.0 ppmvd corrected to fifteen per cent oxygen, for combustion turbines firing distillate oil or diesel fuel, for both mechanical drive and electrical generation

(b) 3.5 megawatts up to, and including 25.0 megawatts.

(i) 42.0 ppmvd, corrected to fifteen percent oxygen, for combustion turbines firing only natural gas fuel, for both mechanical drive and electrical generation.

(ii) 96.0 ppmvd, corrected to fifteen per cent oxygen, for combustion turbines firing distillate oil or diesel fuel, for both mechanical drive and electrical generation.

(c) Greater than 25.0 megawatts and less than 50.0 megawatts.

(i) 42.0 ppmvd, corrected to fifteen per cent oxygen, for combustion turbines firing only natural gas fuel.

(ii) 96.0 ppmvd, corrected to fifteen per cent oxygen, for combustion turbines firing distillate oil or diesel fuel.

(d) Equal to or greater than 50.0 megawatts.

(i) 42.0 ppmvd, corrected to fifteen per cent oxygen, for combustion turbines firing only natural gas fuel.

(ii) 96.0 ppmvd, corrected to fifteen per cent oxygen, for combustion turbines firing distillate oil or diesel fuel.

(F) Stationary internal combustion engine.

Except as otherwise provided in paragraphs (I) and (J) of this rule, on and after the compliance deadline specified by rule 3745-110-04 of the Administrative Code, no owner or operator of a stationary internal combustion engine shall allow or permit the discharge into the ambient air of any NO_x emissions in excess of the following:

(1) For rich burn engines which burn only gaseous fuels, 3.0 grams per horsepower-hour for engines which are greater than two thousand horsepower.

- (2) For lean burn engines which burn only gaseous fuels, 3.0 grams per horsepower-hour for engines which are greater than two thousand horsepower.
 - (3) For engines which burn only diesel fuel or distillate oil, 3.0 grams per horsepower-hour for engines which are greater than two thousand horsepower.
 - (4) For engines which burn dual fuels, 3.0 grams per horsepower-hour for engines which are greater than two thousand horsepower.
- (G) The emissions limits specified in paragraphs (A) to (F) or pursuant to paragraph (I) of this rule shall be based on the following:
- (1) The average of three one-hour stack test runs if stack testing is used to demonstrate compliance; or
 - (2) A twenty-four-hour daily heat input-weighted average if a continuous emissions monitor is used to demonstrate compliance. A thirty-day rolling heat input-weighted average emission rate may be used to demonstrate compliance with the appropriate emission limit from October first to April thirtieth.
 - (a) Determine the twenty-four-hour daily heat input-weighted average NOx emission rate based on the heat input-weighted average of the block hourly arithmetic average emission rates during each twenty-four-hour daily period from twelve a.m. to twelve a.m. the following day using continuous emissions monitor data. The block hourly heat input-weighted average emission rate must be calculated for each one-hour period starting with the period twelve a.m. to one a.m. and continuing through until the last period eleven p.m. to twelve a.m.; or, starting with the period twelve p.m. to one p.m. and continuing through the last period eleven a.m. to twelve p.m. The thirty-day rolling heat input-weighted average must be the average of the twenty-four-hour daily heat input-weighted NOx emission rate.
- (H) Emission averaging programs.
- (1) An owner or operator of a source which is subject to this chapter may propose an emission averaging program in lieu of the applicable emission limit(s) specified in paragraphs (A) to (F) of this rule or established in accordance with paragraph (I) of this rule. Both affected sources under rule 3745-110-02 of the Administrative Code and non-affected sources are allowed to be utilized in the averaging program, to the extent that reductions are real, quantifiable and enforceable and are in excess of any state or federal requirements. Any proposed emission averaging program shall comply with all of the following requirements:

- (a) Specify the RACT emission limit for each affected source in rule 3745-110-02 of the Administrative Code involved in the emission averaging program;
- (b) Specify a clearly enforceable proposed emission limit for each source or group of sources involved in the emission averaging program;
- (c) Result in actual reductions in NOx emissions that are equal to or greater than the actual emission reductions that would be required by this rule if an emission averaging program were not employed; and
- (d) Achieve compliance with the proposed emission limits in accordance with the compliance deadlines in rule 3745-110-04 of the Administrative Code.
- (e) Reductions allowed under the emission averaging program are those reductions that are real, quantifiable and enforceable and are in excess of any state or federal requirements. For purposes of determining the reductions, the actual emissions in tons per year, from all sources included in the averaging program, are subtracted from the lesser of either the actual annual average emissions prior to when the actual reduction occurs or the allowable emissions. A shutdown is creditable only to the extent that the owner or operator can demonstrate to the satisfaction of the director that the shutdown does not correspond to load-shifting or other activity which results in or could result in an equivalent or greater emission increase and that the reduction accounts for any increase in NOx emissions from other sources as a result of the shutdown.
- (f) Owners or operators must submit a report to the director by March thirty-first of each year demonstrating that the equivalent reduction requirement in paragraph (H)(1)(c) of rule 3745-110-03 of the Administrative Code has been achieved for the previous calendar year.

(2) Any emission averaging program approved by the director shall be submitted to and approved by the United States environmental protection agency as a revision of the Ohio state implementation plan.

(I) RACT studies for stationary sources.

(1) For any affected source of NOx emissions at an affected facility that is not subject to the emissions limits specified in paragraphs (A) to (F) of this rule, or that is subject to the emissions limits specified in paragraphs (A) to (F) of this rule but the owner or operator claims that the applicable limit is technically infeasible and/or economically unreasonable (i.e. not cost-effective) to achieve, the owner or operator shall conduct a detailed

engineering study to determine the technical and economic feasibility of reducing the NOx emissions and to define RACT for the source. The detailed engineering study shall be conducted by an engineering consulting firm or other person or persons experienced in the field of air pollution control, and it shall provide the following information:

- (a) The complete facility name and address.
- (b) The name, title, address and telephone number of the owner or operator's representative within the company who shall be the contact person for this facility regarding the engineering study and affected sources.
- (c) The name, title, address and telephone number of the official who is responsible for approval of the engineering study.
- (d) The standard industrial classification code number(s) which are applicable to the facility's operation.
- (e) The following general information for each affected source:
 - (i) Ohio environmental protection agency application number(s);
 - (ii) Company identification;
 - (iii) Source description;
 - (iv) Month and year installed;
 - (v) Normal operating schedule (hours per day, days per week, and weeks per year);
 - (vi) Annual production rates for each of the three full calendar years preceding the effective date of this rule;
 - (vii) Average and maximum daily production rates for each of the three full calendar years preceding the effective date of this rule; and
 - (viii) The type of control equipment employed and the date installed.
- (f) A plot plan which shows the general layout of the facility and the affected source(s).
- (g) The following emissions data for each affected source:
 - (i) Average daily NOx emissions (pounds per day of operation) based upon the highest average daily production rate for each of the three full calendar years preceding the effective date of this rule

or any other year that may be representative of the highest average daily emissions;

[Comment: The average daily production rate for a calendar year may be calculated in the following manner:

$$\text{Average Daily Production Rate} = \frac{\text{[total production during the calendar year]}}{\text{[number of days production occurred during the calendar year]}}$$

Repeat the calculation for each of the three calendar years preceding the effective date of this rule. The highest value of these three years is the representative value used to calculate the average daily NOx emissions per year.]

(ii) Maximum daily NOx emissions (pounds per day of operation) based upon the highest maximum daily production rate for each of the three full calendar years preceding the effective date of this rule or any year that may be more representative of the highest maximum daily emissions;

(iii) Annual NOx emissions (tons per year) based upon the highest annual production rate for each of the three full calendar years preceding the effective date of this rule or any year period that may be more representative of the annual production rate;

(iv) Documentation of the efficiency of the existing control equipment; and

(v) Documentation of any emissions testing which has been performed.

(h) A detailed discussion of the technical feasibility of employing each of the following types of control measures for each affected source (or combination of sources):

(i) Low-NOx burners;

(ii) Close coupled or separated over-fire ports;

(iii) Flue gas recirculation;

(iv) Burners out of service;

(v) Steam/water injection;

(vi) Dry low-NOx burners;

- (vii) Ignition timing retard;
- (viii) Separate circuit after-cooling;
- (ix) Fuel emulsification;
- (x) Selective noncatalytic reduction;
- (xi) Nonselective catalytic reduction;
- (xii) Selective catalytic reduction using urea ammonia and methane as reducing agents;
- (xiii) Incineration (for sources other than boilers);
- (xiv) Scrubbing (for sources other than boilers);
- (xv) Process modification;
- (xvi) Fuel switching;
- (xvii) Adjustment of air/fuel ratio (for internal combustion engines only);
- (xviii) Low excess air;
- (xix) Gaseous fuels reburn; and
- (xx) Any other such RACT alternatives as are proposed by the owner or operator.

A detailed engineering discussion is not required for those control measures which are not applicable to a particular source.

- (i) For each type of control measure that is determined to be technically feasible, an estimate of the control efficiency that can be achieved.
- (j) For each control measure that is determined to be technically feasible, an estimate of the capital cost, annualized cost (including capital and operating costs), and the cost-effectiveness (annual dollars per ton of NOx removed annually).
- (k) A comparison and discussion of the advantages and disadvantages of the control options that are determined to be technically feasible.
- (l) A recommended definition of RACT for the source, including enforceable production limits, emissions limits, control efficiencies, and/or

operating requirements.

- (m) An expeditious schedule for implementing the recommended definition of RACT, including milestones for awarding contracts, initiating construction, completing construction, and performing emissions testing, if necessary, to demonstrate compliance with the approved definition of RACT.
- (n) In the engineering study, all calculations of the NO_x emissions, including all assumptions made, shall be documented clearly and in detail. In addition, the capital and operating costs and the cost-effectiveness estimates shall be calculated in a manner that is consistent with the Ohio environmental protection agency, division of air pollution control document entitled "Guidance for Estimating Capital and Annual Costs of Air Pollution Systems".
- (2) Any definition of RACT and schedule of compliance for an affected source that are approved by the director shall be submitted to and approved by the United States environmental protection agency as a revision of the Ohio state implementation plan.
- (3) For any source that is subject to an emissions limit(s) contained in paragraphs (A) to (F) of this rule, if the director approves a definition of RACT and a schedule of compliance for the source pursuant to paragraph (I) of this rule, the source shall no longer be subject to the emissions limit(s) contained in paragraphs (A) to (F) of this rule.
- (4) If, within the five years prior to the effective date of this rule, the Ohio environmental protection agency has defined best available technology, pursuant to section 3704.01 of the Revised Code, for NO_x emissions from a source which is subject to paragraph (I) of this rule, and the owner or operator is employing or has committed to employ the best available technology, the owner or operator may provide the following information to the director in satisfaction of the requirements of paragraph (I)(1) of this rule:
- (a) All information required by paragraphs (I)(1)(a), (I)(1)(b), (I)(1)(d), (I)(1)(e) and (I)(1)(g) of this rule.
- (b) Copies of the documents and technical information that support the existing best available technology determination.
- (c) The name, title, address and telephone number of the official who is responsible for the information submitted in accordance with paragraph (I)(4) of this rule.

If upon review of this information, the director determines that the information does not or may not indicate that the definition of best available

technology satisfies the requirements of this chapter, the director shall so notify the owner or operator, and the owner or operator shall conduct a full RACT engineering study in accordance with paragraph (I)(1) of this rule.

(J) The requirements of paragraphs (A) to (F) of this rule shall not apply to the following sources:

- (1) Any industrial boiler having a maximum heat input of less than or equal to twenty mmBtu/hr.
- (2) Any emergency standby boiler, stationary internal combustion engine, or stationary combustion turbine which operates less than five hundred hours during any consecutive twelve-month period. However, the owner or operator of the emergency standby engine, boiler, or turbine shall maintain for a period of not less than three years, in a bound log book, or other format acceptable to the director, a list of the dates and number of hours the emergency standby engine operated.
- (3) Any stationary internal combustion engine having an energy output capacity of less than two thousand horsepower.
- (4) Any stationary combustion turbine having an energy input capacity of less than twenty mmBtu/hr.
- (5) Any start-up unit located at an electric generating facility.
- (6) Any black start unit located at an electric generating facility.
- (7) Any peaking unit.
- (8) Any space heating unit.
- (9) Any auxiliary boiler.
- (10) Any CO boiler.
- (11) Any research and development source.
- (12) Any jet engine test cell.
- (13) Any air pollution control device.
- (14) Any municipal waste combustor.
- (15) Any source other than a boiler, gas turbine or internal combustion engine that has the potential to emit less than twenty-five tons per year of NOx.

- (16) Any affected source issued a valid air operating permit by Ohio environmental protection agency that restricts such affected source to twenty-five tons per year or less of NOx emissions.
- (17) Any boiler, stationary internal combustion engine, or stationary combustion turbine subject to the United States environmental protection agency clean air interstate rule contained in 70 FR 25162.
- (18) Any boiler subject to paragraph (C)(1) of rule 3745-14-01 of the Administrative Code (NOx SIP call).
- (19) Any affected source that is has been issued a permit-to-install that is subject to best available control technology or lowest achievable emission rate standards.
- (20) Any affected source whose utilization in less than ten per cent of its capacity factor on an annual average basis over a three-year rolling period and less than twenty per cent of its capacity factor in any year of the three-year rolling period.

Effective: 12/22/2007

R.C. 119.032 review dates: 12/22/2012

CERTIFIED ELECTRONICALLY

Certification

12/12/2007

Date

Promulgated Under: 119.03
Statutory Authority: 3704.03(E)
Rule Amplifies: 3704.03(A), 3704.03(E)

3745-110-04

Compliance deadlines.**(A) Certification and permit application requirements.**

(1) By not later than one hundred twenty days after the effective date of this rule, any owner or operator of a source subject to paragraphs (A) to (F) of rule 3745-110-03 of the Administrative Code and which is not subject to paragraph (A)(2) of this rule shall either:

(a) Certify in writing to the director that such source is in compliance with all requirements of rule 3745-110-03 of the Administrative Code. Such certification shall include: equipment description, Ohio environmental protection agency permit application number(s) (if assigned), and all necessary data (consistent with the appropriate permit application appendices) and calculations which confirm the compliance status. The certification shall also include an application for a permit-to-operate such source if such source does not possess an effective permit; or

(b) Submit an application for a permit-to-operate or an application for a modification to a permit-to-operate in accordance with either rule 3745-35-02 of the Administrative Code or Chapter 3745-77 of the Administrative Code. Such application shall include a compliance program which will bring the source into compliance with all the requirements of rule 3745-110-03 of the Administrative Code as expeditiously as practicable, but in no event later than the date specified in paragraph (B) of this rule.

(2) Any owner or operator of a source subject to paragraph (I) of rule 3745-110-03 of the Administrative Code shall submit a complete RACT study by not later than one year after the effective date of this rule.

(B) RACT compliance deadline.

Any owner or operator of a source which is subject to the requirements of rule 3745-110-03 of the Administrative Code, including any source for which the director approves a definition of RACT pursuant to paragraph (I) of rule 3745-110-03 of the Administrative Code and has not approved an alternative schedule for implementing the RACT, shall achieve and demonstrate compliance with said emission limitations and control requirements as expeditiously as practicable, but in no event later than the following, and shall maintain compliance thereafter:

(1) For facilities conducting a RACT study:

(a) By not later than two years after approval by the director of the RACT study, if combustion modifications are required to demonstrate compliance with the applicable NOx emission limitations; or

(b) By not later than three years after approval by the director of the RACT study, if add-on controls are required to demonstrate compliance with the applicable emission limitations.

(2) For facilities not conducting a RACT study:

(a) By not later than two years after the effective date of this rule, if combustion modifications are required to demonstrate compliance with the applicable emission limitations; or

(b) By not later than three years after the effective date of this rule, if add-on controls are required to demonstrate compliance with the applicable emission limitations.

Effective: 12/22/2007

R.C. 119.032 review dates: 12/22/2012

CERTIFIED ELECTRONICALLY

Certification

12/12/2007

Date

Promulgated Under: 119.03
Statutory Authority: 3704.03(E)
Rule Amplifies: 3704.03(A), 3704.03(E)

3745-110-05

Compliance methods.

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see the last paragraph in rule 3745-110-01 of the Administrative Code titled "Incorporation by reference."]

- (A) Any owner or operator of a source which is subject to the requirements of rule 3745-110-03 of the Administrative Code shall demonstrate compliance with the applicable emissions limit(s) by performing emission tests in accordance with USEPA Method 7, 7a, 7c, 7d, or 7e, and any additional approved USEPA methods as applicable.
- (B) Any continuous emissions monitoring system for NO_x that is employed to ensure ongoing compliance with an applicable emission limitation shall meet the requirements of Performance Specification 2, 40 CFR Part 60, Appendix B and quality assurance procedures contained in 40 CFR Part 60, Appendix F or 40 CFR Part 75. The continuous emission monitoring system shall be certified at least three months prior to a demonstration of compliance with the applicable emissions limit(s).
- (C) For the compliance demonstrations performed pursuant to paragraph (A) of this rule, the owner or operator shall obtain any additional test data (i.e., flow rates, oxygen concentrations, moisture contents, etc.), continuous diluent monitoring data (carbon dioxide or oxygen), or source fuel usage or horsepower data, concurrent with the required compliance demonstration in order to convert the emission test results or monitoring data to the units of the applicable limit. Compliance demonstrations shall be performed that are representative of the normal operating modes, including fuel types or fuel blends employed and shall exclude periods of startup, shutdown, malfunction, and low load operating conditions.
- (D) For paragraphs (B), (C), and (D) of rule 3745-110-03 of the Administrative Code, compliance demonstrations shall be performed while the affected boiler is operating at or as close as possible to its maximum permitted operating capacity.
- (E) For paragraph (E) of rule 3745-110-03 of the Administrative Code, compliance demonstrations shall be performed while the affected stationary combustion turbine is operating at or as close as possible to its maximum permitted operating capacity.
- (F) For paragraph (F) of rule 3745-110-03 of the Administrative Code, compliance demonstrations shall be performed while the affected internal combustion engine is operating at or as close as practically possible to its maximum permitted operating capacity.

Effective: 12/22/2007

R.C. 119.032 review dates: 12/22/2012

CERTIFIED ELECTRONICALLY

Certification

12/12/2007

Date

Promulgated Under: 119.03
Statutory Authority: 3704.03(E)
Rule Amplifies: 3704.03(A), 3704.03(E)

Article II

Copy of Public Notice and
Director's Findings & Orders

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

OHIO E.P.A.

DEC 12 2007

ENTERED DIRECTOR'S JOURNAL

In the Matter of:

The Adoption of New
Rules 3745-110-01 to
3745-110-05 of the Ohio
Administrative Code

:
:
:
:
:
:

Director's Final Findings and
Orders

I certify this to be a true and accurate copy of the
official documents as filed in the records of the Ohio
Environmental Protection Agency.

FINDINGS AND ORDERS

By:  Date: 12-12-07

The Director of Environmental Protection, having considered in compliance with the Administrative Procedure Act the adoption, in final form, of the proposed rules of the Ohio Administrative Code cited above, finds:

1. That due notice of a public hearing in this matter pursuant to the Administrative Procedure Act was given, that a public hearing was held on June 8, 2007, in Columbus, Ohio, and that all interested persons were afforded the opportunity to be heard; and
2. That upon due consideration, the adoption, in final form, of the proposed rules of the Ohio Administrative Code cited above, is reasonable and lawful and within the purview of authority provided by law.

It is therefore

ORDERED that new rules 3745-110-01 to 3745-110-05 of the Ohio Administrative Code be adopted in final form.

It is further

ORDERED that the effective date of said rules shall be DEC 22 2007.

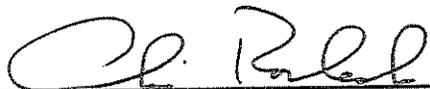
It is further

ORDERED that copies of these Findings and Orders and certified copies of said rules, in final form, shall be filed with the Secretary of State, the Joint Committee on Agency Rule Review, the Legislative Services Commission, and the Department of Development's Office of Small and Developing Business, as required by law.

APPEAL RIGHTS

Notice is hereby given 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 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



Chris Korleski, Director
Ohio Environmental Protection Agency

Issued at Columbus, Ohio this 12th day of DECEMBER, 2007.

Article III

Copy of ORC 3704.03

**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 3745-110-01, 110-02, 110-03, 110-04, and 110-05 of the Administrative Code, "NOx RACT Rules."

Rules 3745-110-01 to 3745-110-05 are intended to assist the state of Ohio in achieving and/or maintaining the national 8-hour ground level ozone standard through the regulation of nitrogen oxide (NOx) emissions for stationary sources (i.e., boilers, combustion turbines and internal combustion engines). NOx emissions are a precursor to ozone formation.

A public hearing on the new rules was held on June 8, 2007 in Columbus, Ohio. After considering comments and oral testimony, the Director's order of adoption was issued on December 12, 2007. The effective date of this rule is December 22, 2007.

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 Mr. Alan Harness, Ohio EPA, Division of Air Pollution Control, Lazarus Government Center, PO Box 1049, Columbus, Ohio 43216-1049 or call Mr. Alan Harness at (614) 644-4838. This rule is available on the Web page for electronic downloading by scrolling down to OAC 3745-21-17, "Nitrogen Oxides Reasonably Available Control Technology". The URL is: <http://www.epa.state.oh.us/dapc/regs/regs.html>.

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 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. Ohio EPA also requests that a copy of the appeal be served upon the Environmental Enforcement Section of the Ohio Attorney General's Office.

3704.03 Director of environmental protection - powers and duties.

The director of environmental protection may do any of the following:

(A) Develop programs for the prevention, control, and abatement of air pollution;

(B) Advise, consult, contract, and cooperate with any governmental or private agency in the furtherance of the purposes of this chapter;

(C) Encourage, participate in, or conduct studies, investigations, and research relating to air pollution, collect and disseminate information, and conduct education and training programs relating to the causes, prevention, control, and abatement of air pollution;

(D) Adopt, modify, and rescind rules prescribing ambient air quality standards for the state as a whole or for various areas of the state that are consistent with and no more stringent than the national ambient air quality standards in effect under the federal Clean Air Act;

(E) Adopt, modify, suspend, and rescind rules for the prevention, control, and abatement of air pollution, including rules prescribing for the state as a whole or for various areas of the state emission standards for air contaminants, and other necessary rules for the purpose of achieving and maintaining compliance with ambient air quality standards in all areas within the state as expeditiously as practicable, but not later than any deadlines applicable under the federal Clean Air Act; rules for the prevention or control of the emission of hazardous or toxic air contaminants; rules prescribing fugitive dust limitations and standards that are related, on an areawide basis, to attainment and maintenance of ambient air quality standards; rules prescribing shade, density, or opacity limitations and standards for emissions, provided that with regard to air contaminant sources for which there are particulate matter emission standards in addition to a shade, density, or opacity rule, upon demonstration by such a source of compliance with those other standards, the shade, density, or opacity rule shall provide for establishment of a shade, density, or opacity limitation for that source that does not require the source to reduce emissions below the level specified by those other standards; rules for the prevention or control of odors and air pollution nuisances; rules that prevent significant deterioration of air quality to the extent required by the federal Clean Air Act; rules for the protection of visibility as required by the federal Clean Air Act; and rules prescribing open burning limitations and standards. In adopting, modifying, suspending, or rescinding any such rules, the director, to the extent consistent with the federal Clean Air Act, shall hear and give consideration to evidence relating to all of the following:

(1) Conditions calculated to result from compliance with the rules, the overall cost within this state of compliance with the rules, and their relation to benefits to the people of the state to be derived from that compliance;

(2) The quantity and characteristics of air contaminants, the frequency and duration of their presence in the ambient air, and the dispersion and dilution of those contaminants;

(3) Topography, prevailing wind directions and velocities, physical conditions, and other factors that may or may combine to affect air pollution.

Consistent with division (K) of section 3704.036 of the Revised Code, the director shall consider alternative emission limits proposed by the owner or operator of an air contaminant source that is subject to an emission limit established in rules adopted under this division and shall accept those alternative emission limits that the director determines to be equivalent to emission limits established in rules adopted under this division.

(F)(1) Adopt, modify, suspend, and rescind rules consistent with the purposes of this chapter prohibiting the location, installation, construction, or modification of any air contaminant source or any machine, equipment, device, apparatus, or physical facility intended primarily to prevent or control the emission of air contaminants unless an installation permit therefor has been obtained from the director or the director's authorized representative.

(2) Applications for installation permits shall be accompanied by plans, specifications, construction schedules, and such other pertinent information and data, including data on ambient air quality impact and a demonstration of best available technology, as the director may require. Installation permits shall be issued for a period specified by the director and are transferable. The director shall specify in each permit the applicable emission standards and that the permit is conditioned upon payment of the applicable fees as required by section 3745.11 of the Revised Code and upon the right of the director's authorized representatives to enter upon the premises of the person to whom the permit has been issued, at any reasonable time and subject to safety requirements of the person in control of the premises, for the purpose of determining compliance with such standards, this chapter, the rules adopted thereunder, and the conditions of any permit, variance, or order issued thereunder. Each proposed new or modified air contaminant source shall provide such notice of its proposed installation or modification to other states as is required under the federal Clean Air Act. Installation permits shall include the authorization to operate sources installed and operated in accordance with terms and conditions of the installation permits for a period not to exceed one year from commencement of operation, which authorization shall constitute an operating permit under division (G) of this section and rules adopted under it.

No installation permit shall be required for activities that are subject to and in compliance with a plant-wide applicability limit issued by the director in accordance with rules adopted under this section.

No installation permit shall be issued except in accordance with all requirements of this chapter and rules adopted thereunder. No application shall be denied or permit revoked or modified without a written order stating the findings upon which denial, revocation, or modification is based. A copy of the order shall be sent to the applicant or permit holder by certified mail.

(3) Not later than two years after the effective date of this amendment, the director shall adopt a rule in accordance with Chapter 119. of the Revised Code specifying that a permit to install is required only for new or modified air contaminant sources that emit any of the following air contaminants:

(a) An air contaminant or precursor of an air contaminant for which a national ambient air quality standard has been adopted under the federal Clean Air Act;

(b) An air contaminant for which the air contaminant source is regulated under the federal Clean Air Act;

(c) An air contaminant that presents, or may present, through inhalation or other routes of exposure, a threat of adverse human health effects, including, but not limited to, substances that are known to be, or may reasonably be anticipated to be, carcinogenic, mutagenic, teratogenic, or neurotoxic, that cause reproductive dysfunction, or that are acutely or chronically toxic, or a threat of adverse environmental effects whether through ambient concentrations, bioaccumulation, deposition, or otherwise, and that is identified in the rule by chemical name and chemical abstract service number.

The director may modify the rule adopted under division (F)(3)(c) of this section for the purpose of adding or deleting air contaminants. For each air contaminant that is contained in or deleted from the rule adopted under division (F)(3)(c) of this section, the director shall include in a notice accompanying any proposed or final rule an explanation of the director's determination that the air contaminant meets the criteria established in that division and should be added to, or no longer meets the criteria and should be deleted from, the list of air contaminants. The explanation shall include an identification of the scientific evidence on which the director relied in making the determination. Until adoption of the rule under division (F)(3)(c) of this section, nothing shall affect the director's authority to issue, deny, modify, or revoke permits to install under this chapter and rules adopted under it.

(4)(a) Applications for permits to install new or modified air contaminant sources shall contain sufficient information regarding air contaminants for which the director may require a permit to install to determine conformity with the environmental protection agency's document entitled "Review of New Sources of Air Toxics Emissions, Option A," dated May 1986, which the director shall use to evaluate toxic emissions from new or modified air contaminant sources. The director shall make copies of the document available to the public upon request at no cost and post the document on the environmental protection agency's web site. Any inconsistency between the document and division (F)(4) of this section shall be resolved in favor of division (F)(4) of this section.

(b) The maximum acceptable ground level concentration of an air contaminant shall be calculated in accordance with the document entitled "Review of New Sources of Air Toxics Emissions, Option A." Modeling shall be conducted to determine the increase in the ground level concentration of an air contaminant beyond the facility's boundary caused by the emissions from a new or modified source that is the subject of an application for a permit to install. Modeling shall be based on the maximum hourly rate of emissions from the source using information including, but not limited to, any emission control devices or methods, operational restrictions, stack parameters, and emission dispersion devices or methods that may affect ground level concentrations, either individually or in combination. The director shall determine whether the activities for which a permit to install is sought will cause an increase in the ground level concentration of one or more relevant air contaminants beyond the facility's boundary by an amount in excess of the maximum acceptable ground level concentration. In making the determination as to whether the maximum acceptable ground level concentration will be exceeded, the director shall give consideration to the modeling conducted under division (F)(4)(b) of this section and other relevant information submitted by the applicant.

(c) If the modeling conducted under division (F)(4)(b) of this section with respect to an application for a permit to install demonstrates that the maximum ground level concentration from a new or modified source will be greater than or equal to eighty per cent, but less than one hundred per cent of the maximum acceptable ground level concentration for an air contaminant, the director may establish terms and conditions in the permit to install for the air contaminant source that will require the owner or operator of the air contaminant source to maintain emissions of that air contaminant commensurate

with the modeled level, which shall be expressed as allowable emissions per day. In order to calculate the allowable emissions per day, the director shall multiply the hourly emission rate modeled under division (F)(4)(b) of this section to determine the ground level concentration by the operating schedule that has been identified in the permit to install application. Terms and conditions imposed under division (F)(4)(c) of this section are not federally enforceable requirements and, if included in a Title V permit, shall be placed in the portion of the permit that is only enforceable by the state.

(d) If the modeling conducted under division (F)(4)(b) of this section with respect to an application for a permit to install demonstrates that the maximum ground level concentration from a new or modified source will be less than eighty per cent of the maximum acceptable ground level concentration, the owner or operator of the source annually shall report to the director, on a form prescribed by the director, whether operations of the source are consistent with the information regarding the operations that was used to conduct the modeling with regard to the permit to install application. The annual report to the director shall be in lieu of an emission limit or other permit terms and conditions imposed pursuant to division (F)(4) of this section. The director may consider any significant departure from the operations of the source described in the permit to install application that results in greater emissions than the emissions rate modeled to determine the ground level concentration as a modification and require the owner or operator to submit a permit to install application for the increased emissions. The requirements established in division (F)(4)(d) of this section are not federally enforceable requirements and, if included in a Title V permit, shall be placed in the portion of the permit that is only enforceable by the state.

(e) Division (F)(4) of this section and the document entitled "Review of New Sources of Air Toxics Emissions, Option A" shall not be included in the state implementation plan under section 110 of the federal Clean Air Act and do not apply to an air contaminant source that is subject to a maximum achievable control technology standard or residual risk standard under section 112 of the federal Clean Air Act, to a particular air contaminant identified under 40 C.F.R. 51.166, division (b)(23), for which the director has determined that the owner or operator of the source is required to install best available control technology for that particular air contaminant, or to a particular air contaminant for which the director has determined that the source is required to meet the lowest achievable emission rate, as defined in 40 C.F.R. part 51, Appendix S, for that particular air contaminant.

(f)(i) Division (F)(4) of this section and the document entitled "Review of New Sources of Air Toxics Emissions, Option A" do not apply to parking lots, storage piles, storage tanks, transfer operations, grain silos, grain dryers, emergency generators, gasoline dispensing operations, air contaminant sources that emit air contaminants solely from the combustion of fossil fuels, or the emission of wood dust, sand, glass dust, coal dust, silica, and grain dust.

(ii) Notwithstanding division (F)(4)(f)(i) of this section, the director may require an individual air contaminant source that is within one of the source categories identified in division (F)(4)(f)(i) of this section to submit information in an application for a permit to install a new or modified source in order to determine the source's conformity to the document if the director has information to conclude that the particular new or modified source will potentially cause an increase in ground level concentration beyond the facility's boundary that exceeds the maximum acceptable ground level concentration as set forth in the document.

(iii) The director may adopt rules in accordance with Chapter 119. of the Revised Code that are

consistent with the purposes of this chapter and that add to or delete from the source category exemptions established in division (F)(4)(f)(i) of this section.

(5) Not later than one year after the effective date of this amendment, the director shall adopt rules in accordance with Chapter 119. of the Revised Code specifying activities that do not, by themselves, constitute beginning actual construction activities related to the installation or modification of an air contaminant source for which a permit to install is required such as the grading and clearing of land, on-site storage of portable parts and equipment, and the construction of foundations or buildings that do not themselves emit air contaminants. The rules also shall allow specified initial activities that are part of the installation or modification of an air contaminant source, such as the installation of electrical and other utilities for the source, prior to issuance of a permit to install, provided that the owner or operator of the source has filed a complete application for a permit to install, the director or the director's designee has determined that the application is complete, and the owner or operator of the source has notified the director that this activity will be undertaken prior to the issuance of a permit to install. Any activity that is undertaken by the source under those rules shall be at the risk of the owner or operator. The rules shall not apply to activities that are precluded prior to permit issuance under section 111, section 112, Part C of Title I, and Part D of Title I of the federal Clean Air Act.

(G) Adopt, modify, suspend, and rescind rules prohibiting the operation or other use of any new, modified, or existing air contaminant source unless an operating permit has been obtained from the director or the director's authorized representative, or the air contaminant source is being operated in compliance with the conditions of a variance issued pursuant to division (H) of this section. Applications for operating permits shall be accompanied by such plans, specifications, and other pertinent information as the director may require. Operating permits may be issued for a period determined by the director not to exceed five years, are renewable, and are transferable. The director shall specify in each operating permit that the permit is conditioned upon payment of the applicable fees as required by section 3745.11 of the Revised Code and upon the right of the director's authorized representatives to enter upon the premises of the person to whom the permit has been issued, at any reasonable time and subject to safety requirements of the person in control of the premises, for the purpose of determining compliance with this chapter, the rules adopted thereunder, and the conditions of any permit, variance, or order issued thereunder. Operating permits may be denied or revoked for failure to comply with this chapter or the rules adopted thereunder. An operating permit shall be issued only upon a showing satisfactory to the director or the director's representative that the air contaminant source is being operated in compliance with applicable emission standards and other rules or upon submission of a schedule of compliance satisfactory to the director for a source that is not in compliance with all applicable requirements at the time of permit issuance, provided that the compliance schedule shall be consistent with and at least as stringent as that contained in any judicial consent decree or administrative order to which the air contaminant source is subject. The rules shall provide for the issuance of conditional operating permits for such reasonable periods as the director may determine to allow the holder of an installation permit, who has constructed, installed, located, or modified a new air contaminant source in accordance with the provisions of an installation permit, to make adjustments or modifications necessary to enable the new air contaminant source to comply with applicable emission standards and other rules. Terms and conditions of operating permits issued pursuant to this division shall be federally enforceable for the purpose of establishing the potential to emit of a stationary source and shall be expressly designated as federally enforceable. Any such federally enforceable restrictions on a source's potential to emit shall include both an annual limit and a short-term limit of not more than thirty days for each pollutant to be restricted together with

with the modeled level, which shall be expressed as allowable emissions per day. In order to calculate the allowable emissions per day, the director shall multiply the hourly emission rate modeled under division (F)(4)(b) of this section to determine the ground level concentration by the operating schedule that has been identified in the permit to install application. Terms and conditions imposed under division (F)(4)(c) of this section are not federally enforceable requirements and, if included in a Title V permit, shall be placed in the portion of the permit that is only enforceable by the state.

(d) If the modeling conducted under division (F)(4)(b) of this section with respect to an application for a permit to install demonstrates that the maximum ground level concentration from a new or modified source will be less than eighty per cent of the maximum acceptable ground level concentration, the owner or operator of the source annually shall report to the director, on a form prescribed by the director, whether operations of the source are consistent with the information regarding the operations that was used to conduct the modeling with regard to the permit to install application. The annual report to the director shall be in lieu of an emission limit or other permit terms and conditions imposed pursuant to division (F)(4) of this section. The director may consider any significant departure from the operations of the source described in the permit to install application that results in greater emissions than the emissions rate modeled to determine the ground level concentration as a modification and require the owner or operator to submit a permit to install application for the increased emissions. The requirements established in division (F)(4)(d) of this section are not federally enforceable requirements and, if included in a Title V permit, shall be placed in the portion of the permit that is only enforceable by the state.

(e) Division (F)(4) of this section and the document entitled "Review of New Sources of Air Toxics Emissions, Option A" shall not be included in the state implementation plan under section 110 of the federal Clean Air Act and do not apply to an air contaminant source that is subject to a maximum achievable control technology standard or residual risk standard under section 112 of the federal Clean Air Act, to a particular air contaminant identified under 40 C.F.R. 51.166, division (b)(23), for which the director has determined that the owner or operator of the source is required to install best available control technology for that particular air contaminant, or to a particular air contaminant for which the director has determined that the source is required to meet the lowest achievable emission rate, as defined in 40 C.F.R. part 51, Appendix S, for that particular air contaminant.

(f)(i) Division (F)(4) of this section and the document entitled "Review of New Sources of Air Toxics Emissions, Option A" do not apply to parking lots, storage piles, storage tanks, transfer operations, grain silos, grain dryers, emergency generators, gasoline dispensing operations, air contaminant sources that emit air contaminants solely from the combustion of fossil fuels, or the emission of wood dust, sand, glass dust, coal dust, silica, and grain dust.

(ii) Notwithstanding division (F)(4)(f)(i) of this section, the director may require an individual air contaminant source that is within one of the source categories identified in division (F)(4)(f)(i) of this section to submit information in an application for a permit to install a new or modified source in order to determine the source's conformity to the document if the director has information to conclude that the particular new or modified source will potentially cause an increase in ground level concentration beyond the facility's boundary that exceeds the maximum acceptable ground level concentration as set forth in the document.

(iii) The director may adopt rules in accordance with Chapter 119. of the Revised Code that are

adequate methods for establishing compliance with the restrictions. In other respects, operating permits issued pursuant to this division are enforceable as state law only. No application shall be denied or permit revoked or modified without a written order stating the findings upon which denial, revocation, or modification is based. A copy of the order shall be sent to the applicant or permit holder by certified mail.

(H) Adopt, modify, and rescind rules governing the issuance, revocation, modification, or denial of variances that authorize emissions in excess of the applicable emission standards.

No variance shall be issued except pursuant to those rules. The rules shall prescribe conditions and criteria in furtherance of the purposes of this chapter and consistent with the federal Clean Air Act governing eligibility for issuance of variances, which shall include all of the following:

(1) Provisions requiring consistency of emissions authorized by a variance with timely attainment and maintenance of ambient air quality standards;

(2) Provisions prescribing the classes and categories of air contaminants and air contaminant sources for which variances may be issued;

(3) Provisions defining the circumstances under which an applicant shall demonstrate that compliance with applicable emission standards is technically infeasible, economically unreasonable, or impossible because of conditions beyond the control of the applicant;

(4) Other provisions prescribed in furtherance of the goals of this chapter.

The rules shall prohibit the issuance of variances from any emission limitation that was applicable to a source pursuant to an installation permit and shall prohibit issuance of variances that conflict with the federal Clean Air Act.

Applications for variances shall be accompanied by such information as the director may require. In issuing variances, the director may order the person to whom a variance is issued to furnish plans and specifications and such other information and data, including interim reports, as the director may require and to proceed to take such action within such time as the director may determine to be appropriate and reasonable to prevent, control, or abate the person's existing emissions of air contaminants. The director shall specify in each variance that the variance is conditioned upon payment of the applicable fees as required by section 3745.11 of the Revised Code and upon the right of the director's authorized representatives to enter upon the premises of the person to whom the variance has been issued, at any reasonable time and subject to safety requirements of the person in control of the premises, for the purpose of determining compliance with this chapter, the rules adopted thereunder, and the conditions of any permit, variance, or order issued thereunder.

The director may hold a public hearing on an application for a variance or renewal thereof at a location in the county where the variance is sought. The director shall give not less than twenty days' notice of the hearing to the applicant by certified mail and cause at least one publication of notice in a newspaper with general circulation in the county where the variance is sought. The director shall keep available for public inspection at the principal office of the environmental protection agency a current schedule of pending applications for variances and a current schedule of pending variance hearings.

The director shall make a complete stenographic record of testimony and other evidence submitted at the hearing. The director shall make a written determination to issue, renew, or deny the variance and shall enter the determination and the basis therefor into the record of the hearing. The director shall issue, renew, or deny an application for a variance or renewal thereof, or issue a proposed action upon the application pursuant to section 3745.07 of the Revised Code, within six months of the date upon which the director receives a complete application with all pertinent information and data required by the director.

Any variance granted pursuant to rules adopted under this division shall be for a period specified by the director, not to exceed three years, and may be renewed from time to time on such terms and for such periods, not to exceed three years each, as the director determines to be appropriate. A variance may be revoked, or renewal denied, for failure to comply with conditions specified in the variance. No variance shall be issued, denied, revoked, or modified without a written order stating the findings upon which the issuance, denial, revocation, or modification is based. A copy of the order shall be sent to the applicant or variance holder by certified mail.

(I) Require the owner or operator of an air contaminant source to install, employ, maintain, and operate such emissions, ambient air quality, meteorological, or other monitoring devices or methods as the director shall prescribe; to sample those emissions at such locations, at such intervals, and in such manner as the director prescribes; to maintain records and file periodic reports with the director containing information as to location, size, and height of emission outlets, rate, duration, and composition of emissions, and any other pertinent information the director prescribes; and to provide such written notice to other states as the director shall prescribe. In requiring monitoring devices, records, and reports, the director, to the extent consistent with the federal Clean Air Act, shall give consideration to technical feasibility and economic reasonableness and allow reasonable time for compliance. For sources where a specific monitoring, record-keeping, or reporting requirement is specified for a particular air contaminant from a particular air contaminant source in an applicable regulation adopted by the United States environmental protection agency under the federal Clean Air Act or in an applicable rule adopted by the director, the director shall not impose an additional requirement in a permit that is a different monitoring, record-keeping, or reporting requirement other than the requirement specified in the applicable regulation or rule for that air contaminant except as otherwise agreed to by the owner or operator of the air contaminant source and the director. If two or more regulations or rules impose different monitoring, record-keeping, or reporting requirements for the same air contaminant from the same air contaminant source, the director may impose permit terms and conditions that consolidate or streamline the monitoring, record-keeping, or reporting requirements in a manner that conforms with each applicable requirement. To the extent consistent with the federal Clean Air Act and except as otherwise agreed to by the owner or operator of an air contaminant source and the director, the director shall not require an operating restriction that has the practical effect of increasing the stringency of an existing applicable emission limitation or standard.

(J) Establish, operate, and maintain monitoring stations and other devices designed to measure air pollution and enter into contracts with any public or private agency for the establishment, operation, or maintenance of such stations and devices;

(K) By rule adopt procedures for giving reasonable public notice and conducting public hearings on any plans for the prevention, control, and abatement of air pollution that the director is required to submit to the federal government;

(L) Through any employee, agent, or authorized representative of the director or the environmental protection agency, enter upon private or public property, including improvements thereon, at any reasonable time, to make inspections, take samples, conduct tests, and examine records or reports pertaining to any emission of air contaminants and any monitoring equipment or methods and to determine if there are any actual or potential emissions from such premises and, if so, to determine the sources, amounts, contents, and extent of those emissions, or to ascertain whether there is compliance with this chapter, any orders issued or rules adopted thereunder, or any other determination of the director. The director, at reasonable times, may have access to and copy any such records. If entry or inspection authorized by this division is refused, hindered, or thwarted, the director or the director's authorized representative may by affidavit apply for, and any judge of a court of record may issue, an appropriate inspection warrant necessary to achieve the purposes of this chapter within the court's territorial jurisdiction.

(M) Accept and administer gifts or grants from the federal government and from any other source, public or private, for carrying out any of the functions under this chapter;

(N) Obtain necessary scientific, technical, and laboratory services;

(O) Establish advisory boards in accordance with section 121.13 of the Revised Code;

(P) Delegate to any city or general health district or political subdivision of the state any of the director's enforcement and monitoring powers and duties, other than rule-making powers, as the director elects to delegate, and in addition employ, compensate, and prescribe the powers and duties of such officers, employees, and consultants as are necessary to enable the director to exercise the authority and perform duties imposed upon the director by law. Technical and other services shall be performed, insofar as practical, by personnel of the environmental protection agency.

(Q) Certify to the government of the United States or any agency thereof that an industrial air pollution facility is in conformity with the state program or requirements for control of air pollution whenever such certificate is required for a taxpayer pursuant to any federal law or requirements;

(R) Issue, modify, or revoke orders requiring abatement of or prohibiting emissions that violate applicable emission standards or other requirements of this chapter and rules adopted thereunder, or requiring emission control devices or measures in order to comply with applicable emission standards or other requirements of this chapter and rules adopted thereunder. Any such order shall require compliance with applicable emission standards by a specified date and shall not conflict with any requirement of the federal Clean Air Act. In the making of such orders, the director, to the extent consistent with the federal Clean Air Act, shall give consideration to, and base the determination on, evidence relating to the technical feasibility and economic reasonableness of compliance with such orders and their relation to benefits to the people of the state to be derived from such compliance. If, under the federal Clean Air Act, any such order shall provide for the posting of a bond or surety to secure compliance with the order as a condition of issuance of the order, the order shall so provide, but only to the extent required by the federal Clean Air Act.

(S) To the extent provided by the federal Clean Air Act, adopt, modify, and rescind rules providing for the administrative assessment and collection of monetary penalties, not in excess of those required pursuant to the federal Clean Air Act, for failure to comply with any emission limitation or standard,

compliance schedule, or other requirement of any rule, order, permit, or variance issued or adopted under this chapter or required under the applicable implementation plan whether or not the source is subject to a federal or state consent decree. The director may require the submission of compliance schedules, calculations of penalties for noncompliance, and related information. Any orders, payments, sanctions, or other requirements imposed pursuant to rules adopted under this division shall be in addition to any other permits, orders, payments, sanctions, or other requirements established under this chapter and shall not affect any civil or criminal enforcement proceedings brought under any provision of this chapter or any other provision of state or local law. This division does not apply to any requirement of this chapter regarding the prevention or abatement of odors.

(T) Require new or modified air contaminant sources to install best available technology, but only in accordance with this division. With respect to permits issued pursuant to division (F) of this section beginning three years after the effective date of this amendment, best available technology for air contaminant sources and air contaminants emitted by those sources that are subject to standards adopted under section 112, Part C of Title I, and Part D of Title I of the federal Clean Air Act shall be equivalent to and no more stringent than those standards. For an air contaminant or precursor of an air contaminant for which a national ambient air quality standard has been adopted under the federal Clean Air Act, best available technology only shall be required to the extent required by rules adopted under Chapter 119. of the Revised Code for permit to install applications filed three or more years after the effective date of this amendment.

Best available technology requirements established in rules adopted under this division shall be expressed only in one of the following ways that is most appropriate for the applicable source or source categories:

- (1) Work practices;
- (2) Source design characteristics or design efficiency of applicable air contaminant control devices;
- (3) Raw material specifications or throughput limitations averaged over a twelve-month rolling period;
- (4) Monthly allowable emissions averaged over a twelve-month rolling period.

Best available technology requirements shall not apply to an air contaminant source that has the potential to emit, taking into account air pollution controls installed on the source, less than ten tons per year of emissions of an air contaminant or precursor of an air contaminant for which a national ambient air quality standard has been adopted under the federal Clean Air Act. In addition, best available technology requirements established in rules adopted under this division shall not apply to any existing, new, or modified air contaminant source that is subject to a plant-wide applicability limit that has been approved by the director. Further, best available technology requirements established in rules adopted under this division shall not apply to general permits issued prior to January 1, 2006, under rules adopted under this chapter.

For permits to install issued three or more years after the effective date of this amendment, any new or modified air contaminant source that has the potential to emit, taking into account air pollution controls installed on the source, ten or more tons per year of volatile organic compounds or nitrogen oxides shall meet, at a minimum, the requirements of any applicable reasonably available control

technology rule in effect as of January 1, 2006, regardless of the location of the source.

(U) Consistent with section 507 of the federal Clean Air Act, adopt, modify, suspend, and rescind rules for the establishment of a small business stationary source technical and environmental compliance assistance program as provided in section 3704.18 of the Revised Code;

(V) Provide for emissions trading, marketable permits, auctions of emission rights, and economic incentives that would reduce the cost or increase the efficiency of achieving a specified level of environmental protection;

(W) Provide for the construction of an air contaminant source prior to obtaining a permit to install pursuant to division (F) of this section if the applicant demonstrates that the source will be installed to comply with all applicable emission limits and will not adversely affect public health or safety or the environment and if the director determines that such an action will avoid an unreasonable hardship on the owner or operator of the source. Any such determination shall be consistent with the federal Clean Air Act.

(X) Exercise all incidental powers, including adoption of rules, required to carry out this chapter.

The environmental protection agency shall develop a plan to control air pollution resulting from state-operated facilities and property.

Effective Date: 10-29-1993; 08-03-2006

Article IV

Evidence Ohio EPA
Followed Rule Adoption
Procedures

Evidence Ohio EPA Followed Rule Adoption Procedures

Ohio Revised Code (“ORC”) 119.03, “Procedures for adoption, amendment, or rescission of rules; finding that fiscal analysis is incomplete or inaccurate,” outlines the requirements Ohio EPA must follow during the rule-making process (Attachment A). Ohio EPA fully complied with the requirements of this law and has provided evidence on the major requirements below:

1. ORC 119.03(A): Reasonable public notice shall be given in the register of Ohio at least 30 days prior to the date set for a hearing.

Ohio’s electronic rule filing system automatically posts public notices in the Ohio Register when rules are proposed. As can be viewed by the Public Hearing notice (Attachment F), the Public Hearing notice was placed in the Ohio Register on May 1, 2007. Ohio EPA held a public hearing on June 8, 2007 in Columbus, Ohio. This hearing was held 38 days after the notice was placed in the register. The ORC 119.03 requirements for public notice contents were met as evidenced by comparing the public notice and ORC 119.03 (A)(1)-(4). In addition to the Register of Ohio, Ohio EPA also placed an advertisement in the major newspaper in major newspapers throughout the state (Attachment C).

2. ORC 119.03(B): The required materials must be filed with the secretary of state and the director of the legislative service commission (“LSC”).

Ohio’s electronic filing system automatically generates a letter when all the required elements have been uploaded on the system and the package is proposed. This letter is included (Attachment D).

Ohio EPA also complied with all requirements for incorporated materials. In addition, the answers to questions eight and nine of each of the Rule Summary and Fiscal Analysis (RSFA) documents are provided. The rule’s RSFAs are included (Attachment E).

3. ORC 119.03(C): Conduct public hearings as advertised.

Ohio EPA conducted the public hearing as identified in the Public Hearing notice. We have provided a copy of the hearing’s transcript as evidence in Article Five.

4. ORC 119.03(D): After the period of time when legislative review and invalidation may occur expires, the agency may issue an order adopting the rule.

The Joint Committee on Agency Rule Review (JCARR) oversees agency rule making in Ohio. Hearings for Rules 3745-110-01 through 3745-110-05 were held with JCARR on November 13, 2007 and December 3, 2007, where these rules were placed on the consent agenda (Attachment G). No testimony, questions or invalidation of these rules occurred during this hearing. JCARR jurisdiction expired on December 8, 2007 for Rules 3745-110-01 through 3745-110-05 as evidenced by the JCARR consent agenda.

Ohio EPA issued the order to adopt rules 3745-110-01 through 3745-110-05 on December 12, 2007, as evidenced by the Director's Findings & Orders and the Public Notice (both contained in Article 2). The Secretary of the State and Director of the LSC once again received a letter of notice (Attachment H).

5. ORC 119.03(E): Provide notice to public prior to effective date of rule.

Ohio EPA provided an update of the adoption of the rule through the Ohio EPA website, the Register of Ohio, and through an e-mail notice to all interested parties on December 12, 2007 for Rules 3745-110-01 through 3745-110-05 (Attachment I).

ORC 121.39, "Provisions applicable to proposed legislation or administrative rules concerning environmental protection," imposes further requirements for interested party review specific to environmental rule adoption (Attachment B). Ohio EPA fully complied with the requirements of this law and has provided evidence on the major requirements below:

1. ORC 121.39(B): Legislation dealing with the environment must be accompanied by a statement identifying if it is necessary to comply with a federal requirement. It must also include information on the estimated cost of compliance.

The RSFA and Environmental Rule Adoption/Amendment Form ("ERAF") documents are automatically generated questions that are part of the State's electronic rule filing system (Attachment E). The questions are intended to address the items in ORC 121.39. As evidenced in Question 6 of the RSFA documents and item (C) of the ERAF for the rule, Ohio EPA stated the adoption of this rule, or a version as stringent as, is required by U.S. EPA. The RSFA documents also contain a section entitled "Fiscal Analysis" which addresses potential costs. Our responses met the requirements of this law as evidenced in the consent by JCARR who reviews these documents.

2. ORC 121.39(D): Prior to adopting any environmental rule, the agency must consult with interested parties, consider all documentation relevant to the need for the rule making, identify any need to adopt in order to maintain approval to administer a federal environmental law, and it must include an RSFA.

On July 24, 2006 Ohio EPA notified interested parties via e-mail (Attachment J) of the draft rule language. We provided a 30-day comment period (closing August 23, 2006). The interested parties list included Ohio EPA, DAPC's general rule making list (Attachment J).

As evidenced in item (C) of the ERAF for each rule, Ohio EPA stated the adoption of this rule is required in order to maintain approval to administer a federal environmental law.

As evidenced in item (A) of the ERAF for each rule, Ohio EPA identified that it considered all documentation relevant to the need for the rule making and identified those documents in list form.

Article IV

Attachment A

ORC 119.03

119.03 Procedure for adoption, amendment, or rescission of rules.

In the adoption, amendment, or rescission of any rule, an agency shall comply with the following procedure:

(A) Reasonable public notice shall be given in the register of Ohio at least thirty days prior to the date set for a hearing, in the form the agency determines. The agency shall file copies of the public notice under division (B) of this section. (The agency gives public notice in the register of Ohio when the public notice is published in the register under that division.)

The public notice shall include:

- (1) A statement of the agency's intention to consider adopting, amending, or rescinding a rule;
- (2) A synopsis of the proposed rule, amendment, or rule to be rescinded or a general statement of the subject matter to which the proposed rule, amendment, or rescission relates;
- (3) A statement of the reason or purpose for adopting, amending, or rescinding the rule;
- (4) The date, time, and place of a hearing on the proposed action, which shall be not earlier than the thirty-first nor later than the fortieth day after the proposed rule, amendment, or rescission is filed under division (B) of this section.

In addition to public notice given in the register of Ohio, the agency may give whatever other notice it reasonably considers necessary to ensure notice constructively is given to all persons who are subject to or affected by the proposed rule, amendment, or rescission.

The agency shall provide a copy of the public notice required under division (A) of this section to any person who requests it and pays a reasonable fee, not to exceed the cost of copying and mailing.

(B) The full text of the proposed rule, amendment, or rule to be rescinded, accompanied by the public notice required under division (A) of this section, shall be filed in electronic form with the secretary of state and with the director of the legislative service commission. (If in compliance with this division an agency files more than one proposed rule, amendment, or rescission at the same time, and has prepared a public notice under division (A) of this section that applies to more than one of the proposed rules, amendments, or rescissions, the agency shall file only one notice with the secretary of state and with the director for all of the proposed rules, amendments, or rescissions to which the notice applies.) The proposed rule, amendment, or rescission and public notice shall be filed as required by this division at least sixty-five days prior to the date on which the agency, in accordance with division (D) of this section, issues an order adopting the proposed rule, amendment, or rescission.

If the proposed rule, amendment, or rescission incorporates a text or other material by reference, the agency shall comply with sections 121.71 to 121.76 of the Revised Code.

The proposed rule, amendment, or rescission shall be available for at least thirty days prior to the date

of the hearing at the office of the agency in printed or other legible form without charge to any person affected by the proposal. Failure to furnish such text to any person requesting it shall not invalidate any action of the agency in connection therewith.

If the agency files a substantive revision in the text of the proposed rule, amendment, or rescission under division (H) of this section, it shall also promptly file the full text of the proposed rule, amendment, or rescission in its revised form in electronic form with the secretary of state and with the director of the legislative service commission.

The agency shall file the rule summary and fiscal analysis prepared under section 121.24 or 127.18 of the Revised Code, or both, in electronic form along with a proposed rule, amendment, or rescission or proposed rule, amendment, or rescission in revised form that is filed with the secretary of state or the director of the legislative service commission.

The director of the legislative service commission shall publish in the register of Ohio the full text of the original and each revised version of a proposed rule, amendment, or rescission; the full text of a public notice; and the full text of a rule summary and fiscal analysis that is filed with the director under this division.

(C) On the date and at the time and place designated in the notice, the agency shall conduct a public hearing at which any person affected by the proposed action of the agency may appear and be heard in person, by the person's attorney, or both, may present the person's position, arguments, or contentions, orally or in writing, offer and examine witnesses, and present evidence tending to show that the proposed rule, amendment, or rescission, if adopted or effectuated, will be unreasonable or unlawful. An agency may permit persons affected by the proposed rule, amendment, or rescission to present their positions, arguments, or contentions in writing, not only at the hearing, but also for a reasonable period before, after, or both before and after the hearing. A person who presents a position or arguments or contentions in writing before or after the hearing is not required to appear at the hearing.

At the hearing, the testimony shall be recorded. Such record shall be made at the expense of the agency. The agency is required to transcribe a record that is not sight readable only if a person requests transcription of all or part of the record and agrees to reimburse the agency for the costs of the transcription. An agency may require the person to pay in advance all or part of the cost of the transcription.

In any hearing under this section the agency may administer oaths or affirmations.

(D) After complying with divisions (A), (B), (C), and (H) of this section, and when the time for legislative review and invalidation under division (I) of this section has expired, the agency may issue an order adopting the proposed rule or the proposed amendment or rescission of the rule, consistent with the synopsis or general statement included in the public notice. At that time the agency shall designate the effective date of the rule, amendment, or rescission, which shall not be earlier than the tenth day after the rule, amendment, or rescission has been filed in its final form as provided in section 119.04 of the Revised Code.

(E) Prior to the effective date of a rule, amendment, or rescission, the agency shall make a reasonable

effort to inform those affected by the rule, amendment, or rescission and to have available for distribution to those requesting it the full text of the rule as adopted or as amended.

(F) If the governor, upon the request of an agency, determines that an emergency requires the immediate adoption, amendment, or rescission of a rule, the governor shall issue an order, the text of which shall be filed in electronic form with the agency, the secretary of state, the director of the legislative service commission, and the joint committee on agency rule review, that the procedure prescribed by this section with respect to the adoption, amendment, or rescission of a specified rule is suspended. The agency may then adopt immediately the emergency rule, amendment, or rescission and it becomes effective on the date the rule, amendment, or rescission, in final form and in compliance with division (A)(2) of section 119.04 of the Revised Code, are filed in electronic form with the secretary of state, the director of the legislative service commission, and the joint committee on agency rule review. If all filings are not completed on the same day, the emergency rule, amendment, or rescission shall be effective on the day on which the latest filing is completed. The director shall publish the full text of the emergency rule, amendment, or rescission in the register of Ohio.

The emergency rule, amendment, or rescission shall become invalid at the end of the ninetieth day it is in effect. Prior to that date the agency may adopt the emergency rule, amendment, or rescission as a nonemergency rule, amendment, or rescission by complying with the procedure prescribed by this section for the adoption, amendment, and rescission of nonemergency rules. The agency shall not use the procedure of this division to readopt the emergency rule, amendment, or rescission so that, upon the emergency rule, amendment, or rescission becoming invalid under this division, the emergency rule, amendment, or rescission will continue in effect without interruption for another ninety-day period, except when division (I)(2)(a) of this section prevents the agency from adopting the emergency rule, amendment, or rescission as a nonemergency rule, amendment, or rescission within the ninety-day period.

This division does not apply to the adoption of any emergency rule, amendment, or rescission by the tax commissioner under division (C)(2) of section 5117.02 of the Revised Code.

(G) Rules adopted by an authority within the department of job and family services for the administration or enforcement of Chapter 4141. of the Revised Code or of the department of taxation shall be effective without a hearing as provided by this section if the statutes pertaining to such agency specifically give a right of appeal to the board of tax appeals or to a higher authority within the agency or to a court, and also give the appellant a right to a hearing on such appeal. This division does not apply to the adoption of any rule, amendment, or rescission by the tax commissioner under division (C)(1) or (2) of section 5117.02 of the Revised Code, or deny the right to file an action for declaratory judgment as provided in Chapter 2721. of the Revised Code from the decision of the board of tax appeals or of the higher authority within such agency.

(H) When any agency files a proposed rule, amendment, or rescission under division (B) of this section, it shall also file in electronic form with the joint committee on agency rule review the full text of the proposed rule, amendment, or rule to be rescinded in the same form and the public notice required under division (A) of this section. (If in compliance with this division an agency files more than one proposed rule, amendment, or rescission at the same time, and has given a public notice under division (A) of this section that applies to more than one of the proposed rules, amendments, or rescissions, the agency shall file only one notice with the joint committee for all of the proposed rules,

amendments, or rescissions to which the notice applies.) If the agency makes a substantive revision in a proposed rule, amendment, or rescission after it is filed with the joint committee, the agency shall promptly file the full text of the proposed rule, amendment, or rescission in its revised form in electronic form with the joint committee. The latest version of a proposed rule, amendment, or rescission as filed with the joint committee supersedes each earlier version of the text of the same proposed rule, amendment, or rescission. An agency shall file the rule summary and fiscal analysis prepared under section 121.24 or 127.18 of the Revised Code, or both, in electronic form along with a proposed rule, amendment, or rescission, and along with a proposed rule, amendment, or rescission in revised form, that is filed under this division.

This division does not apply to:

- (1) An emergency rule, amendment, or rescission;
- (2) Any proposed rule, amendment, or rescission that must be adopted verbatim by an agency pursuant to federal law or rule, to become effective within sixty days of adoption, in order to continue the operation of a federally reimbursed program in this state, so long as the proposed rule contains both of the following:
 - (a) A statement that it is proposed for the purpose of complying with a federal law or rule;
 - (b) A citation to the federal law or rule that requires verbatim compliance.

If a rule or amendment is exempt from legislative review under division (H)(2) of this section, and if the federal law or rule pursuant to which the rule or amendment was adopted expires, is repealed or rescinded, or otherwise terminates, the rule or amendment, or its rescission, is thereafter subject to legislative review under division (H) of this section.

(I)(1) The joint committee on agency rule review may recommend the adoption of a concurrent resolution invalidating a proposed rule, amendment, rescission, or part thereof if it finds any of the following:

- (a) That the rule-making agency has exceeded the scope of its statutory authority in proposing the rule, amendment, or rescission;
- (b) That the proposed rule, amendment, or rescission conflicts with another rule, amendment, or rescission adopted by the same or a different rule-making agency;
- (c) That the proposed rule, amendment, or rescission conflicts with the legislative intent in enacting the statute under which the rule-making agency proposed the rule, amendment, or rescission;
- (d) That the rule-making agency has failed to prepare a complete and accurate rule summary and fiscal analysis of the proposed rule, amendment, or rescission as required by section 121.24 or 127.18 of the Revised Code, or both, or that the proposed rule, amendment, or rescission incorporates a text or other material by reference and either the rule-making agency has failed to file the text or other material incorporated by reference as required by section 121.73 of the Revised Code or, in the case of a proposed rule or amendment, the incorporation by reference fails to meet the standards stated in

section 121.72, 121.75, or 121.76 of the Revised Code.

The joint committee shall not hold its public hearing on a proposed rule, amendment, or rescission earlier than the forty-first day after the original version of the proposed rule, amendment, or rescission was filed with the joint committee.

The house of representatives and senate may adopt a concurrent resolution invalidating a proposed rule, amendment, rescission, or part thereof. The concurrent resolution shall state which of the specific rules, amendments, rescissions, or parts thereof are invalidated. A concurrent resolution invalidating a proposed rule, amendment, or rescission shall be adopted not later than the sixty-fifth day after the original version of the text of the proposed rule, amendment, or rescission is filed with the joint committee, except that if more than thirty-five days after the original version is filed the rule-making agency either files a revised version of the text of the proposed rule, amendment, or rescission, or revises the rule summary and fiscal analysis in accordance with division (I)(4) of this section, a concurrent resolution invalidating the proposed rule, amendment, or rescission shall be adopted not later than the thirtieth day after the revised version of the proposed rule or rule summary and fiscal analysis is filed. If, after the joint committee on agency rule review recommends the adoption of a concurrent resolution invalidating a proposed rule, amendment, rescission, or part thereof, the house of representatives or senate does not, within the time remaining for adoption of the concurrent resolution, hold five floor sessions at which its journal records a roll call vote disclosing a sufficient number of members in attendance to pass a bill, the time within which that house may adopt the concurrent resolution is extended until it has held five such floor sessions.

Within five days after the adoption of a concurrent resolution invalidating a proposed rule, amendment, rescission, or part thereof, the clerk of the senate shall send the rule-making agency, the secretary of state, and the director of the legislative service commission in electronic form a certified text of the resolution together with a certification stating the date on which the resolution takes effect. The secretary of state and the director of the legislative service commission shall each note the invalidity of the proposed rule, amendment, rescission, or part thereof, and shall each remove the invalid proposed rule, amendment, rescission, or part thereof from the file of proposed rules. The rule-making agency shall not proceed to adopt in accordance with division (D) of this section, or to file in accordance with division (B)(1) of section 111.15 of the Revised Code, any version of a proposed rule, amendment, rescission, or part thereof that has been invalidated by concurrent resolution.

Unless the house of representatives and senate adopt a concurrent resolution invalidating a proposed rule, amendment, rescission, or part thereof within the time specified by this division, the rule-making agency may proceed to adopt in accordance with division (D) of this section, or to file in accordance with division (B)(1) of section 111.15 of the Revised Code, the latest version of the proposed rule, amendment, or rescission as filed with the joint committee. If by concurrent resolution certain of the rules, amendments, rescissions, or parts thereof are specifically invalidated, the rule-making agency may proceed to adopt, in accordance with division (D) of this section, or to file in accordance with division (B)(1) of section 111.15 of the Revised Code, the latest version of the proposed rules, amendments, rescissions, or parts thereof as filed with the joint committee that are not specifically invalidated. The rule-making agency may not revise or amend any proposed rule, amendment, rescission, or part thereof that has not been invalidated except as provided in this chapter or in section 111.15 of the Revised Code.

(2)(a) A proposed rule, amendment, or rescission that is filed with the joint committee under division (H) of this section or division (D) of section 111.15 of the Revised Code shall be carried over for legislative review to the next succeeding regular session of the general assembly if the original or any revised version of the proposed rule, amendment, or rescission is filed with the joint committee on or after the first day of December of any year.

(b) The latest version of any proposed rule, amendment, or rescission that is subject to division (I)(2)(a) of this section, as filed with the joint committee, is subject to legislative review and invalidation in the next succeeding regular session of the general assembly in the same manner as if it were the original version of a proposed rule, amendment, or rescission that had been filed with the joint committee for the first time on the first day of the session. A rule-making agency shall not adopt in accordance with division (D) of this section, or file in accordance with division (B)(1) of section 111.15 of the Revised Code, any version of a proposed rule, amendment, or rescission that is subject to division (I)(2)(a) of this section until the time for legislative review and invalidation, as contemplated by division (I)(2)(b) of this section, has expired.

(3) Invalidation of any version of a proposed rule, amendment, rescission, or part thereof by concurrent resolution shall prevent the rule-making agency from instituting or continuing proceedings to adopt any version of the same proposed rule, amendment, rescission, or part thereof for the duration of the general assembly that invalidated the proposed rule, amendment, rescission, or part thereof unless the same general assembly adopts a concurrent resolution permitting the rule-making agency to institute or continue such proceedings.

The failure of the general assembly to invalidate a proposed rule, amendment, rescission, or part thereof under this section shall not be construed as a ratification of the lawfulness or reasonableness of the proposed rule, amendment, rescission, or any part thereof or of the validity of the procedure by which the proposed rule, amendment, rescission, or any part thereof was proposed or adopted.

(4) In lieu of recommending a concurrent resolution to invalidate a proposed rule, amendment, rescission, or part thereof because the rule-making agency has failed to prepare a complete and accurate fiscal analysis, the joint committee on agency rule review may issue, on a one-time basis, for rules, amendments, rescissions, or parts thereof that have a fiscal effect on school districts, counties, townships, or municipal corporations, a finding that the rule summary and fiscal analysis is incomplete or inaccurate and order the rule-making agency to revise the rule summary and fiscal analysis and refile it with the proposed rule, amendment, rescission, or part thereof. If an emergency rule is filed as a nonemergency rule before the end of the ninetieth day of the emergency rule's effectiveness, and the joint committee issues a finding and orders the rule-making agency to refile under division (I)(4) of this section, the governor may also issue an order stating that the emergency rule shall remain in effect for an additional sixty days after the ninetieth day of the emergency rule's effectiveness. The governor's orders shall be filed in accordance with division (F) of this section. The joint committee shall send in electronic form to the rule-making agency, the secretary of state, and the director of the legislative service commission a certified text of the finding and order to revise the rule summary and fiscal analysis, which shall take immediate effect.

An order issued under division (I)(4) of this section shall prevent the rule-making agency from instituting or continuing proceedings to adopt any version of the proposed rule, amendment, rescission, or part thereof until the rule-making agency revises the rule summary and fiscal analysis

and refiles it in electronic form with the joint committee along with the proposed rule, amendment, rescission, or part thereof. If the joint committee finds the rule summary and fiscal analysis to be complete and accurate, the joint committee shall issue a new order noting that the rule-making agency has revised and refiled a complete and accurate rule summary and fiscal analysis. The joint committee shall send in electronic form to the rule-making agency, the secretary of state, and the director of the legislative service commission a certified text of this new order. The secretary of state and the director of the legislative service commission shall each link this order to the proposed rule, amendment, rescission, or part thereof. The rule-making agency may then proceed to adopt in accordance with division (D) of this section, or to file in accordance with division (B)(1) of section 111.15 of the Revised Code, the proposed rule, amendment, rescission, or part thereof that was subject to the finding and order under division (I)(4) of this section. If the joint committee determines that the revised rule summary and fiscal analysis is still inaccurate or incomplete, the joint committee shall recommend the adoption of a concurrent resolution in accordance with division (I)(1) of this section.

Effective Date: 09-17-2002

Article IV

Attachment B

ORC 121.39

121.39 Identifying documentation that is basis for legislation dealing with environmental protection.

(A) As used in this section, "environmental protection" means any of the following:

(1) Protection of human health or safety, biological resources, or natural resources by preventing, reducing, or remediating the pollution or degradation of air, land, or water resources or by preventing or limiting the exposure of humans, animals, or plants to pollution;

(2) Appropriation or regulation of privately owned property to preserve air, land, or water resources in a natural state or to wholly or partially restore them to a natural state;

(3) Regulation of the collection, management, treatment, reduction, storage, or disposal of solid, hazardous, radioactive, or other wastes;

(4) Plans or programs to promote or regulate the conservation, recycling, or reuse of energy, materials, or wastes.

(B) Except as otherwise provided in division (E) of this section, when proposed legislation dealing with environmental protection or containing a component dealing with environmental protection is referred to a committee of the general assembly, other than a committee on rules or reference, the sponsor of the legislation, at the time of the first hearing of the legislation before the committee, shall submit to the members of the committee a written statement identifying either the documentation that is the basis of the legislation or the federal requirement or requirements with which the legislation is intended to comply. If the legislation is not based on documentation or has not been introduced to comply with a federal requirement or requirements, the written statement from the sponsor shall so indicate.

Also at the time of the first hearing of the legislation before the committee, a statewide organization that represents businesses in this state and that elects its board of directors may submit to the members of the committee a written estimate of the costs to the regulated community in this state of complying with the legislation if it is enacted.

At any hearing of the legislation before the committee, a representative of any state agency, environmental advocacy organization, or consumer advocacy organization or any private citizen may present documentation containing an estimate of the monetary and other costs to public health and safety and the environment and to consumers and residential utility customers, and the effects on property values, if the legislation is not enacted.

(C) Until such time as the statement required under division (B) of this section is submitted to the committee to which proposed legislation dealing with environmental protection or containing a component dealing with environmental protection was referred, the legislation shall not be reported by that committee. This requirement does not apply if the component dealing with environmental protection is removed from the legislation or if two-thirds of the members of the committee vote in favor of a motion to report the proposed legislation.

(D) Except as otherwise provided in division (E) of this section, prior to adopting a rule or an amendment proposed to a rule dealing with environmental protection or containing a component dealing with environmental protection, a state agency shall do all of the following:

(1) Consult with organizations that represent political subdivisions, environmental interests, business interests, and other persons affected by the proposed rule or amendment;

(2) Consider documentation relevant to the need for, the environmental benefits or consequences of, other benefits of, and the technological feasibility of the proposed rule or amendment;

(3) Specifically identify whether the proposed rule or amendment is being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal environmental law or to participate in a federal environmental program, whether the proposed rule or amendment is more stringent than its federal counterpart, and, if the proposed rule or amendment is more stringent, the rationale for not incorporating its federal counterpart;

(4) Include with the proposed rule or amendment and the rule summary and fiscal analysis required under sections 121.24 and 127.18 of the Revised Code, when they are filed with the joint committee on agency rule review in accordance with division (D) of section 111.15 or division (H) of section 119.03 of the Revised Code, one of the following in electronic form, as applicable:

(a) The information identified under division (D)(3) of this section and, if the proposed rule or amendment is more stringent than its federal counterpart, as identified in that division, the documentation considered under division (D)(2) of this section;

(b) If an amendment proposed to a rule is being adopted or amended under a state statute that establishes standards with which the amendment shall comply, and the proposed amendment is more stringent than the rule that it is proposing to amend, the documentation considered under division (D)(2) of this section;

(c) If division (D)(4)(a) or (b) of this section is not applicable, the documentation considered under division (D)(2) of this section.

If the agency subsequently files a revision of such a proposed rule or amendment in accordance with division (D) of section 111.15 or division (H) of section 119.03 of the Revised Code, the revision shall be accompanied in electronic form by the applicable information or documentation.

Division (D) of this section does not apply to any emergency rule adopted under division (B)(2) of section 111.15 or division (F) of section 119.03 of the Revised Code, but does apply to any such rule that subsequently is adopted as a nonemergency rule under either of those divisions.

The information or documentation submitted under division (D)(4) of this section may be in the form of a summary or index of available knowledge or information and shall consist of or be based upon the best available generally accepted knowledge or information in the appropriate fields, as determined by the agency that prepared the documentation.

(E) The statement required under division (B) and the information or documentation required under

division (D) of this section need not be prepared or submitted with regard to a proposed statute or rule, or an amendment to a rule, if the statute, rule, or amendment is procedural or budgetary in nature, or governs the organization or operation of a state agency, and will not affect the substantive rights or obligations of any person other than a state agency or an employee or contractor of a state agency.

(F) The insufficiency, incompleteness, or inadequacy of a statement, information, documentation, or a summary of information or documentation provided in accordance with division (B) or (D) of this section shall not be grounds for invalidation of any statute, rule, or amendment to a rule.

(G) This section applies only to the following:

(1) Legislation and components of legislation dealing with environmental protection that are introduced in the general assembly after March 5, 1996;

(2) Rules and rule amendments dealing with environmental protection that are filed with the joint committee on agency rule review in accordance with division (D) of section 111.15 or division (H) of section 119.03 of the Revised Code after March 5, 1996.

Effective Date: 04-01-2002

Article IV

Attachment C

Newspaper Notices

Dayton Daily News

AFFIDAVIT OF PUBLICATION

P.O. Box 643080

Cincinnati, OH 45264-3080

937-225-2107

OHIO EPA DENISE PEEPLES

PO BOX 1049

COLUMBUS, OH 43216

STATE OF OHIO

Public Hearing Notice
Ohio Environmental Protection Agency
Proposed New OAC Chapter 3745-110
Nitrogen Oxides - Reasonably Available
Control Technology

Notice is hereby given that the Ohio Environmental Protection Agency, Division of Air Pollution Control (DAPC), is proposing the following new rules in the Ohio Administrative Code (OAC):

1. OAC rule 3745-110-01 (Definitions)
2. OAC rule 3745-110-02 (Applicability)
3. OAC rule 3745-110-03 (RACT requirements and/or limitations for emissions of NOx from stationary sources)
4. OAC rule 3745-110-04 (Compliance deadlines) and
5. OAC rule 3745-110-05 (Compliance methods)

The proposed new rules under OAC Chapter 3745-110 will apply to the eight moderate non-attainment counties located in the Cleveland/Akron, Ohio metropolitan area (i.e., Cuyahoga, Lorain, Geauga, Lake, Licking, Madison, Portage, and Summit Counties) and will regulate NOx emissions from existing stationary combustion sources, industrial, commercial, and institutional boilers, stationary combustion turbines and stationary internal combustion engines. In addition, the rules will apply state-wide to any new or modified source issued a permit on or after January 1, 2007.

Pursuant to Section 121.39 of the Ohio Revised Code, DAPC was required to consult with interested parties affected by the rules before the rules were formally processed. From May 24, 2007, these rules were out for a 30-day review by interested parties.

Pursuant to Section 119.05 of the Ohio Revised Code, a public hearing on these rule changes will be conducted on Friday, June 8, 2007 at 10:00 AM in Conference Room 6A at Ohio EPA, 12300 Government Center, 50 West Town Street, Columbus, Ohio.

Pursuant to Part D of Title I of the Clean Air Act, Ohio EPA is required to establish a state implementation plan (SIP) for the attainment and maintenance of the national ambient air quality standards (NAAQS). The above mentioned rules are a part of Ohio's SIP and the proposed amendments will be submitted to USEPA as a modification of the SIP. The above mentioned hearing shall be considered the public hearing for the SIP submission.

All interested parties are invited to attend or be represented at the hearing and give written or oral comments on these rule changes. All oral comments presented at the hearing, and all written statements submitted at the hearing or by the close of business on June 8, 2007, will be considered by Ohio EPA prior to final action on this rule. Written statements submitted after June 8, 2007, may be considered as information and comments only, but will not be part of the official record of the hearing.

These rules are available on the Web page for electronic downloading by clicking on "regulations" under the "rules" drop-down box. The URL is <http://www.epa.state.oh.us/air/pollution/rules>. Questions regarding accessing the Web site should be directed to Arlene Harty at 614-727-1647. Other questions or comments about these rules should be directed to Denise Peeples at Ohio EPA, 12300 Government Center, 50 West Town Street, Columbus, Ohio 43216. Telephone: 614-727-1647. Fax: 614-727-9076.

Before me, the undersigned, a Notary public in and for said County, personally came Tina Kimball who being first duly sworn says he/she is the Legal Advertising Agent of the Dayton Daily News, which he/she says is a newspaper of general circulation in Montgomery, Clark, Warren, Butler, Clinton, Greene, Preble, Miami, Darke, Mercer, Shelby, Fayette, Logan, Hamilton, Clermont, Auglaize, and Champaign Counties, and State of Ohio, and he/she further says that the Legal Advertisement, a copy of which is hereunto attached, has been published in the said Dayton Daily News 77 Lines, 1 Time(s), last day of publication being 5/4/2007, and he/she further says that the bona fide daily paid circulation of the said Dayton Daily News was over (25000) at the time the said advertisement was published, and that the price charged for same does not exceed the rates charged on annual contract for the like amount of space to other advertisers in the general display advertising columns.

Signed Tina Kimball

Sworn or affirmed to, and subscribed before me, this 5/8/2007. In Testimony Whereof, I have hereunto set my hand and affixed my official seal, the day and year aforesaid.

Notary Public
Lorna M. Foer
LORNA M. FOER, Notary Public
in and for the State of Ohio
My Commission Expires July 4, 2010

RECEIVED
OHIO EPA
2007 MAY 21 AM
LEGAL OFFICE

Invoice No.	9076206
Ad Cost	\$408.10
Paid	\$0.00
Due	\$408.10

Ad ID 9076206

Date 08/16/2007

Time 9:30 AM

Public Hearing Notice
Ohio Environmental Protection Agency
Proposed new OAC Chapter 3745-110
"Nitrogen Oxides - Reasonably Available
Control Technology"

Notice is hereby given that the Ohio Environmental Protection Agency, Division of Air Pollution Control (DAPC) proposes the following new rules in the Ohio Administrative Code (OAC):

1. OAC rule 3745-110-01 (Definitions);
2. OAC rule 3745-110-02 (Applicability);
3. OAC rule 3745-110-03 (RACT requirements and/or limitations for emissions of NOx from stationary sources);
4. OAC rule 3745-110-04 (Compliance deadlines); and
5. OAC rule 3745-110-05 (Compliance methods).

The proposed new rules under OAC Chapter 3745-110 will apply to the eight "moderate" non-attainment counties located in the Cleveland/Akron, Ohio metropolitan area (i.e., Ashland, Cuyahoga, Geauga, Lake, Lorain, Medina, Portage, and Summit Counties) and will regulate NOx emissions from existing stationary combustion sources (industrial, commercial, and institutional boilers, stationary combustion turbines and stationary internal combustion engines). In addition, the rules will apply state-wide to any "new or modified source" issued a permit-to-install after January 1, 2007.

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 proposes them. On July 24, 2006, 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 will be conducted on Friday, June 8, 2007 at 10:00 a.m. in conference room 6A at Ohio EPA, Lazarus Government Center, 50 West Town Street, Columbus, Ohio.

Pursuant to Part D of Title I of the Clean Air Act, Ohio EPA is required to establish a state implementation plan (SIP) for the attainment and maintenance of the national ambient air quality standards (NAAQS). The above mentioned rules are a part of Ohio's SIP and the proposed amendments will be submitted to USEPA as a modification of the SIP. The above mentioned hearing shall be considered the public hearing for the SIP submission.

All interested persons are entitled to attend or be represented at the hearing and give written or oral comments on these rule changes. All oral comments presented at the hearing, and all written statements submitted at the hearing or by the close of business on June 8, 2007, will be considered by Ohio EPA prior to final action on the rules. Written statements submitted after June 8, 2007, may be considered as data and circumstances pertinent, but will not be part of the official record of the hearing.

These rules are available on the web page for electronic downloading by clicking on "regulations" under the "topics" drop-down box. The URL is:

<http://www.era.state.oh.us/dapc/regg/regg.html>
Questions regarding accessing the web site should be directed to Arlene Narmath at 614-728-1342; other questions or comments about these rules should be directed to Alan Hames at Ohio EPA, (614) 644-4838, alan.hames@state.oh.us, or mailed to: Insert your name, Ohio EPA, Division of Air Pollution Control, Lazarus Government Center, P.O. Box 1049, Columbus, Ohio 43216-1049.
9076206
1-1/07

RECEIVED
OHIO EPA

2007 MAY 30 PM 2:52

LEGAL OFFICE

THE COLUMBUS DISPATCH
PROOF OF PUBLICATION

STATE OF OHIO, FRANKLIN COUNTY. SS:

Carla Daniel
Classified Sales Manager

The Columbus Dispatch, a newspaper published at Columbus, Franklin County, Ohio, with a daily paid circulation of more than 25,000 copies, personally appeared and made oath that the notice of which a true copy is hereunto attached was published in The Columbus Dispatch for 1 Time(s) on

May 4, 2007

and that the rate charged therefore is the same as that charged for commercial advertising for like services.

Carla Daniel

subscribed and Sworn on this 8th day of May 2007 as witness my hand and seal of office.

Annast Hill

NOTARY PUBLIC - STATE OF OHIO



VERONICA H. HILL
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES NOVEMBER 6, 2008

Public Hearing Notice
Ohio Environmental
Protection Agency
Proposed new OAC Chapter
3745-110 Nitrogen Oxides
Reasonably Available Control
Technology@
Notice is hereby given that
the Ohio Environmental
Protection Agency, Division
of Air Pollution Control
(DAPC) proposes the following
new rules in the Ohio
Administrative Code (OAC):
1.OAC rule 3745-110-01
[Definitions];
2.OAC rule 3745-110-02
[Applicability];
3.OAC rule 3745-110-03
[RACT requirements and/or
limitations for emissions of
NOx from stationary sources];
4.OAC rule 3745-110-04
[Compliance deadlines];
and
5.OAC rule 3745-110-05
[Compliance methods].
The proposed new rules under
OAC Chapter 3745-110
will apply to the eight
Amoderate@ non-
attainment counties located
in the Cleveland/Akron
Ohio metropolitan area (i.e.,
Ashtabula, Cuyahoga, Geauga,
Lake, Lorain, Medina,
Portage, and Summit
Counties) and will regulate
NOx emissions from existing@
stationary combustion
sources (industrial, commercial,
and institutional
boilers, stationary combustion
turbines and stationary
internal combustion
engines). In addition, the rules
will apply state-wide to any
Anew or modified source@
issued a permit to install after
January 1, 2007.
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 proposes
them. On July 24,
2006, 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 will be conducted
on Friday, June 8,
2007 at 10:00 a.m. in conference
room 6A at Ohio EPA,
Lazarus Government Center,
50 West Town Street,
Columbus, Ohio.
Pursuant to Part D of Title I
of the Clean Air Act, Ohio
EPA is required to establish a
state implementation plan
(SIP) for the attainment and
maintenance of the national
ambient air quality standards
(NAAQS). The above
mentioned rules are a part
of Ohio's SIP and the proposed
amendments will be
submitted to USEPA as a
modification of the SIP. The
above mentioned hearing
shall be considered the
public hearing for the SIP
submittal.
All interested persons are
entitled to attend or be represented
at the hearing and give written
or oral comments on these rule
changes. All oral comments
presented at the hearing, and
all written statements submitted
at the hearing or by the close
of business on June 8, 2007,
will be considered by Ohio EPA
prior to final action on this rule.
Written statements submitted
after June 8, 2007, may be
considered as time and
circumstances permit, but
will not be part of the official
record of the hearing.
These rules are available

State of Ohio ss.
Cuyahoga County

Public Hearing Notice
Environmental Protection Agency
Proposed new OAC Chapter 110 Nitrogen Oxides - Reasonably Available Control Technology@
Is hereby given that the Environmental Protection Agency, Division of Air Pollution Control (DAPC) proposes the following new rules in the Ohio Administrative Code (OAC):
C rule 3745-110-01 (Definitions)
C rule 3745-110-02 (applicability)
C rule 3745-110-03 (CT requirements and/or limitations for emissions of NOx from stationary sources)
C rule 3745-110-04 (compliance deadlines) and
C rule 3745-110-05 (compliance methods)
Proposed new rules under Chapter 3745-110 will apply to eight moderate non-attainment counties located in the land/Akron, Ohio metropolitan area (i.e., Ashtabula, Cuyahoga, Lake, Lorain, Medina, Portage, and Summit Counties) and will regulate NOx emissions from existing stationary combustion sources (industrial, commercial, and institutional boiler-stationary combustion engines and stationary internal combustion engines). In addition, these rules will apply state-wide to new or modified source is a permit-to-install after Jan. 1, 2007.
Pursuant to Section 121.39 of the Revised Code, DAPC was required to consult with interested

parties affected by the rules before the division formally proposes them. On July 24, 2006, 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 will be conducted on Friday, June 8, 2007 at 10:00 a.m. in conference room 6A at Ohio EPA, Lazarus Government Center, 50 West Town Street, Columbus, Ohio.
Pursuant to Part D of Title I of the Clean Air Act, Ohio EPA is required to establish a state implementation plan (SIP) for the attainment and maintenance of the national ambient air quality standards (NAAQS). The above mentioned rules are a part of Ohio's SIP and the proposed amendments will be submitted to USEPA as a modification of the SIP. The above mentioned hearing shall be considered the public hearing for the SIP submittal.
All interested persons are entitled to attend or be represented at the hearing and give written or oral comments on these rule changes. All oral comments presented at the hearing, and all written statements submitted at the hearing or by the close of business on June 8, 2007, will be considered by Ohio EPA prior to final action on this rule. Written statements submitted after June 8, 2007, may be considered as time and circumstances permit, but will not be part of the official record of the hearing.
These rules are available on the Web page for electronic downloading by clicking on regulations under the topics drop-down box. The URL is: <http://www.epa.state.oh.us/dapc/regs/regs.html>. Questions regarding accessing the web site should be directed to Arunee Niambarb at 614-726-1342; other questions or comments about these rules should be directed to Alan Harness at Ohio EPA, (614) 644-4838, alan.harness@epa.state.oh.us, or mailed to insert your name, Ohio EPA, Division Air Pollution Control, Lazarus Government Center, P.O. Box 1049, Columbus, Ohio 43216-1049.
p.d.may4,2007 1654063

I, JOYCE LUZIER, being duly sworn, do upon my oath, depose and say that I am a CUSTOMER SERVICE REPRESENTATIVE of The Plain Dealer Publishing company, publisher of The Plain Dealer, a newspaper printed in said county, and general circulation in Ashtabula, Geauga, Lake, Lorain, Medina, Portage, Summit and Trumbull counties, in addition to said county; the requirements of Section 7/12 of the Revised Code of Ohio as amended September 14, 1957, relating to publication and distribution are fulfilled by said newspaper; and the advertisement attached was published in said newspaper on the following day, or days in a type size larger than agate. Insertion dates as follows:

_____ *May 04 2007* _____

Sworn to and subscribed before me this day of *May* 20 *07*

Joey Luzier _____ *12*
Brenda Jordan _____

Notary Public
Brenda G. Jordan
Notary Public, State of Ohio
Recorded in Cuyahoga County
My Commission Expires 09/04/11



RECEIVED
OHIO EPA
2007 MAY 25 PM 3:20
LEGAL OFFICE

**AFFIDAVIT OF PUBLICATION
 STATE OF OHIO, LUCAS COUNTY}SS.**

RECEIVED
 OHIO EPA
 2007 JUN 11 PM 3:26
 LEGAL OFFICE

Advertiser Name: OHIO EPA LEGALS HEARING CLERK

Account # 411543

Width: 1

Depth: 11.750

Ad # 00190184

Price: \$ 724.10

Run dates: 5/4 1x

Classification 0010 - Legal Notices

I, Lisa Berry being first duly sworn, make oath and say that I am an Advertising Clerk in the employ of The TOLEDO BLADE CO., the publishers of THE BLADE, that I personally know the facts herein stated, that said BLADE is a daily newspaper printed, and of general circulation in excess of 15,000, in said County, and in said State, and that the notice of which the below is a true copy of the text, was published in said Daily BLADE according to the above run schedule.

Subscribed in my presence and sworn to before me this 14th day of May, A.D. 2007



BONNIE SUE CURRY
 Notary Public, State of Ohio
 Commission Expires 10-24-2010

Bonnie S. Curry

Notary Public, State of Ohio

Legal Proof:

<p>Public Hearing Notice Ohio Environmental Protection Agency Proposed new OAC Chapter 3745-110 ANitrogen Oxides - Reasonably Available Control Technology@</p> <p>Notice is hereby given that the Ohio Environmental Protection Agency, Division of Air Pollution Control (DAPC) proposes the following new rules in the Ohio Administrative Code (OAC):</p> <p>1.OAC rule 3745-110-01 (Definitions);</p> <p>2.OAC rule 3745-110-02 (Applicability);</p> <p>3.OAC rule 3745-110-03 (RACT requirements and/or limitations for emissions of NOx from stationary sources);</p> <p>4.OAC rule 3745-110-04 (Compliance deadlines); and</p> <p>5.OAC rule 3745-110-05 (Compliance methods).</p> <p>The proposed new rules under OAC Chapter 3745-110 will apply to the eight non-attainment counties located in the Cleveland/Akron, Ohio metropolitan area (i.e., Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Medina, Portage, and Summit Counties) and will regulate NOx emissions from existing stationary combustion sources (industrial, commercial, and institutional boilers, stationary combustion turbines and stationary</p>	<p>internal combustion engines). In addition, the rules will apply state-wide to any New or modified source@ issued a permit-to-install after January 1, 2007. 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 proposes them. On July 24, 2006, these rules went out for a 30 day review by interested parties.</p> <p>Pursuant to Section 119.03 of the Ohio Revised Code, a public hearing on these rule changes will be conducted on Friday, June 8, 2007 at 10:00 a.m. in conference room 6A at Ohio EPA, Lazarus Government Center, 50 West Town Street, Columbus, Ohio.</p> <p>Pursuant to Part D of Title I of the Clean Air Act, Ohio EPA is required to establish a state implementation plan (SIP) for the attainment and maintenance of the national ambient air quality standards (NAAQS). The above mentioned rules are a part of Ohio's SIP and the proposed amendments will be submitted to USEPA as a modification of the SIP. The above mentioned hearing shall be considered the public hearing for the SIP submittal.</p> <p>All interested persons are entitled to attend or be represented at the hearing</p>	<p>and give written or oral comments on these rule changes. All oral comments presented at the hearing, and all written statements submitted at the hearing or by the close of business on June 8, 2007, will be considered by Ohio EPA prior to final action on this rule. Written statements submitted after June 8, 2007, may be considered as time and circumstances permit, but will not be part of the official record of the hearing.</p> <p>These rules are available on the Web page for electronic downloading by clicking on Areulations@ under the Atopics@ drop-down box. The URL is: http://www.epa.state.oh.us/dapc/regs/regs.html</p> <p>Questions regarding accessing the web site should be directed to Arunee Niamlarb at 614-728-1342; other questions or comments about these rules should be directed to Alan Harness at Ohio EPA, (614) 644 4838, alan.harness@epa.state.oh.us, or mailed to insert your name, Ohio EPA, Division Air Pollution Control, Lazarus Government Center, P.O. Box 1049, Columbus, Ohio 43216-1049.</p> <p>#00190184</p>
--	---	---

PUBLISHER'S AFFIDAVIT LEGAL NOTICE

Athene Curtis

Being first duly sworn, says that the Affiant is a duly authorized Clerk of The Repository, a Daily and Sunday newspaper published and of general circulation in said

CITY OF Canton
STATE OF OHIO
COUNTY OF Stark

} SS

and that the legal advertisement, of which the annexed is a copy was published in said newspaper on:

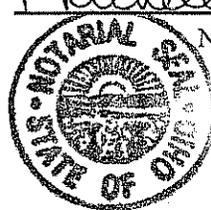
PUBLICATION DATES:

05/04/07

Sworn to and subscribed before me, this
5th day of May, 2007.

Athene Curtis
Representative Signature

Michelle Ward
Notary Public
MICHELLE L. WARD
Notary Public, State of Ohio
My Commission Expires
July 14, 2009
Recorded in Tuscarawas County



Total number of measured
inches published: 13.50
Publisher's Fee: 246.00
Customer Account Number: 4018
Case No:
INVOICE NO: 00157285

Public Hearing Notice Ohio Environmental Protection Agency

Proposed new OAC
Chapter 3745-110
Air Quality Standards -
Reasonably Available
Control Technology@.

Notice is hereby given
that the Ohio Environmental
Protection Agency, Division
of Air Pollution Control
(DAPC) proposes the fol-
lowing new rules in the Ohio
Administrative Code (OAC):

- 1.OAC rule 3745-110-01
[Definitions];
- 2.OAC rule 3745-110-02
[Applicability];
- 3.OAC rule 3745-110-03
[RACT requirements and/or
limitations for emissions of
NOx from stationary
sources];
- 4.OAC rule 3745-110-04
[Compliance deadlines];
and
- 5.OAC rule 3745-110-05
[Compliance methods].

The proposed new rules
under OAC Chapter 3745-
110 will apply to the eight
Amoderate@ non-attain-
ment counties located in the
Cleveland/Akron, Ohio met-
ropolitan area (i.e.,
Ashtabula, Cuyahoga, Geauga,
Lake, Lorain, Medina, Portage,
and Summit Counties) and will
regulate NOx emissions
from Aexisting@ stationary
combustion sources (indus-
trial, commercial, and insti-
tutional boilers, stationary
combustion turbines and
stationary internal combus-
tion engines). In addition,
the rules will apply state-
wide to any Anew or modi-
fied source@ issued a per-
mit-to-install after January
1, 2007.

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
proposes them. On July 24,
2006, these rules went out
for a 30 day review by inter-
ested parties.

Pursuant to Section
119.03 of the Ohio Revised
Code, a public hearing on
these rule changes will be
conducted on Friday, June
8, 2007 at 10:00 a.m. in
conference room 6A at Ohio
EPA, Lazarus Government
Center, 50 West Town
Street, Columbus, Ohio.

Pursuant to Part D of Title
I of the Clean Air Act, Ohio
EPA is required to establish
a state implementation plan
(SIP) for the attainment and
maintenance of the national
ambient air quality stan-
dards (NAAQS). The above
mentioned rules are a part
of Ohio's SIP and the pro-
posed amendments will be
submitted to USEPA as a
modification of the SIP. The
above mentioned hearing
shall be considered the pub-
lic hearing for the SIP sub-
mittal.

entitled to attend or be re-
presented at the hearing and
give written or oral com-
ments on these rule
changes. All oral comments
presented at the hearing,
and all written statements
submitted at the hearing or
by the close of business on
June 8, 2007, will be consid-
ered by Ohio EPA prior to
final action on this rule.
Written statements submit-
ted after June 8, 2007, may
be considered as time and
circumstances permit, but
will not be part of the official
record of the hearing.

These rules are available
on the Web page for elec-
tronic downloading by click-
ing on Aregulations@ under
the Atopics@ drop-down
box. The URL is:
[http://www.epa.state.oh.us/
dapc/regs/regs.html](http://www.epa.state.oh.us/dapc/regs/regs.html).
Questions regarding
accessing the web site
should be directed to
Arunee Niamiarb at 614-
728-1342; other questions
or comments about these
rules should be directed to
Alan Harness at Ohio EPA,
(614) 644 4838, [alan.har-
ness@epa.state.oh.us](mailto:alan.har-
ness@epa.state.oh.us), or
mailed to insert your name,
Ohio EPA, Division Air
Pollution Control, Lazarus
Government Center, P.O.
Box 1049, Columbus, Ohio
43216-1049.

Published in The
Repository on May 4, 2007.

RECEIVED
OHIO EPA
2007 MAY -9 PM 12:25
LEGAL OFFICE

All interested persons are



The Athens Messenger

FROM

To: Ohio EPA

Attn: Paul Braun

TO

From: Legal Department, Christina King

Date: May 2, 2007

Re: OAC Chapter 3745-110 Nitrogen Oxides

The total for the legal advertisement referenced above is \$74.23.

13 Inches X 1 day of publication @ \$5.71 per inch

A copy of the notice is attached for your approval and signature. Please fax the signed notice to 740-592-4647 by Thursday, May 3rd at 10a.m.

If you have any questions or concerns please contact Christina King, extension 202 or Janet Williams, extension 245.

9300 Johnson Road • P.O. Box 4210 • Athens, Ohio 45701 • 740-592-6612

LEGAL NOTICE
Public Hearing Notice
Ohio Environmental Protection Agency
Proposed new OAC Chapter
3745-110 Nitrogen Oxides -
Reasonably Available Control
Technology

Notice is hereby given that the Ohio Environmental Protection Agency, Division of Air Pollution Control (DAPC) proposes the following new rules in the Ohio Administrative Code (OAC):

1. OAC rule 3745-110-01 [Definitions];
2. OAC rule 3745-110-02 [Applicability];
3. OAC rule 3745-110-03 [RACT requirements and/or limitations for emissions of NOx from stationary sources];
4. OAC rule 3745-110-04 [Compliance deadlines]; and
5. OAC rule 3745-110-05 [Compliance methods].

The proposed new rules under OAC Chapter 3745-110 will apply to the eight moderate non-attainment counties located in the Cleveland/Akron, Ohio metropolitan area (i.e., Ashland, Cuyahoga, Geauga, Lake, Lorain, Medina, Portage, and Summit Counties) and will regulate NOx emissions from existing stationary combustion sources (industrial, commercial, and institutional boilers, stationary combustion turbines and stationary internal combustion engines). In addition, the rules will apply statewide to any new or modified source issued a permit-to-install after January 1, 2007.

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 proposes them. On July 24, 2006, 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 will be conducted on Friday, June 8, 2007 at 10:00 a.m. in conference room 6A at Ohio EPA, Lazarus Government Center, 50 West Town Street, Columbus, Ohio.

Pursuant to Part D of Title I of the Clean Air Act, Ohio EPA is required to establish a state implementation plan (SIP) for the attainment and maintenance of the national ambient air quality standards (NAAQS). The above mentioned rules are a part of Ohio's SIP and the proposed amendments will be submitted to USEPA as a modification of the SIP. The above mentioned hearing shall be considered the public hearing for the SIP submittal.

All interested persons are entitled to attend or be represented at the hearing and give written or oral comments on these rule changes. All oral comments presented at the hearing, and all written statements submitted at the hearing or by the close of business on June 8, 2007, will be considered by Ohio EPA prior to final action.

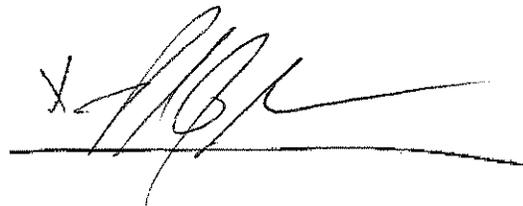
~~Persons who are not permitted to attend the hearing on this rule. Written statements submitted after June 8, 2007, may be considered as time and circumstances permit, but will not be part of the official record of the hearing.~~

These rules are available on the Web page for electronic downloading by clicking on regulations under the topics drop-down box. The URL is: <http://www.epa.state.oh.us/dapc/regs/regs.html>. Questions regarding accessing the web site should be directed to Arunce Niamlarb at 614-728-1342; other questions or comments about these rules should be directed to Alan Harness at Ohio EPA, (614) 644-4838, alan.hararness@epa.state.oh.us, or mailed to insert your name, Ohio EPA, Division Air Pollution Control, Lazarus Government Center, P.O. Box 1049, Columbus, Ohio 43216-1049.
5-4(10)

5-4(10)

Proofed by:
C. King

Customer Approval:



TRANSMISSION VERIFICATION REPORT

TIME : 05/02/2007 12:04
NAME : STATE OHIO EPA
FAX : 6146443681
TEL : 6146443681
SER.# : BRDF4J544269

DATE, TIME	05/02 12:04
FAX NO./NAME	917405924647
DURATION	00:00:23
PAGE(S)	02
RESULT	OK
MODE	STANDARD ECM

The Marietta Times

www.MariettaTimes.com

P.O. Box 635, 700 Channel Lane, Marietta, OH 45750 • (740) 373-2121 or 1-800-531-1215

FAX TRANSMISSION



Date: 5/2/07 3:12 P.M.

To: Paul Braun

Company: Ohio EPA

Phone: _____

Fax: _____

From: Jana Schneider

Department: Legal

Phone: 740-376-5433

Fax: (740) 373-6251

e-mail: _____

of pages (including cover): 3

Message: Copy of legal ad

which will run on

Fri 5/4/07.

Read by over 30,000 people daily

The Marietta Times primary
Designated Market
is Washington County

To start your
home-delivered subscription
call (740) 376-5400

To place your classified ad
call (740) 376-5433 or
(740) 376-5431

For advertising information
call (740) 376-5432

To place news items in our paper
call (740) 376-5445

For information about our Web site
call (304) 488-6424

The Marietta Times

www.MariettaTimes.com

700 Channel Lane Marietta, OH 45750

ADNo: 182794 Customer Number: L19185
 Customer Name: Company: OHIO EPA 2007
 Address: HEARING CLERK PO BOX 1049
 City/St/Zip: COLUMBUS ,OH 43216-1049
 Phone: (614) 644-2129 Solicitor: LS
 Category: 5 Class: 5 Rate: LL-0 Start: 5-4-2007 Stop: 5-4-2007
 Lines: 130 Inches: 12.64 Words: 492

Pg. 2

 Credit Card: Expire:
 Order Number: NITROGEN OXIDES
 Cost: 253.26 Extra Charges: 5.00 Adjustments: .00
 Payments: .00 Discount: .00
 Balance: 258.26

**Public Hearing Notice
 Ohio Environmental
 Protection Agency**

**Proposed new OAC
 Chapter 3745-110
 "Nitrogen Oxides -
 Reasonably Available
 Control Technology"**

Notice is hereby given that the Ohio Environmental Protection Agency, Division of Air Pollution Control (DAPC) proposes the following new rules in the Ohio Administrative Code (OAC):

1. OAC rule 3745-110-01 [Definitions];
2. OAC rule 3745-110-02 [Applicability];
3. OAC rule 3745-110-03 [RACT requirements and/or limitations for emissions of NOx from stationary sources];
4. OAC rule 3745-110-04 [Compliance deadlines]; and
5. OAC rule 3745-110-05 [Compliance methods].

The proposed new rules under OAC Chapter 3745-110 will apply to the eight "moderate" non-attainment counties located in the Cleveland/Akron, Ohio metropolitan area (i.e., Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Medina, Portage, and Summit Counties) and will regulate NOx emissions from "existing" stationary combustion sources (industrial, commercial, and institutional boilers, stationary combustion turbines and stationary internal combustion engines). In addition, the rules will apply state-wide to any "new or modified source" issued a permit-to-install after January 1, 2007.

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 proposes them. On July 24, 2006, 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 will be conducted on Friday, June 8, 2007 at 10:00 a.m. in conference room 6A at

ADNo: 182794 Customer Number: L19185
Customer Name: Company: OHIO EPA 2007
Address: HEARING CLERK PO BOX 1049
City/St/Zip: COLUMBUS ,OH 43216-1049
Phone: (614) 644-2129 Solicitor: LS
Category: 5 Class: 5 Rate: LL-0 Start: 5-4-2007 Stop: 5-4-2007
Lines: 130 Inches: 12.64 Words: 492

Credit Card: Expire:
Order Number: NITROGEN OXIDES
Cost: 253.26 Extra Charges: 5.00 Adjustments: .00
Payments: .00 Discount: .00
Balance: 258.26

Ohio EPA, Lazarus Govern-
ment Center, 60 West Town
Street, Columbus, Ohio.

Pursuant to Part D of Title I
of the Clean Air Act, Ohio EPA
is required to establish a state
implementation plan (SIP) for
the attainment and mainte-
nance of the national ambient
air quality standards (NAAQS).
The above mentioned rules are
a part of Ohio's SIP and the
proposed amendments will be
submitted to USEPA as a
modification of the SIP. The
above mentioned hearing shall
be considered the public hear-
ing for the SIP submittal.

All interested persons are
entitled to attend or be
represented at the hearing and
give written or oral comments
on these rule changes. All oral
comments presented at the
hearing, and all written state-
ments submitted at the hearing
or by the close of business on
June 8, 2007, will be con-
sidered by Ohio EPA prior to
final action on this rule. Writ-
ten statements submitted after
June 8, 2007, may be con-
sidered as time and cir-
cumstances permit, but will not
be part of the official record of
the hearing.

These rules are available on
the Web page for electronic
downloading by clicking on
"regulations" under the "topics"
drop-down box. The URL is:

[http://www.epa.state.oh.us/
dapc/rqs/rqs.html](http://www.epa.state.oh.us/dapc/rqs/rqs.html)

Questions regarding accessing
the web site should be direct-
ed to Arunee Niamrab at
614-728-1342; other questions
or comments about these rules
should be directed to Alan Har-
ness at Ohio EPA, (614)
644-4838,

alan.harness@epa.state.oh.us
or mailed to insert your name,
Ohio EPA, Division Air Pollu-
tion Control, Lazarus Govern-
ment Center, P.O. Box 1049,
Columbus, Ohio 43216-1049.
May 4, 2007-T-Fri.

Pg. 3

Herald-Star Steubenville, OH

The Weirton Daily Times Weirton, WV

Publishers of:

**Herald-Star, The Weirton Daily Times,
Brooke Scene, Star-Times, Toronto Scene, Showcase of Homes,
Star TV and many specialized publications.**

PLEASE DELIVER TRANSMISSION TO:

NAME: Paul Braun
FIRM: Ohio EPA
FAX: 614-644-3681
PHONE: _____

DATE: 5/7/07
PAGES (Including Cover Sheet) 2
 Per Your Request
 Please Telephone Me
 Please Advise

TRANSMISSION FROM:

NAME: Nancy Kaufmann
PHONE #: (740) 283-4711, ext. 212
FAX #: (740) 282-4261

RE: _____

MESSAGE: _____

401 Herald-Square, Steubenville, OH 43952

1-800-526-7987

E-Mail: composing@hsconnect.com

advertising@hsconnect.com

We appreciate the opportunity to serve you.

STATE OF OHIO,
STEUBENVILLE,
JEFFERSON COUNTY, SS.

LISA L. BOYER

being sworn, says she is

BOOKKEEPER

of THE HERALD-STAR, a newspaper
published, and of general circulation
in said County and City, and that the
Notice, of which the annexed is a true
copy, was published in said newspaper

once on 5-4-2007

Sworn to and subscribed before me
this 7th day of May 2007

Lisa L Boyer

AMOUNT: \$137.16
ACCT. # L00129

NOTARY:



NANCY KAUFMANN
Notary Public, State of Ohio
My Commission Expires June 8, 2010

Nancy Kaufmann

PUBLIC HEARING NOTICE
Ohio Environmental
Protection Agency
Proposed New OAC
Chapter
3745-110 Nitrogen Oxides

Reasonably Available
Control Technology@.
Notice is hereby given that
the Ohio Environmental Pro-
tection Agency, Division of
Air Pollution Control (DAPC)
proposes the following new
rules in the Ohio Administra-
tive Code (OAC):
10254. OAC rule 3745-110-01
[Definitions];
10255. OAC rule 3745-110-02
[Applicability];
10256. OAC rule 3745-110-03
[RACT requirements and/or
limitations for emissions of
NOx from stationary
sources];
10257. OAC rule 3745-110-04
[Compliance deadlines]; and
10258. OAC rule 3745-110-05
[Compliance methods].
The proposed new rules
under OAC Chapter 3745-110
will apply to the eight Attor-
nate@ non-attainment
counties located in the
Cleveland/Akron, Ohio metro-
politan area (i.e., Ashtabula,
Cuyahoga, Geauga, Lake,
Lorain, Medina, Portage and
Summit Counties) and will re-
gulate NOx emissions from
Attaining@ stationary
combustion sources (industrial,
commercial, and institutional
boilers, stationary
combustion turbines and sta-
tionary internal combustion
engines). In addition, the
rules will apply state-wide to
any New or modified
source@ issued a permit-
to-install after January 1,
2007.

Pursuant to Section 121.39 of
the Ohio Revised Code,
DAPC was required to con-
sult with interested parties af-
fected by the rules before the
division formally proposes
them. On July 24, 2006,
these rules went out for a 30
day review by interested par-
ties.
Pursuant to Section 119.03 of
the Ohio Revised Code, a
public hearing on these rule
changes will be conducted on
Friday, June 8, 2007 at 10:00
AM, in conference room 6A
at Ohio EPA, Lazarus
Government Center, 50 W.
Town Street, Columbus,
Ohio.

Pursuant to Part D of Title I
of the Clean Air Act, Ohio
EPA is required to establish a
state implementation plan
(SIP) for the attainment and
maintenance of the national
ambient air quality standards
(NAAQS). The above men-
tioned rules are a part of
Ohio's SIP and the proposed
amendments will be submit-
ted to USEPA as a modifica-
tion of the SIP. The above
mentioned hearing shall be
considered the public hearing
for the SIP submittal.

All interested persons are en-
titled to attend, or be
represented at the hearing
and give written or oral com-
ments on these rule changes.
All oral comments presented
at the hearing, and all written
statements submitted at the
hearing or by the close of
business on June 8, 2007
will be considered by Ohio EPA
prior to final action on this
rule. Written statements sub-
mitted after June 8, 2007
may be considered as time
and circumstances permit,
but will not be part of the offi-
cial record or the hearing.
These rules are available on

downloading by clicking on
"Regulations" under the
"Atomics" drop-down box.
The URL is: <http://www.epa.state.oh.us/dapc/frgs/frgs.html>. Questions regarding
accessing the web site
should be directed to Arnee
Niamlarb at 614-726-1342;
other questions or comments
about these rules should be
directed to Alan Harness at
Ohio EPA, (614) 644-4838,
alan.harness@epa.state.oh.us
or mailed to insert your
name, Ohio EPA, Division Air
Pollution Control, Lazarus
Government Center, P.O.
Box 1049, Columbus, Ohio
43216-1049.

5-4, 2007 Adv.

Article IV

Attachment D

Letter to Secretary of State
and Director of LSC



Electronic Rule Filing

The Honorable Jennifer Brunner
Secretary of State
180 E. Broad St., 15th Floor
Columbus, OH 43215

James W. Burley, Director
Legislative Service Commission
77 South High St., 9th Floor
Columbus, OH 43215

William L. Hills, Executive Director
Joint Committee on Agency Rule Review
77 South High St., Concourse Level
Columbus, OH 43215

The Honorable Lee Fisher, Director
Department of Development
77 South High St., 27th Floor
Columbus, OH 43215

It is hereby confirmed that the Ohio Environmental Protection Agency original filed the following rule(s) pursuant to section 119.03 of the Ohio Revised Code.

Package Number: 26551
File Date and Time: 05/01/2007 08:15 AM
Confirmation Number: a1b8f2659b89c23cbb6513b24b5361

ORIGINAL FILE

Rule Number	Type	FYR? JE Date	Eff Date	Next FYR	Tagline
3745-110-01	New	N 07/05/2007			Definitions.
3745-110-02	New	N 07/05/2007			Applicability.
3745-110-03	New	N 07/05/2007			RACT requirements and/or limitations for emissions of NOx from stationary sources.
3745-110-04	New	N 07/05/2007			Compliance deadlines.
3745-110-05	New	N 07/05/2007			Compliance methods.

Article IV

Attachment E

RSFAs

Rule Summary and Fiscal Analysis (Part A)**Ohio Environmental Protection Agency**

Agency Name

Division of Air Pollution Control (DAPC)

Division

Alan Harness

Contact

50 West Town Street, Suite 700 PO Box 1049**Columbus OH 43216-1049**

Agency Mailing Address (Plus Zip)

614-644-3020

Phone

Fax

3745-110-01

Rule Number

NEW

TYPE of rule filing

Rule Title/Tag Line

Definitions.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? No

2. Are you proposing this rule as a result of recent legislation? No

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: 119.03

4. Statute(s) authorizing agency to adopt the rule: 3704.03(E)

5. Statute(s) the rule, as filed, amplifies or implements: 3704.03(A), 3704.03(E)

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

This new rule is being proposed to address NOx emissions from stationary sources, as part of Ohio's State Implementation Plan (SIP) to achieve the National Ambient Air Quality Standards (NAAQS) of the Clean Air Act.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

This rule contains the applicable definitions for Chapter 3745-110 of the

Administrative Code.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

This rule contains references to the Ohio Administrative Code (OAC). While copies of these rules are generally available to the public through libraries and on-line sources, including the Ohio EPA website, ORC 121.76 (A) exempts such references from the provisions of ORC 121.71 through 121.75.

The rule also contains references to analytical test methods used to determine parameters for materials subject to this rule or other materials utilized by regulators and impacted parties to determine or achieve compliance with these rules. These test methods and materials are commonly known and utilized by laboratories performing this type of analytical work. Copies of these test methods are available in libraries and at the ASTM website.

Reference materials are cited, dated, and availability noted in paragraph (C) of this rule.

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

Not applicable.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

Not Applicable.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so:

Chapter 3745-110 of the Administrative Code is being refiled to make changes based on comments received during the proposed rule comment period.

The following changes have been made to this rule:

1. The definition of "affected source" in paragraph (B)(2) of this rule has been revised by correcting the cross-reference to paragraph (K) of OAC rule 3745-110-03 to now indicate paragraph (J) of OAC rule 3745-110-03.
2. The definition of "auxiliary boiler" in paragraph (B)(3) of this rule has been revised by adding the following text to this definition: "" ... or a boiler at a nuclear electrical generating facility that produces steam for the facility during either emergency periods or atypical extended periods of nuclear plant outage."
3. The definition of "black start unit" in paragraph (B)(4) of this rule has been revised by adding the following text to this definition: " ... or to test reliability, or for maintenance."
4. The definition of "capacity factor" in paragraph (B)(6) of this rule has been revised by deleting the text "period between April 1st and October 31st" within this definition. This change was made pursuant to comments received and necessary since the capacity factor is to be based on a yearly basis and not just during the ozone season.
5. The definition of "potential to emit" in paragraph (B)(30) of this rule has been revised to delete reference to OAC rule 3745-21-11. This change was made pursuant to comments received and necessary since OAC rule 3745-21-11 refers to VOC emissions and for the purpose of this rule NOx emissions are being regulated.

12. 119.032 Rule Review Date: 12/22/2012

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

\$0

No cost to the Ohio EPA

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

Not applicable.

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

This rule contains only the applicable definitions. Therefore, there is no estimated cost of compliance associated with this rule.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **Yes**

You must complete the Environmental rule Adoption/Amendment Form in order to comply with Am. Sub. 106 of the 121st General Assembly.

Rule Summary and Fiscal Analysis (Part A)**Ohio Environmental Protection Agency**

Agency Name

Division of Air Pollution Control (DAPC)

Division

Alan Harness

Contact

50 West Town Street, Suite 700 PO Box 1049**Columbus OH 43216-1049**

Agency Mailing Address (Plus Zip)

614-644-3020

Phone

Fax

3745-110-02

Rule Number

NEW

TYPE of rule filing

Rule Title/Tag Line

Applicability.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **No**

2. Are you proposing this rule as a result of recent legislation? **No**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **3704.03(E)**

5. Statute(s) the rule, as filed, amplifies or implements: **3704.03(A), 3704.03(E)**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

This new rule is being proposed to address NOx emissions from stationary sources, as part of Ohio's State Implementation Plan (SIP) to achieve the National Ambient Air Quality Standards (NAAQS) of the Clean Air Act.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

This rule defines the applicable regulated sources and affected locations for Chapter

3745-110 of the Administrative Code.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

This rule contains references to the Ohio Administrative Code (OAC). While copies of these rules and statutes are generally available to the public through libraries and on-line sources, including the Ohio EPA website, ORC 121.76 (A) exempts such references from the provisions of ORC 121.71 through 121.75.

This rule also contains references to the Code of Federal Regulations (CFR). These rules are generally available through libraries, Ohio EPA and U.S. EPA websites. CFR references have also been dated to reference the specific version of the rules. ORC 121.75 (D) exempts such references from the requirements of ORC 121.71 through 121.74.

Referenced materials are cited, dated and availability noted in OAC rule 3745-110-01(C).

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

Not applicable.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

Not Applicable.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so:

Chapter 3745-110 of the Administrative Code is being refiled to make changes based on comments received during the proposed rule comment period.

Information was added in the form of a leading comment paragraph to address the availability of items incorporated by reference as required in ORC 121.72.

This rule is being refiled a second time to modify paragraph (A)(2) of this rule for clarification. The language under paragraph (A)(2) of this rule will now read "New or modified sources, as defined in rule 3745 31-01 of the Administrative Code."

12. 119.032 Rule Review Date: **12/22/2012**

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

\$0

No cost to Ohio EPA.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

Not applicable.

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

This rule defines the "applicability" of OAC Chapter 3745-110 to affected sources. Therefore, there is no cost of compliance associated with this rule. The changes to the refiled rule do not affect the cost of compliance.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? Yes

You must complete the Environmental rule Adoption/Amendment Form in order to comply with Am. Sub. 106 of the 121st General Assembly.

Rule Summary and Fiscal Analysis (Part A)**Ohio Environmental Protection Agency**

Agency Name

Division of Air Pollution Control (DAPC)

Division

Alan Harness

Contact

50 West Town Street, Suite 700 PO Box 1049**Columbus OH 43216-1049**

Agency Mailing Address (Plus Zip)

614-644-3020

Phone

Fax

3745-110-03

Rule Number

NEW

TYPE of rule filing

Rule Title/Tag Line

RACT requirements and/or limitations for emissions of NOx from stationary sources.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? No

2. Are you proposing this rule as a result of recent legislation? No

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: 119.03

4. Statute(s) authorizing agency to adopt the rule: 3704.03(E)

5. Statute(s) the rule, as filed, amplifies or implements: 3704.03(A), 3704.03(E)

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

This new rule is being proposed to address NOx emissions from stationary sources, as part of Ohio's State Implementation Plan (SIP) to achieve the National Ambient Air Quality Standards (NAAQS) of the Clean Air Act.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

The rule specifies the reasonably available control technology (RACT) requirements from stationary sources that have NOx emissions for Chapter 3745-110 of the Administrative Code.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

This rule contains references to the Ohio Administrative Code (OAC) and Ohio Revised Code (ORC). While copies of these rules and statutes are generally available to the public through libraries and on-line sources, including the Ohio EPA website, ORC 121.76 (A) exempts such references from the provisions of ORC 121.71 through 121.75.

This rule also contains references to the Clean Air Interstate Rule that is contained in the federal register and Code of Federal Regulations (CFR). These rules are generally available through libraries, Ohio EPA and U.S. EPA websites. CFR references have also been dated to reference the specific version of the rules. ORC 121.75 (D) exempts such references from the requirements of ORC 121.71 through 121.74.

Referenced materials are cited, dated and availability noted in OAC rule 3745-110-01(C).

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

Not applicable.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

Not Applicable.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so:

The following changes have been made to this rule:

1. The horsepower threshold specified in paragraphs (F)(1), (F)(2), (F)(3), and (F)(4) of this rule have been revised from 200 hp to 2,000 hp. This change was made pursuant to comments received and is comparable to the threshold limit specified in U.S. EPA NO_x SIP Call, Phase Two.
2. The text in paragraph (G)(1) of this rule has been revised by replacing the text "A one hour average ..." with the text "The average of ..."
3. The text in paragraph (H)(1) of this rule (emissions averaging programs) has been revised and includes the addition of subparagraphs (H)(1)(e) and (H)(1)(f). This change was made pursuant to comments received and is considered necessary in order to better clarify the standards under an emissions averaging program.
4. The addition of an "equation box" to paragraph (I)(1)(g) of this rule. This addition is needed in order to better clarify how to calculate the NO_x emissions.
5. Paragraph (J) of this rule has been revised by adding the following exemptions:
 - a. Any stationary internal combustion engine having an energy output capacity of less than two thousand horsepower.
 - b. Any affected source issued a valid air operating permit by Ohio EPA that restricts such affected source to twenty-five tons per year or less of NO_x emissions.
 - c. Any affected source that is has been issued a permit to install that is subject to best available control technology or lowest achievable emission rate standards.
 - d. Any affected source whose utilization in less than ten per cent of its capacity factor on an annual average basis over a 3-year rolling period and less than twenty per cent of its capacity factor in any year of the 3-year rolling period.

12. 119.032 Rule Review Date: 12/22/2012

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would increase /

decrease either revenues / expenditures for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

\$0

No cost to Ohio EPA.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

Not applicable.

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

This rule specifies the NOx emission standards that apply to all affected sources. There are no costs of compliance with this rule. The changes made to this refiled rule do not affect the cost of compliance with this rule.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **Yes**

You must complete Part B of the Rule Summary and Fiscal Analysis in order to comply with Am. Sub. S.B. 33 of the 120th General Assembly.

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **Yes**

You must complete the Environmental rule Adoption/Amendment Form in order to comply with Am. Sub. 106 of the 121st General Assembly.

Rule Summary and Fiscal Analysis (Part A)**Ohio Environmental Protection Agency**

Agency Name

Division of Air Pollution Control (DAPC)

Division

Alan Harness

Contact

50 West Town Street, Suite 700 PO Box 1049**Columbus OH 43216-1049**

Agency Mailing Address (Plus Zip)

614-644-3020

Phone

Fax

3745-110-04

Rule Number

NEW

TYPE of rule filing

Rule Title/Tag Line

Compliance deadlines.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **No**

2. Are you proposing this rule as a result of recent legislation? **No**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **3704.03(E)**

5. Statute(s) the rule, as filed, amplifies or implements: **3704.03(A), 3704.03(E)**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

This new rule is being proposed to address NOx emissions from stationary sources, as part of Ohio's State Implementation Plan (SIP) to achieve the National Ambient Air Quality Standards (NAAQS) of the Clean Air Act.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

This rule summarizes the compliance deadlines for Chapter 3745-110 of the

Administrative Code.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

This rule contains references to the Ohio Administrative Code (OAC). While copies of these rules are generally available to the public through libraries and on-line sources, including the Ohio EPA website, ORC 121.76 (A) exempts such references from the provisions of ORC 121.71 through 121.75.

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

Not applicable.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

Not Applicable.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so:

Chapter 3745-110 of the Administrative Code is being refiled to make changes based on comments received during the proposed rule comment period.

The following changes have been made to this rule:

1. The certification and permit application submittal date specified in paragraph (A)(1) of this rule has been revised from January 1, 2008 to "one hundred twenty days after the effective date of this rule." This change was made pursuant to comments received and is needed in order to allow sufficient time for submittal of this document.
2. The reasonable achievable control technology (RACT) study deadline has been revised from January 1, 2009 to "one year after the effective date of this rule." This change was made pursuant to comments received and is needed in order to allow

sufficient time for submittal of this document.

3. Paragraph (B) of this rule as been revised by adding the following additional text pursuant to comments received in order further clarify the conditions of this rule:

"... and has not approved an alternative schedule for implementing the RACT ..."

4. The compliance deadlines specified in paragraphs (B)(1) and (B)(2) of this rule has been revised from May 1, 2010 to the time frames as specified below. This change was made pursuant to comments received and is needed in order to allow sufficient time for compliance demonstration.

(1) For facilities conducting a RACT study:

(a) By not later than two years after approval by the director of the RACT study, if combustion modifications are required to demonstrate compliance with the applicable NOx emission limitations; or

(b) By not later than three years after approval by the director of the RACT study, if add-on controls are required to demonstrate compliance with the applicable emission limitations.

(2) For facilities not conducting a RACT study:

(a) By not later than two years after the effective date of this rule, if combustion modifications are required to demonstrate compliance with the applicable emission limitations; or

(b) By not later than three years after the effective date of this rule, if add-on controls are required to demonstrate compliance with the applicable emission limitations.

12. 119.032 Rule Review Date: 12/22/2012

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current

biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

\$0

No cost to Ohio EPA.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

Not applicable.

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

This rule specifies the compliance deadlines. Therefore, there is no estimated cost of compliance associated with this rule. The changes made to the refiled rule do not affect the cost of compliance.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **Yes**

You must complete the Environmental rule Adoption/Amendment Form in order to comply with Am. Sub. 106 of the 121st General Assembly.

Rule Summary and Fiscal Analysis (Part A)**Ohio Environmental Protection Agency**

Agency Name

Division of Air Pollution Control (DAPC)

Division

Alan Harness

Contact

50 West Town Street, Suite 700 PO Box 1049**Columbus OH 43216-1049**

Agency Mailing Address (Plus Zip)

614-644-3020

Phone

Fax

3745-110-05

Rule Number

NEW

TYPE of rule filing

Rule Title/Tag Line

Compliance methods.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **No**

2. Are you proposing this rule as a result of recent legislation? **No**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **3704.03(E)**

5. Statute(s) the rule, as filed, amplifies or implements: **3704.03(A), 3704.03(E)**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

This new rule is being proposed to address NOx emissions from stationary sources, as part of Ohio's State Implementation Plan (SIP) to achieve the National Ambient Air Quality Standards (NAAQS) of the Clean Air Act.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

This rule specifies the compliance methods to be used to show compliance with the

NOx emission limitations for Chapter 3745-110 of the Administrative Code.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

This rule contains references to the Ohio Administrative Code (OAC). While copies of these rules are generally available to the public through libraries and on-line sources, including the Ohio EPA website, ORC 121.76 (A) exempts such references from the provisions of ORC 121.71 through 121.75.

This rule also contains references to the Code of Federal Regulations (CFR). These rules are generally available through libraries, Ohio EPA and U.S. EPA websites. CFR references have also been dated to reference the specific version of the rules. ORC 121.75 (D) exempts such references from the requirements of ORC 121.71 through 121.74.

The rule also contains references to analytical test methods used to determine parameters for materials subject to this rule or other materials utilized by regulators and impacted parties to determine or achieve compliance with these rules. These test methods and materials are commonly known and utilized by laboratories performing this type of analytical work. Copies of these test methods are available in libraries and on USEPA's website.

Referenced materials are cited, dated and availability noted in rule OAC rule 3745-110-01(C).

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

Not applicable.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

Not Applicable.

11. If **revising** or **refiling** this rule, identify changes made from the previously

filed version of this rule; if none, please state so:

The following changes have been made to this rule:

The compliance demonstration language specified in paragraphs (D), (E), and (F) has been revised from "... one hundred per cent load and one hundred per cent speed" to now read "...its maximum permitted operating capacity." This change was made pursuant to comments received and is needed in order to better clarify operating conditions for compliance demonstrations.

12. 119.032 Rule Review Date: **12/22/2012**

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

\$0

No cost to Ohio EPA.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

Not applicable.

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

This specifies the compliance methods to be employed. The revision(s) made to this rule do not add any additional cost of compliance with this rule.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **Yes**

You must complete Part B of the Rule Summary and Fiscal Analysis in order to comply with Am. Sub. S.B. 33 of the 120th General Assembly.

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **Yes**

You must complete the Environmental rule Adoption/Amendment Form in order to comply with Am. Sub. 106 of the 121st General Assembly.

Article IV
Attachment F

Public Hearing Notice

**Public Hearing Notice
Ohio Environmental Protection Agency**

Proposed new OAC Chapter 3745-110 "Nitrogen Oxides - Reasonably Available Control Technology".

Notice is hereby given that the Ohio Environmental Protection Agency, Division of Air Pollution Control (DAPC) proposes the following new rules in the Ohio Administrative Code (OAC):

1. OAC rule 3745-110-01 [Definitions];
2. OAC rule 3745-110-02 [Applicability];
3. OAC rule 3745-110-03 [RACT requirements and/or limitations for emissions of NOx from stationary sources];
4. OAC rule 3745-110-04 [Compliance deadlines]; and
5. OAC rule 3745-110-05 [Compliance methods].

The proposed new rules under OAC Chapter 3745-110 will apply to the eight "moderate" non-attainment counties located in the Cleveland/Akron, Ohio metropolitan area (i.e., Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Medina, Portage, and Summit Counties) and will regulate NOx emissions from "existing" stationary combustion sources (industrial, commercial, and institutional boilers, stationary combustion turbines and stationary internal combustion engines). In addition, the rules will apply state-wide to any "new or modified source" issued a permit-to-install after January 1, 2007.

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 proposes them. On July 24, 2006, 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 will be conducted on Friday, June 8, 2007 at 10:00 a.m. in conference room 6A at Ohio EPA, Lazarus Government Center, 50 West Town Street, Columbus, Ohio.

Pursuant to Part D of Title I of the Clean Air Act, Ohio EPA is required to establish a state implementation plan (SIP) for the attainment and maintenance of the national ambient air quality standards (NAAQS). The above mentioned rules are a part of Ohio's SIP and the proposed amendments will be submitted to USEPA as a modification of the SIP. The above mentioned hearing shall be considered the public hearing for the SIP submittal.

All interested persons are entitled to attend or be represented at the hearing and give written or oral comments on these rule changes. All oral comments presented at the hearing, and all written statements submitted at the hearing or by the close of business on June 8, 2007, will be considered by Ohio EPA prior to final action on this rule. Written statements submitted after June 8, 2007, may be considered as time and circumstances permit, but will not be part of the official record of the hearing.

These rules are available on the Web page for electronic downloading by clicking on "regulations" under the "topics" drop-down box. The URL is: <http://www.epa.state.oh.us/dapc/regs/regs.html>. Questions regarding accessing the web site should be directed to Arunee Niamlarb at 614-728-1342; other questions or comments about these rules should be directed to Alan Harness at Ohio EPA, (614) 644-4838, alan.hararness@epa.state.oh.us, or mailed to insert your name, Ohio EPA, Division Air Pollution Control, Lazarus Government Center, P.O. Box 1049, Columbus, Ohio 43216-1049.

Article IV
Attachment G
JCARR Agenda

JOINT COMMITTEE ON AGENCY RULE REVIEW
 Agenda - 11/13/2007 - 1:30 P.M.
 William McKinley Room (Statehouse Room 121)



FINAL AGENDA

FINAL AGENDA

RULES 3745-110-01 AND
 110-03 TO 110-05

ITEM # 19 ON 11/13/07

RULE 3745-116-02 ITEM # 56 ON 12/13/07
 Jurisdiction Ends: 11/16/2007 Public Hearing: 10/16/2007

Consent

1 Board of Speech-Language Pathology and Audiology

Total Rules: 6 Original Filing Date: 9/12/2007

Rule Type	Action	EYR?	Rule Number	Rule Title
Amendment	Original Filing	Yes	4753-4-01	Continuing education.
Amendment	Original Filing	Yes	4753-5-01	Speech-language pathologist or audiologist; fee for initial license; fee for renewal of license; late renewal fee.
Amendment	Original Filing	Yes	4753-8-01	Definitions.
Amendment	Original Filing	Yes	4753-8-03	Rules on appropriate hearing aid test procedures.
Amendment	Original Filing	Yes	4753-8-05	Fraud or misrepresentation; hearing aid, assistive listening device; disciplinary action.
Amendment	Original Filing	Yes	4753-9-01	"Code of Ethics".

Total Rules: 1 Original Filing Date: 9/12/2007 Date of Refiled Filing: 10/29/2007 Jurisdiction Ends: 11/28/2007 Public Hearing: 10/16/2007

Rule Type	Action	EYR?	Rule Number	Rule Title
Amendment	Refiled Filing	Yes	4753-3-10	Exempt practice; renewal.

2 Board of Speech-Language Pathology and Audiology

Total Rules: 5 Original Filing Date: 9/11/2007

Rule Type	Action	EYR?	Rule Number	Rule Title
New Rule	Original Filing	No	4753-10-01	Educational requirements for student permit.
New Rule	Original Filing	No	4753-10-02	Ohio speech-language pathology graduate program requirements.
New Rule	Original Filing	No	4753-10-04	Application for speech-language pathology student permit.
New Rule	Original Filing	No	4753-10-05	Speech-language pathology student permit holder case load.
New Rule	Original Filing	No	4753-10-06	Identification of speech-language pathology student permit holder.

Total Rules: 1 Original Filing Date: 9/11/2007 Date of Refiled Filing: 10/29/2007 Jurisdiction Ends: 11/28/2007 Public Hearing: 10/16/2007

Rule Type	Action	EYR?	Rule Number	Rule Title
-----------	--------	------	-------------	------------

JOINT COMMITTEE ON AGENCY RULE REVIEW
11/13/2007 - 1:30 P.M.
William McKinley Room (Statehouse Room 121)

FINAL AGENDA

FINAL AGENDA

New Rule Refiled Filing No 4753-10-03 Supervision of speech-language pathology permit holders.
3 Department of Commerce • Board of Building Standards: Ohio Building Code
 Total Rules: 1 Original Filing Date: 9/28/2007 Jurisdiction Ends: 12/2/2007 Public Hearing: 11/2/2007

<u>Rule Type</u>	<u>Action</u>	<u>EYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	No	4101:1-35-01	Referenced standards.

4 Department of Commerce • Board of Building Standards: Ohio Mechanical Code

Total Rules: 21 Original Filing Date: 9/28/2007 Jurisdiction Ends: 12/2/2007 Public Hearing: 11/2/2007

<u>Rule Type</u>	<u>Action</u>	<u>EYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	No	4101:2-70-19	Certification of the building department of the city of Campbell, Ohio.
Amendment	Original Filing	No	4101:2-72-17	Certification of the building department of the village of Chippewa Lake, Ohio.
Amendment	Original Filing	No	4101:2-72-48	Certification of the building department of the village of Lodi, Ohio.
Amendment	Original Filing	No	4101:2-72-69	Certification of the building department of the village of Newtown, Ohio.
Amendment	Original Filing	No	4101:2-72-75	Certification of the building department of the village of Ontario, Ohio.
Amendment	Original Filing	No	4101:2-72-87	Certification of the building department of the village of Seville, Ohio.
Amendment	Original Filing	No	4101:2-72-94	Certification of the building department of the village of Spencer, Ohio.
Amendment	Original Filing	No	4101:2-73-04	Certification of the building department of the village of Waynesville, Ohio.
Amendment	Original Filing	No	4101:2-73-08	Certification of the building department of the city of Willowick Ohio.
Amendment	Original Filing	No	4101:2-73-14	Certification of the building department of the village of Haskins, Ohio.
Amendment	Original Filing	No	4101:2-73-21	Certification of the building department of the village of Cyget, Ohio.
Amendment	Original Filing	No	4101:2-74-11	Certification of the building department of Medina county, Ohio.
Amendment	Original Filing	No	4101:2-75-14	Certification of the building department of the village of Plymouth, Ohio.
Amendment	Original Filing	No	4101:2-75-44	Certification of the building department of the village of the village of Yankee Lake, Ohio.
Amendment	Original Filing	No	4101:2-75-68	Certification of the building department of the village of Ashville, Ohio.
Amendment	Original Filing	No	4101:2-76-29	Certification of the building department of the village of Gloria Glens Park, Ohio.
Amendment	Original Filing	No	4101:2-76-39	Certification of the building department of the city of Greenfield, Ohio.
New Rule	Original Filing	No	4101:2-77-29	Certification of the building department of the village of New Holland, Ohio.
New Rule	Original Filing	No	4101:2-77-30	Certification of the building department of the village of Baltimore, Ohio.
Amendment	Original Filing	No	4101:2-81-18	Certification of the building department of the village of Ulica, Ohio.
New Rule	Original Filing	No	4101:2-81-37	Certification of the building department of the village of Ostrander, Ohio.

5 Department of Commerce • Board of Building Standards: Ohio Mechanical Code

JOINT COMMITTEE ON AGENCY RULE REVIEW
11/13/2007 - 1:30 P.M.
William McKinley Room (Statehouse Room 121)

FINAL AGENDA

FINAL AGENDA

Total Rules: 1		Original Filing Date: 9/28/2007	Jurisdiction Ends: 12/2/2007	Public Hearing: 11/2/2007
<u>Rule Type</u>	<u>Action</u>	<u>EYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	No	4101:2-15-01	Referenced standards.
6 <u>Department of Commerce • Board of Building Standards: Ohio Plumbing Code</u>				
Total Rules: 1		Original Filing Date: 9/28/2007	Jurisdiction Ends: 12/2/2007	Public Hearing: 11/2/2007
<u>Rule Type</u>	<u>Action</u>	<u>EYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	No	4101:3-13-01	Referenced standards.
7 <u>Department of Commerce • Board of Building Standards: Residential Code of Ohio</u>				
Total Rules: 5		Original Filing Date: 9/28/2007	Jurisdiction Ends: 12/2/2007	Public Hearing: 11/2/2007
<u>Rule Type</u>	<u>Action</u>	<u>EYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	No	4101:8-1-03	Certified building department.
Amendment	Original Filing	No	4101:8-1-05	Approvals.
Amendment	Original Filing	No	4101:8-1-06	Construction documents.
New Rule	Original Filing	No	4101:8-1-17	Unsafe buildings.
Amendment	Original Filing	No	4101:8-43-01.2	Referenced standard list.
Total Rules: 1		Original Filing Date: 9/28/2007	Date of Revised Filing: 10/30/2007	Jurisdiction Ends: 12/2/2007
<u>Rule Type</u>	<u>Action</u>	<u>EYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
New Rule	Revised Filing	No	4101:8-11-01	Energy efficiency.
8 <u>Department of Commerce • Division of Real Estate</u>				
Total Rules: 1		Original Filing Date: 12/22/2006	Date of Refiled Filing: 10/18/2007	Jurisdiction Ends: 11/17/2007
<u>Rule Type</u>	<u>Action</u>	<u>EYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
New Rule	Refiled Filing	No	1301:5-7-03	Criteria for course approvals.
Total Rules: 1		Original Filing Date: 12/22/2006	Date of Refiled Filing: 1/1/2007	Jurisdiction Ends: 12/1/2007
<u>Rule Type</u>	<u>Action</u>	<u>EYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
New Rule	Refiled Filing	No	1301:5-7-04	Distance education.
9 <u>Department of Commerce • Elevators: Elevator Code</u>				
Total Rules: 10		Original Filing Date: 9/28/2007	Jurisdiction Ends: 12/2/2007	Public Hearing: 11/2/2007
<u>Rule Type</u>	<u>Action</u>	<u>EYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>

JOINT COMMITTEE ON AGENCY RULE REVIEW
11/13/2007 - 1:30 P.M.
William McKinley Room (Statehouse Room 121)

FINAL AGENDA

FINAL AGENDA

Amendment	Original Filing	Yes	4101:5-1-02	Definitions.
Rescission	Original Filing	Yes	4101:5-1-03	Enforcement.
New Rule	Original Filing	No	4101:5-1-03	Enforcement.
Rescission	Original Filing	Yes	4101:5-1-04	Application for permit.
New Rule	Original Filing	No	4101:5-1-04	Application for permit.
Amendment	Original Filing	Yes	4101:5-1-05	Adjudication order.
Amendment	Original Filing	Yes	4101:5-1-06	Examination for certificate of competency.
Amendment	Original Filing	Yes	4101:5-1-07	Assessment fee.
Amendment	Original Filing	Yes	4101:5-3-02	Resolution of conflicts.
Amendment	Original Filing	Yes	4101:5-3-03	Special purpose personnel elevators.

10 Department of Development • Workforce Development

Total Rules: 4 Original Filing Date: 9/21/2007

Jurisdiction Ends: 1/25/2007 Public Hearing: 10/29/2007

<u>Rule Type</u>	<u>Action</u>	<u>FYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
Rescission	Original Filing	Yes	122:17-1-01	Worker guarantee program definitions.
Rescission	Original Filing	Yes	122:17-1-02	Worker guarantee program eligibility requirements.
Rescission	Original Filing	Yes	122:17-1-03	Worker guarantee program application process.
Rescission	Original Filing	Yes	122:17-1-04	Worker guarantee program annual report.

11 Department of Job and Family Services • Child Support

Total Rules: 15 Original Filing Date: 9/26/2007

Jurisdiction Ends: 1/30/2007 Public Hearing: 10/31/2007

<u>Rule Type</u>	<u>Action</u>	<u>FYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
Rescission	Original Filing	Yes	5101:12-80-05	Collections and disbursements by child support payment central (CSPC).
New Rule	Original Filing	No	5101:12-80-05	Collection and disbursement.
Rescission	Original Filing	Yes	5101:12-80-05.1	Billing.
New Rule	Original Filing	No	5101:12-80-05.1	Collection at the child support enforcement agency.
Rescission	Original Filing	Yes	5101:12-80-05.2	Collecting support payments.
New Rule	Original Filing	No	5101:12-80-05.2	Date of collection.
Rescission	Original Filing	Yes	5101:12-80-05.3	CSPC payment posting.
New Rule	Original Filing	No	5101:12-80-05.3	Payment processing and disbursement.
Rescission	Original Filing	Yes	5101:12-80-05.4	Child support payment central (CSPC) disbursements.
New Rule	Original Filing	No	5101:12-80-05.4	Exception item processing and resolution.
Rescission	Original Filing	Yes	5101:12-80-05.5	Exception processing.

JOINT COMMITTEE ON AGENCY RULE REVIEW
11/13/2007 - 1:30 P.M.
William McKinley Room (Statehouse Room 121)

FINAL AGENDA

FINAL AGENDA

New Rule	Original Filing	No	5101:12-80-05.5	Check replacement.
Rescission	Original Filing	Yes	5101:12-80-05.6	Child support payment central (CSPC) recoupments.
New Rule	Original Filing	No	5101:12-80-05.6	Recoupment.
Rescission	Original Filing	Yes	5101:12-80-05.7	Interstate cost recovery reporting.

12 Department of Job and Family Services • Division of Medical Assistance

Total Rules: 2 Original Filing Date: 9/26/2007

Jurisdiction Ends: 11/30/2007 Public Hearing: 10/31/2007

<u>Rule Type</u>	<u>Action</u>	<u>EYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	Yes	5101:3-2-07.2	Classification of hospitals.
Amendment	Original Filing	Yes	5101:3-2-07.8	Redetermination of prospective payment rates.

13 Department of Job and Family Services • Division of Medical Assistance

Total Rules: 3 Original Filing Date: 9/25/2007

Jurisdiction Ends: 11/29/2007 Public Hearing: 10/30/2007

<u>Rule Type</u>	<u>Action</u>	<u>EYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	No	5101:3-4-02.2	Site differential payments and place of service.
Amendment	Original Filing	Yes	5101:3-4-08.1	Payment for prenatal visits.
Amendment	Original Filing	No	5101:3-4-12	Immunizations.

Total Rules: 1 Original Filing Date: 9/25/2007 Date of Revised Filing: 10/30/2007 Jurisdiction Ends: 11/29/2007 Public Hearing: 10/30/2007

<u>Rule Type</u>	<u>Action</u>	<u>EYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Revised Filing	No	5101:3-1-60	Medicaid reimbursement.

14 Department of Job and Family Services • Division of Public Assistance

Total Rules: 1 Original Filing Date: 9/12/2007 Date of Refiled Filing: 10/26/2007 Jurisdiction Ends: 11/25/2007 Public Hearing: 10/17/2007

Jurisdiction Ends: 11/25/2007 Public Hearing: 10/17/2007

<u>Rule Type</u>	<u>Action</u>	<u>EYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Refiled Filing	Yes	5101:1-1-36	Income and eligibility verification system (IEVS) program.

15 Department of Job and Family Services • Division of Social Services

Total Rules: 1 Original Filing Date: 8/1/2007 Date of Refiled Filing: 10/17/2007 Jurisdiction Ends: 11/16/2007 Public Hearing: 9/5/2007

Jurisdiction Ends: 11/16/2007 Public Hearing: 9/5/2007

<u>Rule Type</u>	<u>Action</u>	<u>EYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Refiled Filing	Yes	5101:2-9-02	Staffing requirements.

16 Department of Job and Family Services • ODJFS Practices

Total Rules: 2 Original Filing Date: 9/27/2007

Jurisdiction Ends: 12/1/2007 Public Hearing:

JOINT COMMITTEE ON AGENCY RULE REVIEW

FINAL AGENDA

11/13/2007 - 1:30 P.M.

William McKinley Room (Statehouse Room 121)

FINAL AGENDA

<u>Rule Type</u>	<u>Action</u>	<u>EYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
New Rule	Original Filing	No	5101:9-6-29	Earnings for the recovery of payments for erroneous aid to dependent children (ADC), temporary assistance for needy families (TANF), Ohio works first (OWF) and disability financial assistance (DFA).
Rescission	Original Filing	Yes	5101:9-10-49	Incentives for ADC, TANF, Ohio works first (OWF), and DA collections.

17 Department of Mental Health

Total Rules: 5 Original Filing Date: 9/27/2007

Jurisdiction Ends: 12/1/2007 Public Hearing: 11/2/2007

<u>Rule Type</u>	<u>Action</u>	<u>EYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	Yes	5122-24-01	Certification definitions.
Amendment	Original Filing	Yes	5122-29-03	Behavioral health counseling and therapy service.
Amendment	Original Filing	Yes	5122-29-05	Pharmacologic management service.
Amendment	Original Filing	Yes	5122-29-28	Intensive home based treatment (IHBT) service.
Amendment	Original Filing	Yes	5122-29-29	Assertive community treatment (ACT) service.

18 Department of Rehabilitation and Correction

Total Rules: 1 Original Filing Date: 9/24/2007

Jurisdiction Ends: 11/28/2007 Public Hearing:

<u>Rule Type</u>	<u>Action</u>	<u>EYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	No	5120-9-02	Use of force report and investigations.

19 Ohio Environmental Protection Agency

Total Rules: 4 Original Filing Date: 5/1/2007

Jurisdiction Ends: 11/22/2007 Public Hearing: 6/8/2007

<u>Rule Type</u>	<u>Action</u>	<u>EYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
New Rule	Refiled Filing	No	3745-110-01	Definitions.
New Rule	Refiled Filing	No	3745-110-03	RACT requirements and/or limitations for emissions of NOx from stationary sources.
New Rule	Refiled Filing	No	3745-110-04	Compliance deadlines.
New Rule	Refiled Filing	No	3745-110-05	Compliance methods.

20 Ohio Environmental Protection Agency

Total Rules: 1 Original Filing Date: 7/3/2007

Jurisdiction Ends: 11/22/2007 Public Hearing: 8/10/2007

<u>Rule Type</u>	<u>Action</u>	<u>EYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Refiled Filing	No	3745-31-01	Definitions.

21 Ohio Environmental Protection Agency

JOINT COMMITTEE ON AGENCY RULE REVIEW
11/13/2007 - 1:30 P.M.
William McKinley Room (Statehouse Room 121)

FINAL AGENDA

FINAL AGENDA

Total Rules: 1 Original Filing Date: 7/3/2007 Date of Refiled Filing: 10/23/2007 Jurisdiction Ends: 11/22/2007 Public Hearing: 8/10/2007

<u>Rule Type</u>	<u>Action</u>	<u>EYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Refiled Filing	No	3745-77-01	Definitions.

22 Ohio Environmental Protection Agency *

Total Rules: 12 Original Filing Date: 9/12/2007 Jurisdiction Ends: 11/16/2007 Public Hearing: 10/19/2007

<u>Rule Type</u>	<u>Action</u>	<u>EYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	Yes	3745-17-02	Ambient air quality standards.
Amendment	Original Filing	Yes	3745-17-03	Measurement methods and procedures.
Amendment	Original Filing	Yes	3745-17-04	Compliance time schedules.
Rescission	Original Filing	Yes	3745-17-05	Non-degradation policy.
Amendment	Original Filing	Yes	3745-17-07	Control of visible particulate emissions from stationary sources.
Amendment	Original Filing	Yes	3745-17-08	Restriction of emission of fugitive dust.
Amendment	Original Filing	Yes	3745-17-09	Restrictions on particulate emissions and odors from incinerators.
Amendment	Original Filing	Yes	3745-17-10	Restrictions on particulate emissions from fuel burning equipment.
Amendment	Original Filing	Yes	3745-17-11	Restrictions on particulate emissions from industrial processes.
Amendment	Original Filing	Yes	3745-17-12	Additional restrictions on particulate emissions from specific air contaminant sources in Cuyahoga county.
Amendment	Original Filing	Yes	3745-17-13	Additional restrictions on particulate emissions from specific air contaminant sources in Jefferson county.
Amendment	Original Filing	Yes	3745-17-14	Contingency plan requirements for Cuyahoga and Jefferson counties.

Total Rules: 1 Original Filing Date: 9/12/2007 Date of Revised Filing: 10/16/2007 Jurisdiction Ends: 11/16/2007 Public Hearing: 10/19/2007

<u>Rule Type</u>	<u>Action</u>	<u>EYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Revised Filing	Yes	3745-17-01	Definitions.

23 Public Employees Retirement System *

Total Rules: 2 Original Filing Date: 4/13/2007 Date of Refiled Filing: 11/1/2007 Jurisdiction Ends: 12/1/2007 Public Hearing:

<u>Rule Type</u>	<u>Action</u>	<u>EYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Refiled Filing	No	145-1-63	Guardianship and power of attorney.
Amendment	Refiled Filing	No	145-2-07	Purchase of additional service credit under section 145.201 of the Revised Code.

24 Public Employees Retirement System *

Total Rules: 4 Original Filing Date: 9/14/2007

Jurisdiction Ends: 11/18/2007 Public Hearing:

JOINT COMMITTEE ON AGENCY RULE REVIEW
11/13/2007 - 1:30 P.M.
William McKinley Room (Statehouse Room 121)

FINAL AGENDA

FINAL AGENDA

<u>Rule Type</u>	<u>Action</u>	<u>FYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	Yes	145-1-01	Organization.
Amendment	Original Filing	Yes	145-1-03	Board travel and expense reimbursement policy.
Amendment	Original Filing	No	145-1-11	Appeal of staff membership determination.
Amendment	Original Filing	No	145-2-55	Death benefit payment.

25 Public Employees Retirement System

Total Rules: 1 Original Filing Date: 9/14/2007 Date of Revised Filing: 10/17/2007 Jurisdiction Ends: 11/18/2007 Public Hearing: 10/19/2007

<u>Rule Type</u>	<u>Action</u>	<u>FYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Revised Filing	Yes	145-1-02	Election of board members.

26 Public Utilities Commission of Ohio - Utilities

Total Rules: 3 Original Filing Date: 9/5/2007 Date of Refiled Filing: 10/18/2007 Jurisdiction Ends: 11/17/2007 Public Hearing:

<u>Rule Type</u>	<u>Action</u>	<u>FYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
New Rule	Refiled Filing	No	4901:1-7-02	General applicability.
New Rule	Refiled Filing	No	4901:1-7-03	Toll prescription.
New Rule	Refiled Filing	No	4901:1-7-14	Compensation for intrastate switched access traffic and carrier-to-carrier tariff.

27 Public Utilities Commission of Ohio - Utilities

Total Rules: 1 Original Filing Date: 9/5/2007 Date of Refiled Filing: 10/18/2007 Jurisdiction Ends: 11/17/2007 Public Hearing:

<u>Rule Type</u>	<u>Action</u>	<u>FYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
New Rule	Refiled Filing	No	4901:1-7-26	Competition safeguards.

28 School Employees Retirement System

Total Rules: 2 Original Filing Date: 9/27/2007 Jurisdiction Ends: 12/1/2007 Public Hearing:

<u>Rule Type</u>	<u>Action</u>	<u>FYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	No	3309-1-35	Health care.
Amendment	Original Filing	No	3309-1-53	Rollover distribution.

29 State Board of Emergency Medical Services

Total Rules: 6 Original Filing Date: 9/14/2007 Jurisdiction Ends: 11/18/2007 Public Hearing: 10/17/2007

<u>Rule Type</u>	<u>Action</u>	<u>FYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
New Rule	Original Filing	No	4765-1-01	Definitions.
New Rule	Original Filing	No	4765-7-04	Application for Accreditation.

JOINT COMMITTEE ON AGENCY RULE REVIEW
11/13/2007 - 1:30 P.M.
William McKinley Room (Statehouse Room 121)

FINAL AGENDA

FINAL AGENDA

New Rule	Original Filing	No	4765-7-05	Offsite locations.
New Rule	Original Filing	No	4765-7-06	Notification to the board.
New Rule	Original Filing	No	4765-7-08	Reinstatement of a certificate of accreditation or certificate of approval.
New Rule	Original Filing	No	4765-7-10	Reinstatement of revoked certificate of accreditation or certificate of approval.

Total Rules: 10 Original Filing Date: 9/14/2007 Date of Revised Filing: 9/14/2007 Jurisdiction Ends: 11/18/2007 Public Hearing: 10/17/2007

<u>Rule Type</u>	<u>Action</u>	<u>FYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
Rescission	Revised Filing	Yes	4765-1-01	Definitions.
Rescission	Revised Filing	Yes	4765-7-01	Definitions.
Rescission	Revised Filing	Yes	4765-7-02	Accreditation of training programs.
Rescission	Revised Filing	Yes	4765-7-03	Provisional accreditation of training programs.
Rescission	Revised Filing	Yes	4765-7-04	Application for accreditation.
Rescission	Revised Filing	Yes	4765-7-05	Offsite locations.
Rescission	Revised Filing	Yes	4765-7-06	Notification to board.
Rescission	Revised Filing	Yes	4765-7-08	Reinstatement of certificate of accreditation.
Rescission	Revised Filing	Yes	4765-7-10	Validity of current certificates.
Rescission	Revised Filing	Yes	4765-12-05	Accreditation of training programs.

Total Rules: 1 Original Filing Date: 9/14/2007 Date of Revised Filing: 10/18/2007 Jurisdiction Ends: 11/18/2007 Public Hearing: 10/17/2007

<u>Rule Type</u>	<u>Action</u>	<u>FYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
New Rule	Revised Filing	No	4765-7-02	Accreditation of Ohio EMS training programs.

30 State Racing Commission •

Total Rules: 7 Original Filing Date: 9/14/2007 Jurisdiction Ends: 11/18/2007 Public Hearing: 10/19/2007

<u>Rule Type</u>	<u>Action</u>	<u>FYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
Rescission	Original Filing	Yes	3769-2-03	Procedure for adoption of rules.
New Rule	Original Filing	No	3769-2-03	Procedure for adoption of rules.
Rescission	Original Filing	Yes	3769-2-04	Public notice of commission meetings.
New Rule	Original Filing	No	3769-2-04	Public notice of commission meetings.
Rescission	Original Filing	Yes	3769-2-10	File list of officials.
Rescission	Original Filing	Yes	3769-6-15	Moving and racing restrictions of claimed horse.
New Rule	Original Filing	No	3769-6-15	Moving and racing restrictions of claimed horse.

Total Rules: 1 Original Filing Date: 9/14/2007 Date of Revised Filing: 9/14/2007 Jurisdiction Ends: 11/18/2007 Public Hearing: 10/19/2007

JOINT COMMITTEE ON AGENCY RULE REVIEW
11/13/2007 - 1:30 P.M.
William McKinley Room (Statehouse Room 121)

FINAL AGENDA

FINAL AGENDA

<u>Rule Type</u>	<u>Action</u>	<u>FYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
New Rule	Revised Filing	No	3769-2-10	File list of officials.

31 State Racing Commission Jurisdiction Ends: 11/18/2007 Public Hearing: 10/19/2007

<u>Rule Type</u>	<u>Action</u>	<u>FYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	Yes	3769-1-10	Ruled off.
Amendment	Original Filing	Yes	3769-2-06	Commission rules supersede.
Amendment	Original Filing	Yes	3769-2-07	Gifts forbidden.
Amendment	Original Filing	Yes	3769-2-08	Applicants for permit to conduct a horse race meeting.
Amendment	Original Filing	Yes	3769-2-09	Application for racing dates.
Amendment	Original Filing	Yes	3769-2-11	Permit to race.
Amendment	Original Filing	Yes	3769-2-12	Permits, agriculture societies, totalizator licenses.
Amendment	Original Filing	Yes	3769-2-23	License qualifications for trainer and assistant trainer and horseshoer.
Amendment	Original Filing	Yes	3769-2-24	License fees.
Amendment	Original Filing	No	3769-3-07	Numbering of mutuel windows and mutuel transactions.
Amendment	Original Filing	No	3769-3-33	Emergency substitute common pool wagering procedure.
Amendment	Original Filing	No	3769-5-66	Ohio thoroughbred race special account.
Amendment	Original Filing	No	3769-6-29	In hands of starter.

32 State Teachers Retirement System - Defined Benefits

Total Rules: 2		Original Filing Date: 9/21/2007	Jurisdiction Ends: 11/25/2007	Public Hearing:
<u>Rule Type</u>	<u>Action</u>	<u>FYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	No	3307:1-10-01	Cost-of-living.
Amendment	Original Filing	No	3307:1-12-01	Distributions.

To Be Refiled

33 Attorney General - Bureau of Criminal Identification and Investigation

Total Rules: 3		Original Filing Date: 9/14/2007	Date of To Be Refiled: 11/9/2007	Jurisdiction Ends:	Public Hearing: 10/22/2007
<u>Rule Type</u>	<u>Action</u>	<u>FYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>	
Amendment	To Be Refiled	Yes	109:5-1-01	Procedure for requesting criminal records.	
New Rule	To Be Refiled	No	109:5-1-03	Procedure for requesting and processing a search of the retained applicant	

JOINT COMMITTEE ON AGENCY RULE REVIEW
11/13/2007 - 1:30 P.M.
William McKinley Room (Statehouse Room 121)

FINAL AGENDA

FINAL AGENDA

fingerprint database.
 Operation and maintenance of the retained applicant fingerprint database.

New Rule To Be Refiled No 109:5-1-04

34 Department of Job and Family Services • Division of Social Services

Total Rules: 22 Original Filing Date: 9/13/2007 Date of To Be Refiled: 10/17/2007 Jurisdiction Ends: Public Hearing: 10/17/2007

Rule Type	Action	YFR?	Rule Number	Rule Title
Amendment	To Be Refiled	Yes	5101:2-18-01	Definitions.
Amendment	To Be Refiled	Yes	5101:2-18-02	Exemptions.
Amendment	To Be Refiled	Yes	5101:2-18-03	Procedures and registration.
Amendment	To Be Refiled	Yes	5101:2-18-04	Application and fees for child day camp funding approval.
Amendment	To Be Refiled	Yes	5101:2-18-05	Compliance review.
Amendment	To Be Refiled	Yes	5101:2-18-06	Issuance and renewal.
Amendment	To Be Refiled	Yes	5101:2-18-07	Complaint investigation.
Amendment	To Be Refiled	Yes	5101:2-18-08	Denial and termination.
Amendment	To Be Refiled	Yes	5101:2-18-09	Environmental health inspections.
Amendment	To Be Refiled	Yes	5101:2-18-10	Camp personnel.
Amendment	To Be Refiled	Yes	5101:2-18-11	Personnel training.
Amendment	To Be Refiled	Yes	5101:2-18-12	Camp supervision.
Amendment	To Be Refiled	Yes	5101:2-18-13	Camp program.
Amendment	To Be Refiled	Yes	5101:2-18-14	Field trips.
Amendment	To Be Refiled	Yes	5101:2-18-15	Health care.
Amendment	To Be Refiled	Yes	5101:2-18-16	Medication.
Amendment	To Be Refiled	Yes	5101:2-18-17	First aid supplies.
Amendment	To Be Refiled	Yes	5101:2-18-18	Care of campers with disabilities or special health conditions.
Amendment	To Be Refiled	Yes	5101:2-18-19	Admission procedures.
Amendment	To Be Refiled	Yes	5101:2-18-20	Camper's records.
Amendment	To Be Refiled	Yes	5101:2-18-21	Safety.
Amendment	To Be Refiled	Yes	5101:2-18-22	Behavior management of campers.

35 Department of Job and Family Services • Division of Social Services

Total Rules: 4 Original Filing Date: 9/13/2007 Date of To Be Refiled: 10/17/2007 Jurisdiction Ends: Public Hearing: 10/17/2007

Rule Type	Action	YFR?	Rule Number	Rule Title
Amendment	To Be Refiled	Yes	5101:2-18-23	Medical emergency procedures.

JOINT COMMITTEE ON AGENCY RULE REVIEW
11/13/2007 - 1:30 P.M.
William McKinley Room (Statehouse Room 121)

FINAL AGENDA

FINAL AGENDA

Amendment	To Be Refiled	Yes	5101:2-18-24	Food preparation.
Rescission	To Be Refiled	Yes	5101:2-18-25	Vehicle safety and driver training.
New Rule	To Be Refiled	No	5101:2-18-25	Vehicle safety and driver training in approved child day camps.

Withdrawn

36 Department of Job and Family Services • Division of Medical Assistance

Total Rules: 1 Original Filing Date: 10/16/2007 Date of Withdrawn Filing: 10/26/2007 Jurisdiction Ends: Public Hearing: 11/20/2007

<u>Rule Type</u>	<u>Action</u>	<u>EYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Withdrawn Filing	No	5101:3-23-01	Disability medical assistance (DMA) program.

FINAL AGENDA

FINAL AGENDA



119.032 Consent

1 <u>Department of Health</u> •		Date Filed: 8/29/2007		Jurisdiction Ends: 11/27/2007
Total Rules In This Package: 10				
<u>Rule Type</u>	<u>Action</u>	<u>Rule Number</u>	<u>Next 119.032 Review Date</u>	<u>Rule Title</u>
119.032	No Change	3701-53-01	8/29/2012	Techniques or methods.
119.032	No Change	3701-53-02	8/29/2012	Breath tests.
119.032	No Change	3701-53-03	8/29/2012	Blood, urine and other bodily substance tests.
119.032	No Change	3701-53-04	8/29/2012	Instrument check.
119.032	No Change	3701-53-05	8/29/2012	Collection and handling of blood and urine specimens.
119.032	No Change	3701-53-06	8/29/2012	Laboratory requirements.
119.032	No Change	3701-53-07	8/29/2012	Qualifications of personnel.
119.032	No Change	3701-53-08	8/29/2012	Surveys and proficiency examinations.
119.032	No Change	3701-53-09	8/29/2012	Permits.
119.032	No Change	3701-53-10	8/29/2012	Revocation and denial of permits.
2 <u>Department of Health</u> •		Date Filed: 8/17/2007		Jurisdiction Ends: 11/15/2007
Total Rules In This Package: 1				
<u>Rule Type</u>	<u>Action</u>	<u>Rule Number</u>	<u>Next 119.032 Review Date</u>	<u>Rule Title</u>
119.032	No Change	3701-51-01	8/17/2012	Public notice - rulemaking hearings.
3 <u>Department of Health</u> •		Date Filed: 8/20/2007		Jurisdiction Ends: 11/18/2007
Total Rules In This Package: 3				
<u>Rule Type</u>	<u>Action</u>	<u>Rule Number</u>	<u>Next 119.032 Review Date</u>	<u>Rule Title</u>
119.032	No Change	3701-60-03	8/1/2012	Applicability.

JOINT COMMITTEE ON AGENCY RULE REVIEW

FINAL AGENDA

11/13/2007 - 1:30 P.M.

FINAL AGENDA

William McKinley Room (Statehouse Room 121)

119.032	No Change	3701-60-09	8/1/2012	Liability.
119.032	No Change	3701-60-10	8/1/2012	Compliance action.

4 **Department of Transportation • Division of Highways**

Total Rules In This Package: 10 Date Filed: 8/23/2007 Jurisdiction Ends: 11/21/2007

<u>Rule Type</u>	<u>Action</u>	<u>Rule Number</u>	<u>Next 119.032 Review Date</u>	<u>Rule Title</u>
119.032	No Change	5501:2-3-01	9/1/2008	Net assets.
119.032	No Change	5501:2-3-02	9/1/2008	Application for qualification.
119.032	No Change	5501:2-3-03	9/1/2008	Responsibility and competency.
119.032	No Change	5501:2-3-04	9/1/2008	Work types.
119.032	No Change	5501:2-3-05	9/1/2008	Certificate of qualification.
119.032	No Change	5501:2-3-06	9/1/2008	Joint venture bids.
119.032	No Change	5501:2-3-07	9/1/2008	Contracting procedure--foreign contractors.
119.032	No Change	5501:2-3-08	9/1/2008	Subcontracting procedure.
119.032	No Change	5501:2-3-09	9/1/2008	Prequalification review board.
119.032	No Change	5501:2-3-10	9/1/2008	Revocation and debarment.

5 **State Chiropractic Board •**

Total Rules In This Package: 25 Date Filed: 8/28/2007 Jurisdiction Ends: 11/26/2007

<u>Rule Type</u>	<u>Action</u>	<u>Rule Number</u>	<u>Next 119.032 Review Date</u>	<u>Rule Title</u>
119.032	No Change	4734-2-01	8/28/2012	Public notice of rules.
119.032	No Change	4734-2-02	8/28/2012	Five year rule review.
119.032	No Change	4734-2-03	8/28/2012	Rules hearings.
119.032	No Change	4734-3-01	8/28/2012	Board records and documents; personal information system.
119.032	No Change	4734-3-02	8/28/2012	Public records.
119.032	No Change	4734-4-01	8/28/2012	Hearings; disciplinary procedures.
119.032	No Change	4734-4-02	8/28/2012	Representatives; appearances; communications; applicability.
119.032	No Change	4734-4-03	8/28/2012	Continuances.
119.032	No Change	4734-4-04	8/28/2012	Out-of-state attorneys.
119.032	No Change	4734-4-05	8/28/2012	Authority and duties of hearing officers.
119.032	No Change	4734-4-06	8/28/2012	Broadcasting and photographing administrative hearings.

JOINT COMMITTEE ON AGENCY RULE REVIEW
11/13/2007 - 1:30 P.M.
William McKinley Room (Statehouse Room 121)

FINAL AGENDA

FINAL AGENDA

119.032	No Change	4734-4-07	8/28/2012	Depositions in lieu of testimony at hearing and transcripts of prior testimony for submission at hearing.
119.032	No Change	4734-4-08	8/28/2012	Witnesses; subpoenas; witness fees.
119.032	No Change	4734-4-09	8/28/2012	Evidence; judicial notice of board records; stipulations; certified copy of conviction deemed conclusive.
119.032	No Change	4734-4-10	8/28/2012	Limited discovery procedures.
119.032	No Change	4734-4-11	8/28/2012	Motions.
119.032	No Change	4734-4-12	8/28/2012	Pre-hearing conferences; status conferences.
119.032	No Change	4734-4-13	8/28/2012	Post hearing procedures; reports and recommendations; newly discovered evidence; addressing the board.
119.032	No Change	4734-4-14	8/28/2012	Requesting adjudication hearing; timing of hearing; notification of hearing; requirements for filing; calculation of time; transcripts.
119.032	No Change	4734-6-01	8/28/2012	Application for licensure.
119.032	No Change	4734-6-02	8/28/2012	Licensure by endorsement.
119.032	No Change	4734-6-05	8/28/2012	License for voluntary public service.
119.032	No Change	4734-6-06	8/28/2012	Jurisprudence examination.
119.032	No Change	4734-6-09	8/28/2012	Character and fitness standards.
119.032	No Change	4734-6-10	8/28/2012	Review of applicants.

119.032 Withdrawn

6 Department of Public Safety • Bureau of Motor Vehicles

Total Rules In This Package: 1 Date Filed: 11/5/2007 Jurisdiction Ends:

<u>Rule Type</u>	<u>Action</u>	<u>Rule Number</u>	<u>Next 119.032 Review Date</u>	<u>Rule Title</u>
119.032	No Change	4501:1-3-26		Docket.



FINAL AGENDA

FINAL AGENDA

Consent

- 1 Attorney General • Bureau of Criminal Identification and Investigation
 Total Rules: 3 Original Filing Date: 9/14/2007 Date of Refiled Filing: 11/15/2007 Jurisdiction Ends: 12/15/2007 Public Hearing: 10/22/2007

Rule Type	Action	FYR?	Rule Number	Rule Title
Amendment	Refiled Filing	Yes	109:5-1-01	Procedure for requesting criminal records.
New Rule	Refiled Filing	No	109:5-1-03	Procedure for requesting and processing a search of the retained applicant fingerprint database.
New Rule	Refiled Filing	No	109:5-1-04	Operation and maintenance of the retained applicant fingerprint database.

- 2 Board of Nursing •
 Total Rules: 1 Original Filing Date: 10/15/2007 Jurisdiction Ends: 12/19/2007 Public Hearing: 11/15/2007

Rule Type	Action	FYR?	Rule Number	Rule Title
Rescission	Original Filing	Yes	4723-2-01	Public notice.

- 3 Board of Nursing •
 Total Rules: 5 Original Filing Date: 10/15/2007 Jurisdiction Ends: 12/19/2007 Public Hearing: 11/15/2007

Rule Type	Action	FYR?	Rule Number	Rule Title
Rescission	Original Filing	Yes	4723-11-01	Approval.
Rescission	Original Filing	Yes	4723-11-02	Nonapproval.
Rescission	Original Filing	Yes	4723-11-03	Publication of list of approved peer support programs.
Rescission	Original Filing	Yes	4723-11-04	Qualifications of members of a peer support program working with an impaired licensee or certificate holder.
Rescission	Original Filing	Yes	4723-11-05	Minimum program requirements.

- 4 Board of Nursing •
 Total Rules: 4 Original Filing Date: 10/15/2007 Jurisdiction Ends: 12/19/2007 Public Hearing: 11/15/2007

Rule Type	Action	FYR?	Rule Number	Rule Title
Rescission	Original Filing	Yes	4723-12-01	Privacy officer; duties.

JOINT COMMITTEE ON AGENCY RULE REVIEW
12/3/2007 - 1:30 P.M.
House Finance Hearing Room (Room 313)

FINAL AGENDA

FINAL AGENDA

Rescission	Original Filing	Yes	4723-12-02	Investigation of disputed information.
Rescission	Original Filing	Yes	4723-12-03	Notice to subject of personal information system; subject's right to inspect personal information.
Rescission	Original Filing	Yes	4723-12-04	Disciplinary action.

5 Board of Nursing •

Total Rules: 9 Original Filing Date: 10/15/2007 Jurisdiction Ends: 12/19/2007 Public Hearing: 11/15/2007

<u>Rule Type</u>	<u>Action</u>	<u>EYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	Yes	4723-1-01	Board organization.
Amendment	Original Filing	Yes	4723-1-02	Personnel.
Rescission	Original Filing	Yes	4723-1-03	Board records and documents.
New Rule	Original Filing	No	4723-1-03	Board records and documents.
Rescission	Original Filing	Yes	4723-1-04	Fees.
New Rule	Original Filing	No	4723-1-04	Fees.
New Rule	Original Filing	No	4723-1-05	Notice of adoption, amendment, or rescission of rules.
New Rule	Original Filing	No	4723-1-06	Notice of board meetings.
New Rule	Original Filing	No	4723-1-07	Personal information system.

6 Board of Nursing •

Total Rules: 2 Original Filing Date: 10/15/2007 Jurisdiction Ends: 12/19/2007 Public Hearing: 11/15/2007

<u>Rule Type</u>	<u>Action</u>	<u>EYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
Rescission	Original Filing	Yes	4723-3-01	Definition of terms.
New Rule	Original Filing	No	4723-3-01	Definitions.

7 Board of Nursing •

Total Rules: 21 Original Filing Date: 10/15/2007 Jurisdiction Ends: 12/19/2007 Public Hearing: 11/15/2007

<u>Rule Type</u>	<u>Action</u>	<u>EYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	No	4723-5-01	Definitions.
Amendment	Original Filing	No	4723-5-02	General information.
Amendment	Original Filing	No	4723-5-03	Change of control of a nursing education program.
Amendment	Original Filing	No	4723-5-04	Procedure for board determination of an approved program's status.
Amendment	Original Filing	No	4723-5-05	Program reports to the board.
Amendment	Original Filing	No	4723-5-06	Survey visits, reports, and response by the administrator of a program to a survey

JOINT COMMITTEE ON AGENCY RULE REVIEW
12/3/2007 - 1:30 P.M.
House Finance Hearing Room (Room 313)

FINAL AGENDA

FINAL AGENDA

Amendment	Original Filing	No	4723-5-08	visit report.
Amendment	Original Filing	No	4723-5-09	Requirements for a program seeking conditional approval.
Rescission	Original Filing	Yes	4723-5-10	Organization and administration of the program.
New Rule	Original Filing	No	4723-5-10	Qualifications of administrative, faculty, and instructional personnel for a registered nursing education program.
Rescission	Original Filing	Yes	4723-5-11	Qualifications of administrative, faculty, and instructional personnel for a registered nursing education program.
New Rule	Original Filing	No	4723-5-11	Qualifications of administrative, faculty, and instructional personnel for a practical nursing education program.
Amendment	Original Filing	No	4723-5-12	Program policies.
Rescission	Original Filing	Yes	4723-5-13	Curriculum for a registered nursing education program.
New Rule	Original Filing	No	4723-5-13	Curriculum for a registered nursing education program.
Rescission	Original Filing	Yes	4723-5-14	Curriculum for a practical nursing education program.
New Rule	Original Filing	No	4723-5-14	Curriculum for a practical nursing education program.
Amendment	Original Filing	No	4723-5-16	Board approval of a curriculum revision.
Amendment	Original Filing	No	4723-5-17	Program contractual relationships.
Amendment	Original Filing	No	4723-5-21	Program records.
Amendment	Original Filing	No	4723-5-23	Program NCLEX rates.

8 Board of Nursing •

Total Rules: 3 Original Filing Date: 10/15/2007

Jurisdiction Ends: 12/19/2007 Public Hearing: 11/15/2007

<u>Rule Type</u>	<u>Action</u>	<u>FYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
Rescission	Original Filing	Yes	4723-10-01	General information.
Rescission	Original Filing	Yes	4723-10-02	Licensed practical nurse qualifications to administer medications.
Rescission	Original Filing	Yes	4723-10-03	Challenge of a course in medication administration.

9 Board of Nursing •

Total Rules: 7 Original Filing Date: 10/15/2007

Jurisdiction Ends: 12/19/2007 Public Hearing: 11/15/2007

<u>Rule Type</u>	<u>Action</u>	<u>FYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	Yes	4723-14-01	Definitions.
Amendment	Original Filing	Yes	4723-14-03	Continuing education requirement for licensed nurses.
Amendment	Original Filing	Yes	4723-14-05	Educational activities that do and do not meet the continuing education

JOINT COMMITTEE ON AGENCY RULE REVIEW
12/3/2007 - 1:30 P.M.
House Finance Hearing Room (Room 313)

FINAL AGENDA

FINAL AGENDA

requirement.
 Proof of completion of continuing education.
 Verification of compliance with the continuing education requirements.
 Continuing education audit.
 Reapproval of an OBN approver.

10 Board of Nursing *

Total Rules: 4 Original Filing Date: 10/15/2007 Jurisdiction Ends: 12/19/2007 Public Hearing: 11/15/2007

<u>Rule Type</u>	<u>Action</u>	<u>FYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
Rescission	Original Filing	Yes	4723-7-06	Practical nurse licensure by endorsement.
New Rule	Original Filing	No	4723-7-06	Practical nurse licensure by endorsement.
Rescission	Original Filing	Yes	4723-7-09	Licensure renewal.
Amendment	Original Filing	No	4723-9-10	Formulary.

Total Rules: 2 Original Filing Date: 10/15/2007 Date of Revised Filing: 11/16/2007 Jurisdiction Ends: 12/19/2007 Public Hearing: 11/15/2007

<u>Rule Type</u>	<u>Action</u>	<u>FYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
New Rule	Revised Filing	No	4723-7-09	Licensure renewal.
Amendment	Revised Filing	No	4723-8-07	Standards and procedures for approval as a certified nurse-midwife, certified nurse practitioner, certified registered nurse anesthetist, or clinical nurse specialist.

Total Rules: 1 Original Filing Date: 10/15/2007 Date of Revised Filing: 11/19/2007 Jurisdiction Ends: 12/19/2007 Public Hearing: 11/15/2007

<u>Rule Type</u>	<u>Action</u>	<u>FYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Revised Filing	No	4723-17-06	Minimum curriculum requirements.

11 Board of Nursing *

Total Rules: 11 Original Filing Date: 10/15/2007 Jurisdiction Ends: 12/19/2007 Public Hearing: 11/15/2007

<u>Rule Type</u>	<u>Action</u>	<u>FYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	No	4723-27-01	Definitions.
Amendment	Original Filing	No	4723-27-02	Standards of safe medication administration by a certified medication aide.
Amendment	Original Filing	No	4723-27-04	Certification as a medication aide.
Amendment	Original Filing	No	4723-27-05	Renewal of a medication aide certificate.
Amendment	Original Filing	No	4723-27-06	Continuing education requirements.
Amendment	Original Filing	No	4723-27-07	Medication aide training programs.
Amendment	Original Filing	No	4723-27-10	Fees.

JOINT COMMITTEE ON AGENCY RULE REVIEW
12/3/2007 - 1:30 P.M.
House Finance Hearing Room (Room 313)

FINAL AGENDA

FINAL AGENDA

Amendment	Original Filing	No	4723-27-11	Medication aide pilot program.	
Amendment	Original Filing	No	4723-27-12	Pilot program application.	
Amendment	Original Filing	No	4723-27-13	Utilization of certified medication aides by pilot program participants.	
Amendment	Original Filing	No	4723-27-14	Pilot program data reporting and evaluation.	
12 <u>Bureau of Workers' Compensation</u>					
Total Rules: 1		Original Filing Date: 10/5/2007		Jurisdiction Ends: 12/9/2007 Public Hearing: 11/8/2007	
<u>Rule Type</u>	<u>Action</u>	<u>FYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>	
Amendment	Original Filing	Yes	4123-17-13	Rule controlling the making of the initial application for rating.	
13 <u>Bureau of Workers' Compensation</u>					
Total Rules: 1		Original Filing Date: 10/5/2007		Jurisdiction Ends: 12/20/2007 Public Hearing: 11/8/2007	
<u>Rule Type</u>	<u>Action</u>	<u>FYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>	
Amendment	Refiled Filing	No	4123-6-37.1	Payment of hospital inpatient services.	
14 <u>Counselor, Social Worker, and Marriage and Family Therapist Board</u>					
Total Rules: 9		Original Filing Date: 10/3/2007		Jurisdiction Ends: 12/7/2007 Public Hearing: 11/6/2007	
<u>Rule Type</u>	<u>Action</u>	<u>FYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>	
Amendment	Original Filing	No	4757-7-01	Renewal of license or certificate of registration.	
Rescission	Original Filing	Yes	4757-13-01	Education requirements for admission to the examination for professional counselor.	
Rescission	Original Filing	Yes	4757-13-06	Endorsement of a professional counselor or professional clinical counselor license.	
New Rule	Original Filing	No	4757-13-06	Endorsement of a professional counselor or professional clinical counselor license.	
New Rule	Original Filing	No	4757-13-07	Counselor program approval.	
Rescission	Original Filing	Yes	4757-17-01	Counseling supervision.	
Rescission	Original Filing	Yes	4757-19-07	Endorsement of a social work license.	
Rescission	Original Filing	Yes	4757-25-06	Endorsement of a marriage and family therapist license.	
New Rule	Original Filing	No	4757-25-06	Endorsement of a marriage and family therapist license.	
Total Rules: 3		Original Filing Date: 10/3/2007		Date of Revised Filing: 10/3/2007 Jurisdiction Ends: 12/7/2007 Public Hearing: 11/6/2007	
<u>Rule Type</u>	<u>Action</u>	<u>FYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>	
New Rule	Revised Filing	No	4757-17-01	Counseling supervision.	
Rescission	Revised Filing	Yes	4757-25-01	Education requirements for admission to the examination for marriage and family therapist.	

JOINT COMMITTEE ON AGENCY RULE REVIEW
12/3/2007 - 1:30 P.M.
House Finance Hearing Room (Room 313)

FINAL AGENDA

FINAL AGENDA

New Rule Revised Filing No 4757-25-01 Education requirements for admission to the examination for marriage and family therapist.

Total Rules: 1 Original Filing Date: 10/3/2007 Date of Revised Filing: 10/4/2007 Jurisdiction Ends: 12/7/2007 Public Hearing: 11/6/2007

<u>Rule Type</u>	<u>Action</u>	<u>FYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
New Rule	Revised Filing	No	4757-19-07	Endorsement of a social work license.

Total Rules: 1 Original Filing Date: 10/3/2007 Date of Refiled Filing: 11/29/2007 Jurisdiction Ends: 12/29/2007 Public Hearing: 11/6/2007

<u>Rule Type</u>	<u>Action</u>	<u>FYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
New Rule	Refiled Filing	No	4757-13-01	Education requirements for admission to the examination for professional counselor.

15 Department of Administrative Services • Fleet Management

Total Rules: 8 Original Filing Date: 10/18/2007 Jurisdiction Ends: 12/22/2007 Public Hearing: 11/19/2007

<u>Rule Type</u>	<u>Action</u>	<u>FYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
New Rule	Original Filing	No	123:6-1-01	Definitions.
New Rule	Original Filing	No	123:6-1-04	Delegation of authority of fleet management.
New Rule	Original Filing	No	123:6-1-05	Withdrawal of delegation of authority to manage fleet.
New Rule	Original Filing	No	123:6-1-06	Fleet manager certification program.
New Rule	Original Filing	No	123:6-1-07	Provisional fleet manager certification.
New Rule	Original Filing	No	123:6-1-08	Fuel card purchases: bulk fuel purchases.
New Rule	Original Filing	No	123:6-1-09	Appropriate vehicles.
New Rule	Original Filing	No	123:6-1-10	Cost limitations: vehicles; alternative fuels.

16 Department of Administrative Services • Fleet Management

Total Rules: 2 Original Filing Date: 10/18/2007 Jurisdiction Ends: 12/22/2007 Public Hearing: 11/19/2007

<u>Rule Type</u>	<u>Action</u>	<u>FYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
Rescission	Original Filing	Yes	123:6-1-01	Assignment of vehicles.
Rescission	Original Filing	Yes	123:6-1-02	Mileage reimbursement payments.

17 Department of Administrative Services • Fleet Management

Total Rules: 2 Original Filing Date: 10/19/2007 Jurisdiction Ends: 12/23/2007 Public Hearing: 11/19/2007

<u>Rule Type</u>	<u>Action</u>	<u>FYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
New Rule	Original Filing	No	123:6-1-02	Assignment of vehicles.
New Rule	Original Filing	No	123:6-1-03	Mileage reimbursement payments.

JOINT COMMITTEE ON AGENCY RULE REVIEW
12/3/2007 - 1:30 P.M.
House Finance Hearing Room (Room 313)

FINAL AGENDA

FINAL AGENDA

18 Department of Aging •

Total Rules: 1 Original Filing Date: 10/15/2007 Date of Revised Filing: 11/16/2007 Jurisdiction Ends: 12/19/2007 Public Hearing: 11/20/2007

<u>Rule Type</u>	<u>Action</u>	<u>EYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Revised Filing	Yes	173-41-01	Criminal background checks; disqualification from employment.

19 Department of Aging •

Total Rules: 8 Original Filing Date: 10/15/2007 Date of Revised Filing: 10/16/2007 Jurisdiction Ends: 12/19/2007 Public Hearing: 11/20/2007

<u>Rule Type</u>	<u>Action</u>	<u>EYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
Rescission	Revised Filing	Yes	173-35-01	Residential state supplement program.
Rescission	Revised Filing	Yes	173-35-02	Definitions.
New Rule	Revised Filing	No	173-35-02	Eligibility.
Rescission	Revised Filing	Yes	173-35-03	Registration for RSS enrollment and RSS caseload allocation.
Rescission	Revised Filing	Yes	173-35-04	RSS eligibility.
Rescission	Revised Filing	Yes	173-35-05	Enrollment.
Rescission	Revised Filing	Yes	173-35-06	RSS case management.
Amendment	Revised Filing	Yes	173-35-07	RSS financial needs standard and allowable fees.

Total Rules: 4 Original Filing Date: 10/15/2007 Date of Revised Filing: 11/16/2007 Jurisdiction Ends: 12/19/2007 Public Hearing: 11/20/2007

<u>Rule Type</u>	<u>Action</u>	<u>EYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
New Rule	Revised Filing	No	173-35-01	Introduction and definitions.
New Rule	Revised Filing	No	173-35-03	Enrollment.
New Rule	Revised Filing	No	173-35-04	Allocation.
New Rule	Revised Filing	No	173-35-05	Case management.

20 Department of Aging •

Total Rules: 12 Original Filing Date: 10/16/2007 Jurisdiction Ends: 12/20/2007 Public Hearing: 11/20/2007

<u>Rule Type</u>	<u>Action</u>	<u>EYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
Rescission	Original Filing	Yes	173-36-02	Certification standards for adult foster homes.
Rescission	Original Filing	Yes	173-36-03	Responsibilities of operators and resident rights.
Rescission	Original Filing	Yes	173-36-04	Fire safety inspections; Process and standards.
New Rule	Original Filing	No	173-36-04	Certification.
New Rule	Original Filing	No	173-36-04.1	Operator standards.
New Rule	Original Filing	No	173-36-04.2	Caregiver standards.

JOINT COMMITTEE ON AGENCY RULE REVIEW

12/3/2007 - 1:30 P.M.

FINAL AGENDA

House Finance Hearing Room (Room 313)

New Rule	Original Filing	No	173-36-04.3	Facility standards.
New Rule	Original Filing	No	173-36-04.4	First aid standards.
New Rule	Original Filing	No	173-36-04.5	Fire safety standards.
Amendment	Original Filing	Yes	173-36-05	Review procedure for the denial or revocation of an adult foster home's certification or recertification.
New Rule	Original Filing	No	173-36-06	Responsibilities of operators.
New Rule	Original Filing	No	173-36-07	Resident rights.

Total Rules: 1 Original Filing Date: 10/16/2007 Date of Revised Filing: 11/16/2007 Jurisdiction Ends: 12/20/2007 Public Hearing: 11/20/2007

<u>Rule Type</u>	<u>Action</u>	<u>EYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Revised Filing	Yes	173-36-01	Definitions.

21 Department of Aging

Total Rules: 6 Original Filing Date: 10/16/2007 Date of Revised Filing: 10/17/2007 Jurisdiction Ends: 12/20/2007 Public Hearing:

<u>Rule Type</u>	<u>Action</u>	<u>EYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
Rescission	Revised Filing	Yes	173-40-01	Purpose.
Rescission	Revised Filing	Yes	173-40-02	Definitions.
New Rule	Revised Filing	No	173-40-02	Eligibility for PASSPORT grandparented home care program.
Amendment	Revised Filing	Yes	173-40-03	Eligibility, disenrollment, and appeals for the PASSPORT grandparented eligibility home care program.
Amendment	Revised Filing	Yes	173-40-04	Eligibility for PASSPORT loss of medicaid eligibility home care status.
Amendment	Revised Filing	Yes	173-40-05	Receivership.

Total Rules: 1 Original Filing Date: 10/16/2007 Date of Revised Filing: 11/16/2007 Jurisdiction Ends: 12/20/2007 Public Hearing:

<u>Rule Type</u>	<u>Action</u>	<u>EYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
New Rule	Revised Filing	No	173-40-01	Introduction and definitions.

22 Department of Aging

Total Rules: 1 Original Filing Date: 10/16/2007 Date of Refiled Filing: 11/28/2007 Jurisdiction Ends: 12/28/2007 Public Hearing: 11/20/2007

<u>Rule Type</u>	<u>Action</u>	<u>EYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Refiled Filing	Yes	173-1-02	Introduction to the department and definitions.

23 Department of Agriculture • Plant Industry

Total Rules: 1 Original Filing Date: 10/5/2007

<u>Rule Type</u>	<u>Action</u>	<u>EYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
				Jurisdiction Ends: 12/9/2007 Public Hearing: 11/13/2007

JOINT COMMITTEE ON AGENCY RULE REVIEW
12/3/2007 - 1:30 P.M.
House Finance Hearing Room (Room 313)

FINAL AGENDA

FINAL AGENDA

Rescission	Original Filing	Yes	901:5-7-11	Analytical tolerances.	
24	<u>Department of Agriculture • Plant Industry</u>				
Total Rules: 1	Original Filing Date:	10/5/2007		Jurisdiction Ends:	12/9/2007 Public Hearing: 11/13/2007
<u>Rule Type</u>	<u>Action</u>	<u>EYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>	
Amendment	Original Filing	Yes	901:5-3-04	Markings on containers and systems.	
25	<u>Department of Commerce • Real Estate Appraiser Board</u>				
Total Rules: 1	Original Filing Date:	12/22/2006	Date of Refiled Filing:	11/5/2007	Jurisdiction Ends: 12/5/2007 Public Hearing: 1/30/2007
<u>Rule Type</u>	<u>Action</u>	<u>EYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>	
Amendment	Refiled Filing	Yes	1301:11-7-01	Continuing education requirement.	
26	<u>Department of Development •</u>				
Total Rules: 6	Original Filing Date:	10/12/2007		Jurisdiction Ends:	12/16/2007 Public Hearing: 11/20/2007
<u>Rule Type</u>	<u>Action</u>	<u>EYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>	
Amendment	Original Filing	Yes	122-4-01	Definitions and application.	
Amendment	Original Filing	Yes	122-4-02	Allocations of state ceiling to restricted bonds.	
Amendment	Original Filing	Yes	122-4-03	Obtaining confirmations in advance -- notice of intent; notice of issuance.	
Amendment	Original Filing	Yes	122-4-05	Confirmation of state ceiling allocation for issuance of bonds in subsequent years -- carryforwards.	
Amendment	Original Filing	Yes	122-4-06	Administrative.	
Amendment	Original Filing	Yes	122-4-07	Delegation of functions.	
27	<u>Department of Development • Job Ready Sites Program</u>				
Total Rules: 5	Original Filing Date:	10/5/2007		Jurisdiction Ends:	12/9/2007 Public Hearing: 11/13/2007
<u>Rule Type</u>	<u>Action</u>	<u>EYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>	
New Rule	Original Filing	No	122:20-1-01	Definitions.	
New Rule	Original Filing	No	122:20-1-02	Eligibility.	
New Rule	Original Filing	No	122:20-1-03	Application Process.	
New Rule	Original Filing	No	122:20-1-04	Grant Agreement.	
New Rule	Original Filing	No	122:20-1-05	Reimbursement and Reporting.	
28	<u>Department of Education •</u>				
Total Rules: 2	Original Filing Date:	10/3/2007		Jurisdiction Ends:	12/7/2007 Public Hearing: 11/12/2007

JOINT COMMITTEE ON AGENCY RULE REVIEW
12/3/2007 - 1:30 P.M.
House Finance Hearing Room (Room 313)

FINAL AGENDA

FINAL AGENDA

New Rule	Revised Filing	No	3301-13-07	Establishing the provisions and decision procedures for the fairness sensitivity review committee.
Total Rules: 2	Original Filing Date: 10/3/2007		Date of Refiled Filing: 11/14/2007	Jurisdiction Ends: 12/14/2007
<u>Rule Type</u>	<u>Action</u>	<u>EYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
New Rule	Refiled Filing	No	3301-13-02	Administering required state assessments at the designated grades.
New Rule	Refiled Filing	No	3301-13-11	Establishing provisions for the exemption of first year limited English proficient students and for the allowance of accommodations for limited English proficient students.

30 Department of Health • Radiation Control

Total Rules: 45	Original Filing Date: 10/12/2007			Jurisdiction Ends: 12/16/2007	Public Hearing: 11/15/2007
<u>Rule Type</u>	<u>Action</u>	<u>EYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>	
Amendment	Original Filing	Yes	3701:1-46-01	Definitions.	
Amendment	Original Filing	Yes	3701:1-46-02	Purpose and scope.	
Amendment	Original Filing	Yes	3701:1-46-03	Terms and conditions.	
Amendment	Original Filing	Yes	3701:1-46-04	Certain devices and equipment.	
Amendment	Original Filing	Yes	3701:1-46-05	Certain measuring, gauging or controlling devices.	
Amendment	Original Filing	Yes	3701:1-46-06	License to install devices that are generally licensed.	
Amendment	Original Filing	Yes	3701:1-46-08	Americium-241 or radium in the form of calibration or reference sources.	
Amendment	Original Filing	Yes	3701:1-46-09	General license to own byproduct, accelerator produced material, or radium.	
Amendment	Original Filing	Yes	3701:1-46-11	General license for use of either byproduct or accelerator produced material for certain in-vitro clinical or laboratory testing.	
Rescission	Original Filing	Yes	3701:1-46-13	Introduction of byproduct, accelerator produced material, or radium in exempt concentrations into products or materials, and transfer of ownership or possession of accelerator produced material or radium in exempt concentrations: requirements for license.	
New Rule	Original Filing	No	3701:1-46-13	Introduction of byproduct material, accelerator produced material, or radium in exempt concentrations into products or materials, and transfer of ownership or possession of accelerator produced material or radium in exempt concentrations: requirements for license.	
Amendment	Original Filing	Yes	3701:1-46-14	Introduction of byproduct, accelerator produced material, or radium in exempt concentrations into products or materials, and transfer of ownership or possession of accelerator produced material or radium in exempt concentrations: records and material transfer reports.	
Amendment	Original Filing	Yes	3701:1-46-15	Introduction of byproduct, accelerator produced material, or radium in exempt	

JOINT COMMITTEE ON AGENCY RULE REVIEW
12/3/2007 - 1:30 P.M.
House Finance Hearing Room (Room 313)

FINAL AGENDA

FINAL AGENDA

Amendment	Original Filing	Yes	3701:1-46-16	concentrations into products or materials, and transfer of ownership or possession of accelerator produced material or radium in exempt concentrations: prohibition of introduction.
Amendment	Original Filing	Yes	3701:1-46-17	Certain items containing byproduct, accelerator produced material or radium; requirements for license to apply.
Amendment	Original Filing	Yes	3701:1-46-18	Certain items containing byproduct, accelerator produced material or radium; quality assurance, prohibition of transfer, and labeling.
Amendment	Original Filing	Yes	3701:1-46-19	Certain items containing byproduct, accelerator produced material or radium; records and reports of transfer.
Amendment	Original Filing	Yes	3701:1-46-20	Resins containing scandium-46 and designed for sand-consolidation in oil wells; requirements for license to manufacture, or initially transfer for sale or distribution.
Amendment	Original Filing	Yes	3701:1-46-21	Manufacture of exempt quantities of byproduct, accelerator produced material, or radium: requirements for license.
Amendment	Original Filing	Yes	3701:1-46-22	Manufacture of exempt quantities of byproduct, accelerator produced material, or radium: conditions of licenses.
Amendment	Original Filing	Yes	3701:1-46-23	Manufacture of exempt quantities of byproduct, accelerator produced material, or radium: records and material transfer reports.
Amendment	Original Filing	Yes	3701:1-46-24	Radioactive drug: manufacture, preparation of capsules containing carbon-14 urea each for in-vivo diagnostic use for humans to persons exempt from licensing; requirements for a license.
Amendment	Original Filing	Yes	3701:1-46-26	Radioactive drug: manufacture, preparation of capsules containing carbon-14 urea each for in-vivo diagnostic use for humans to persons exempt from licensing: conditions of license.
Amendment	Original Filing	Yes	3701:1-46-27	Self-luminous products containing tritium, krypton-85, or promethium-147: safety criteria.
Amendment	Original Filing	Yes	3701:1-46-28	Gas and aerosol detectors containing byproduct, accelerator produced material, or radium: requirements for license to manufacture, process, produce, or initially transfer.
Amendment	Original Filing	Yes	3701:1-46-29	Gas and aerosol detectors containing byproduct, accelerator produced material, or radium: safety criteria.
Amendment	Original Filing	Yes	3701:1-46-30	Schedule A - prototype tests for automobile lock illuminators.
Amendment	Original Filing	Yes	3701:1-46-31	Byproduct, accelerator produced material, or radium contained in devices for use under rule 3701:1-46-05 of the Administrative Code; requirements for license to manufacture, or initially transfer.
Amendment	Original Filing	Yes	3701:1-46-32	Byproduct, accelerator produced material, or radium contained in devices for use under rule 3701:1-46-05 of the Administrative Code: conditions of licenses.
Amendment	Original Filing	Yes	3701:1-46-32	Byproduct, accelerator produced material, or radium contained in devices for use under rule 3701:1-46-05 of the Administrative Code: conditions of licenses.

JOINT COMMITTEE ON AGENCY RULE REVIEW
12/3/2007 - 1:30 P.M.
House Finance Hearing Room (Room 313)

FINAL AGENDA

FINAL AGENDA

Amendment	Original Filing	Yes	3701:1-46-33	under rule 3701:1-46-05 of the Administrative Code: material transfer reports and records.	
Amendment	Original Filing	Yes	3701:1-46-34	Luminous safety devices for use in aircraft: requirements for license to manufacture, assemble, repair or initially transfer.	
Amendment	Original Filing	Yes	3701:1-46-35	Luminous safety devices for use in aircraft: labeling of devices.	
Amendment	Original Filing	Yes	3701:1-46-36	Luminous safety devices for use in aircraft: quality assurance; prohibition of transfer.	
Amendment	Original Filing	Yes	3701:1-46-37	Luminous safety devices for use in aircraft: material transfer reports.	
Amendment	Original Filing	Yes	3701:1-46-38	Calibration or reference sources containing americium-241 or radium: requirements for license to manufacture or initially transfer.	
Amendment	Original Filing	Yes	3701:1-46-39	Calibration or reference sources containing americium-241 or radium: labeling of devices.	
Amendment	Original Filing	Yes	3701:1-46-40	Calibration or reference sources containing americium-241 or radium: leak testing of each source.	
Amendment	Original Filing	Yes	3701:1-46-41	Ice detection devices containing strontium-90; requirements for license to manufacture or initially transfer.	
Amendment	Original Filing	Yes	3701:1-46-42	Ice detection devices containing strontium-90: quality assurance; prohibition of transfer.	
Amendment	Original Filing	Yes	3701:1-46-43	Manufacture and distribution of byproduct or accelerator produced material for certain in-vitro clinical or laboratory testing under general license.	
Amendment	Original Filing	Yes	3701:1-46-44	Manufacture, preparation, or transfer for commercial distribution of radioactive drugs containing byproduct or accelerator produced material for medical use.	
Amendment	Original Filing	Yes	3701:1-46-46	Manufacture and distribution of sources or devices containing byproduct or accelerator produced material for medical use.	
Amendment	Original Filing	Yes	3701:1-46-47	Prototype tests for calibration or reference sources containing americium-241 or radium.	
Amendment	Original Filing	Yes	3701:1-46-48	Prototype tests for ice detection devices containing strontium-90.	
Amendment	Original Filing	Yes	3701:1-46-49	Acceptance sampling procedures under certain specific licenses.	
Amendment	Original Filing	Yes	3701:1-46-49	Registration of product information.	
Total Rules: 1		Original Filing Date: 10/12/2007	Date of Revised Filing: 10/17/2007	Jurisdiction Ends: 12/16/2007	Public Hearing: 11/15/2007
<u>Rule Type</u>	<u>Action</u>	<u>FYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>	
Amendment	Revised Filing	Yes	3701:1-46-45	Prototype tests for luminous safety devices for use in aircraft.	

31 Department of Job and Family Services • Child Support

Total Rules: 1 Original Filing Date: 10/16/2007

Jurisdiction Ends: 12/20/2007 Public Hearing: 11/20/2007

JOINT COMMITTEE ON AGENCY RULE REVIEW
12/3/2007 - 1:30 P.M.
House Finance Hearing Room (Room 313)

FINAL AGENDA

FINAL AGENDA

<u>Rule Type</u>	<u>Action</u>	<u>FYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
Rescission	Original Filing	Yes	5101:12-10-31.3	Good cause.

Total Rules: 1 Original Filing Date: 10/16/2007 Date of Revised Filing: 11/20/2007 Jurisdiction Ends: 12/20/2007 Public Hearing: 11/20/2007

<u>Rule Type</u>	<u>Action</u>	<u>FYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
New Rule	Revised Filing	No	5101:12-10-32	Good cause waiver of cooperation.

32 Department of Job and Family Services • Division of Food Stamps

Total Rules: 1 Original Filing Date: 10/12/2007 Jurisdiction Ends: 12/16/2007 Public Hearing: 11/13/2007

<u>Rule Type</u>	<u>Action</u>	<u>FYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	No	5101:4-3-09	Food stamps: Ohio works first (OWF) appraisal, self-sufficiency contract requirements, and sanctions.

33 Department of Job and Family Services • Division of Food Stamps

Total Rules: 2 Original Filing Date: 10/15/2007 Jurisdiction Ends: 12/19/2007 Public Hearing: 11/19/2007

<u>Rule Type</u>	<u>Action</u>	<u>FYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	No	5101:4-3-11	Food stamps: exemptions, work registration, work requirements, and sanctions.
Amendment	Original Filing	No	5101:4-3-29	Food stamp employment and training (FSET): appraisal.

34 Department of Job and Family Services • Division of Medical Assistance

Total Rules: 4 Original Filing Date: 10/5/2007 Jurisdiction Ends: 12/9/2007 Public Hearing: 11/14/2007

<u>Rule Type</u>	<u>Action</u>	<u>FYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
Rescission	Original Filing	Yes	5101:3-13-03	Covered primary care clinic services (nonspecialty or multiservice clinics).
Rescission	Original Filing	Yes	5101:3-13-05	Noncovered services.
Rescission	Original Filing	Yes	5101:3-13-06	Fiscal limitations.
Rescission	Original Filing	Yes	5101:3-13-07	Coverage and limitation policies for end-stage renal disease clinics.

Total Rules: 9 Original Filing Date: 10/5/2007 Date of Revised Filing: 10/22/2007 Jurisdiction Ends: 12/9/2007 Public Hearing: 11/14/2007

<u>Rule Type</u>	<u>Action</u>	<u>FYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Revised Filing	No	5101:3-10-10	Dialysis equipment.
New Rule	Revised Filing	No	5101:3-13-01.1	Fee-for-service ambulatory health care clinics (AHCCs): primary care clinics.
New Rule	Revised Filing	No	5101:3-13-01.3	Fee-for-service ambulatory health care clinics (AHCCs): public health department clinics.
New Rule	Revised Filing	No	5101:3-13-01.4	Fee-for-service ambulatory health care clinics (AHCCs): outpatient rehabilitation clinics.

JOINT COMMITTEE ON AGENCY RULE REVIEW
12/3/2007 - 1:30 P.M.
House Finance Hearing Room (Room 313)

FINAL AGENDA

FINAL AGENDA

New Rule	Revised Filing	No	5101:3-13-01.5	Fee-for-service ambulatory health care clinics (AHCCs); family planning clinics.
New Rule	Revised Filing	No	5101:3-13-01.6	Fee-for-service ambulatory health care clinics (AHCCs); professional optometry school clinics.
New Rule	Revised Filing	No	5101:3-13-01.7	Fee-for-service ambulatory health care clinics (AHCCs); professional dental school clinics.
New Rule	Revised Filing	No	5101:3-13-01.8	Fee-for-service ambulatory health care clinics (AHCCs); speech-language/audiology clinics and diagnostic imaging clinics.
New Rule	Revised Filing	No	5101:3-13-01.9	Fee-for-service ambulatory health care clinics (AHCCs); end-stage renal disease (ESRD) dialysis clinics.

Total Rules: 2 Original Filing Date: 10/5/2007 Date of Refiled Filing: 11/20/2007 Jurisdiction Ends: 12/20/2007 Public Hearing: 11/14/2007

<u>Rule Type</u>	<u>Action</u>	<u>FYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
New Rule	Refiled Filing	No	5101:3-13-01	Fee-for-service ambulatory health care clinics (AHCCs); general provisions.
New Rule	Refiled Filing	No	5101:3-13-01.2	Fee-for-service ambulatory health care clinics (AHCCs); community mental health services clinics.

35 Department of Job and Family Services • Division of Medical Assistance

Total Rules: 2 Original Filing Date: 10/5/2007

<u>Rule Type</u>	<u>Action</u>	<u>FYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
Rescission	Original Filing	Yes	5101:3-13-01	Eligible ambulatory health care clinic provider.
Rescission	Original Filing	Yes	5101:3-13-04	Covered specialty clinic services.

Jurisdiction Ends: 12/9/2007 Public Hearing:

36 Department of Job and Family Services • Division of Medical Assistance

Total Rules: 5 Original Filing Date: 5/15/2007 Date of Refiled Filing: 11/6/2007 Jurisdiction Ends: 12/6/2007 Public Hearing: 6/19/2007

<u>Rule Type</u>	<u>Action</u>	<u>FYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Refiled Filing	Yes	5101:3-8-20	Advanced practice nurses.
Amendment	Refiled Filing	Yes	5101:3-8-21	Advanced practice nurses: eligible Ohio Medicaid providers.
Amendment	Refiled Filing	Yes	5101:3-8-22	Advanced practice nurses practice arrangements and reimbursement.
Amendment	Refiled Filing	Yes	5101:3-8-23	Advanced practice nurses: coverage and limitations.
Amendment	Refiled Filing	Yes	5101:3-8-24	Eligible providers of certified registered nurse anesthetist (CRNA) services.

Jurisdiction Ends: 12/6/2007 Public Hearing: 6/19/2007

37 Department of Job and Family Services • Division of Medical Assistance

Total Rules: 5 Original Filing Date: 10/16/2007

<u>Rule Type</u>	<u>Action</u>	<u>FYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	Yes	5101:3-4-26	Covered physical medicine and rehabilitation services.

Jurisdiction Ends: 12/20/2007 Public Hearing: 11/20/2007

JOINT COMMITTEE ON AGENCY RULE REVIEW

12/3/2007 - 1:30 P.M.

FINAL AGENDA

FINAL AGENDA

House Finance Hearing Room (Room 313)

Rescission	Original Filing	Yes	5101:3-8-02	Covered physical therapy and rehabilitation services and limitations.
New Rule	Original Filing	No	5101:3-8-03	Covered occupational therapy services and limitations.
New Rule	Original Filing	No	5101:3-34-01	Physical therapy, occupational therapy and speech-language pathology/audiology services: general provisions.
New Rule	Original Filing	No	5101:3-34-01.3	Physical therapy, occupational therapy and speech-language pathology/audiology services: provider claims, billing, payment and reimbursement.
Total Rules: 4 Original Filing Date: 10/16/2007 Date of Revised Filing: 11/20/2007 Jurisdiction Ends: 12/20/2007 Public Hearing: 11/20/2007				
<u>Rule Type</u>	<u>Action</u>	<u>EYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Revised Filing	Yes	5101:3-8-01	Eligible providers of limited practitioner services.
New Rule	Revised Filing	No	5101:3-8-02	Covered physical therapy services and limitations.
New Rule	Revised Filing	No	5101:3-34-01.1	Physical therapy, occupational therapy and speech-language pathology/audiology services: definitions.
New Rule	Revised Filing	No	5101:3-34-01.2	Physical therapy, occupational therapy and speech-language pathology/audiology services: coverage and limitations.

38 Department of Job and Family Services • Division of Medical Assistance

Total Rules: 1 Original Filing Date: 10/1/2007 Jurisdiction Ends: 12/5/2007 Public Hearing: 11/5/2007				
<u>Rule Type</u>	<u>Action</u>	<u>EYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	Yes	5101:3-10-20	Covered orthotic and prosthetic services and associated limitations.
Total Rules: 1 Original Filing Date: 10/1/2007 Date of Revised Filing: 11/5/2007 Jurisdiction Ends: 12/5/2007 Public Hearing: 11/5/2007				
<u>Rule Type</u>	<u>Action</u>	<u>EYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Revised Filing	Yes	5101:3-10-03	"Medicaid Supply List".

39 Department of Job and Family Services • Division of Medical Assistance

Total Rules: 2 Original Filing Date: 10/16/2007 Jurisdiction Ends: 12/20/2007 Public Hearing: 11/20/2007				
<u>Rule Type</u>	<u>Action</u>	<u>EYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	Yes	5101:3-8-05	Covered psychology services and limitations.
Amendment	Original Filing	Yes	5101:3-8-11	Covered chiropractic physician services and limitations.

40 Department of Job and Family Services • Division of Medical Assistance

Total Rules: 13 Original Filing Date: 10/16/2007 Jurisdiction Ends: 12/20/2007 Public Hearing: 11/20/2007				
<u>Rule Type</u>	<u>Action</u>	<u>EYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	No	5101:3-26-01	Managed health care programs: definitions.

JOINT COMMITTEE ON AGENCY RULE REVIEW
12/3/2007 - 1:30 P.M.
House Finance Hearing Room (Room 313)

FINAL AGENDA

FINAL AGENDA

Amendment	Original Filing	No	5101:3-26-02	Managed health care programs: eligibility, membership and automatic renewal of membership.
Amendment	Original Filing	No	5101:3-26-02.1	Managed health care programs: termination of membership.
Amendment	Original Filing	Yes	5101:3-26-03	Managed health care programs: covered services.
Amendment	Original Filing	Yes	5101:3-26-03.1	Managed health care programs: care coordination.
Amendment	Original Filing	Yes	5101:3-26-05	Managed health care programs: provider panel and subcontracting requirements.
Amendment	Original Filing	Yes	5101:3-26-05.1	Managed health care programs: provider services.
Amendment	Original Filing	No	5101:3-26-07	Managed health care programs: annual external quality review survey.
Amendment	Original Filing	No	5101:3-26-08	Managed health care programs: marketing.
Amendment	Original Filing	No	5101:3-26-08.2	Managed health care programs: member services.
Amendment	Original Filing	Yes	5101:3-26-08.3	Managed health care programs: Member rights.
Amendment	Original Filing	No	5101:3-26-10	Managed health care programs: sanctions and provider agreement actions.
Amendment	Original Filing	Yes	5101:3-26-11	Managed health care programs: managed care plan non-contracting providers.

41 Department of Job and Family Services • Division of Medical Assistance

Total Rules: 1 Original Filing Date: 10/4/2007

Jurisdiction Ends: 12/8/2007 Public Hearing: 11/9/2007

<u>Rule Type</u>	<u>Action</u>	<u>BYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	Yes	5101:3-9-05	Reimbursement.

42 Department of Job and Family Services • Division of Medical Assistance

Total Rules: 1 Original Filing Date: 10/16/2007

Jurisdiction Ends: 12/20/2007 Public Hearing: 11/20/2007

<u>Rule Type</u>	<u>Action</u>	<u>BYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	Yes	5101:3-10-22	Volume ventilators, positive and negative pressure ventilators, continuous positive airway pressure (CPAP), alternating positive airway pressure (APAP), and intermittent positive pressure ventilation (IPPV).

43 Department of Job and Family Services • Division of Medical Assistance

Total Rules: 1 Original Filing Date: 10/16/2007

Jurisdiction Ends: 12/20/2007 Public Hearing: 11/20/2007

<u>Rule Type</u>	<u>Action</u>	<u>BYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	No	5101:3-1-17	Eligible providers [except intermediate care facilities for the mentally retarded (ICFs-MR) and medicaid contracting managed care plans (MCPs)].

44 Department of Job and Family Services • Division of Medical Assistance

Total Rules: 2 Original Filing Date: 10/16/2007

Jurisdiction Ends: 12/20/2007 Public Hearing: 11/20/2007

JOINT COMMITTEE ON AGENCY RULE REVIEW
12/3/2007 - 1:30 P.M.
House Finance Hearing Room (Room 313)

FINAL AGENDA

FINAL AGENDA

<u>Rule Type</u>	<u>Action</u>	<u>FYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
Rescission	Original Filing	Yes	5101:3-1-17.4	Length and type of provider agreements [except long-term care nursing facilities (NFs), intermediate care facilities for the mentally retarded (ICFs-MR) and medicaid contracting managed care plans (MCPs)].
New Rule	Original Filing	No	5101:3-1-17.5	Suspension of medicaid provider agreements.
Total Rules: 3 Original Filing Date: 10/16/2007 Date of Revised Filing: 11/20/2007 Jurisdiction Ends: 12/20/2007 Public Hearing: 11/20/2007				
<u>Rule Type</u>	<u>Action</u>	<u>FYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
New Rule	Revised Filing	No	5101:3-1-17.4	Length and type of provider agreements.
Amendment	Revised Filing	No	5101:3-1-17.6	Termination and denial of provider agreement [except long-term care nursing facilities (NFs), intermediate care facilities for the mentally retarded (ICFs-MR) and medicaid contracting managed care plans (MCPs)].
Amendment	Revised Filing	No	5101:3-1-57	Process for provider appeals from proposed departmental actions.

45 Department of Job and Family Services • Division of Public Assistance

<u>Rule Type</u>	<u>Action</u>	<u>FYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
Total Rules: 7 Original Filing Date: 10/12/2007 Jurisdiction Ends: 12/16/2007 Public Hearing:				
Rescission	Original Filing	Yes	5101:1-40-02.3	Covered families and children medicaid: coverage for foster care maintenance and adoption assistance money payment recipients.
Rescission	Original Filing	Yes	5101:1-40-03	Covered families and children (CFC) medicaid: children in care.
Amendment	Original Filing	Yes	5101:1-40-05	Medicaid: transitional medicaid.
Rescission	Original Filing	Yes	5101:1-40-08	Medicaid: healthy start.
Rescission	Original Filing	Yes	5101:1-40-10	Covered families and children medicaid: county case responsibility for individuals in custody of public children services and private child placing agencies.
Rescission	Original Filing	Yes	5101:1-40-25	Covered families and children medicaid: low income families medicaid (LIF) budgeting methodologies.
Amendment	Original Filing	Yes	5101:1-40-26	Medicaid: standards of need and pregnancy allowance.
Total Rules: 3 Original Filing Date: 10/12/2007 Date of Refiled Filing: 11/20/2007 Jurisdiction Ends: 12/20/2007 Public Hearing:				

<u>Rule Type</u>	<u>Action</u>	<u>FYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
New Rule	Refiled Filing	No	5101:1-40-03	Medicaid: children in care and individuals younger than age twenty-one who have aged out of foster care.
New Rule	Refiled Filing	No	5101:1-40-08	Medicaid: coverage for children and pregnant women.
New Rule	Refiled Filing	No	5101:1-40-25	Covered families and children medicaid: low income families (LIF).

46 Department of Job and Family Services • Division of Public Assistance

JOINT COMMITTEE ON AGENCY RULE REVIEW
12/3/2007 - 1:30 P.M.
House Finance Hearing Room (Room 313)

FINAL AGENDA

FINAL AGENDA

Total Rules: 1 Original Filing Date: 10/12/2007 Date of Revised Filing: 11/9/2007 Jurisdiction Ends: 12/16/2007 Public Hearing: 11/13/2007

<u>Rule Type</u>	<u>Action</u>	<u>FYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
New Rule	Revised Filing	No	5101:1-41-30	Medicaid: Medicaid buy-in for workers with disabilities (MBIWD).

47 Department of Job and Family Services • Division of Public Assistance

Total Rules: 1 Original Filing Date: 10/12/2007 Jurisdiction Ends: 12/16/2007 Public Hearing: 11/13/2007

<u>Rule Type</u>	<u>Action</u>	<u>FYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
New Rule	Original Filing	No	5101:1-40-08.2	Medicaid: coverage for children from two hundred one per cent to three hundred per cent of the federal poverty level (FPL).

48 Department of Job and Family Services • Division of Public Assistance

Total Rules: 2 Original Filing Date: 10/12/2007 Jurisdiction Ends: 12/16/2007 Public Hearing: 11/13/2007

<u>Rule Type</u>	<u>Action</u>	<u>FYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	No	5101:1-3-12	Ohio works first (OWF): work activities.
Rescission	Original Filing	Yes	5101:1-3-15	Ohio works first (OWF): three-tier sanctions.

Total Rules: 1 Original Filing Date: 10/12/2007 Date of Revised Filing: 11/14/2007 Jurisdiction Ends: 12/16/2007 Public Hearing: 11/13/2007

<u>Rule Type</u>	<u>Action</u>	<u>FYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
New Rule	Revised Filing	No	5101:1-3-15	Ohio works first (OWF): three-tier sanctions.

49 Department of Job and Family Services • Division of Public Assistance

Total Rules: 5 Original Filing Date: 10/15/2007 Jurisdiction Ends: 12/19/2007 Public Hearing: 11/19/2007

<u>Rule Type</u>	<u>Action</u>	<u>FYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	Yes	5101:1-2-01	The application process for Ohio works first (OWF), disability financial assistance (DFA), and refugee cash assistance (RCA).
Amendment	Original Filing	Yes	5101:1-3-10	Ohio works first (OWF): child support requirement.
New Rule	Original Filing	No	5101:1-3-20	Ohio works first (OWF): domestic violence- information, screening, referral and waiver of OWF eligibility requirements.
Amendment	Original Filing	No	5101:1-23-01	Ohio works first (OWF): time-limited receipt of assistance.
Amendment	Original Filing	No	5101:1-23-01.1	Ohio works first (OWF): time limits and the calculation of the twenty per cent limits for state and federal hardship extensions.

50 Department of Job and Family Services • Division of Social Services

Total Rules: 3 Original Filing Date: 10/5/2007 Jurisdiction Ends: 12/9/2007 Public Hearing: 11/7/2007

<u>Rule Type</u>	<u>Action</u>	<u>FYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
------------------	---------------	-------------	--------------------	-------------------

JOINT COMMITTEE ON AGENCY RULE REVIEW
12/3/2007 - 1:30 P.M.
House Finance Hearing Room (Room 313)

FINAL AGENDA

FINAL AGENDA

Amendment	Original Filing	No	5101:2-16-07	County department of job and family services administrative responsibilities for determining eligibility for publicly funded child care benefits.
Amendment	Original Filing	No	5101:2-16-34	Income eligibility requirements for publicly funded child care benefits.
Amendment	Original Filing	No	5101:2-16-35	Determination of eligibility by the county department of job and family services for publicly funded child care benefits.

Total Rules: 1 Original Filing Date: 10/5/2007 Date of Revised Filing: 10/5/2007 Jurisdiction Ends: 12/9/2007 Public Hearing: 11/7/2007

<u>Rule Type</u>	<u>Action</u>	<u>FYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
------------------	---------------	-------------	--------------------	-------------------

Amendment	Revised Filing	No	5101:2-16-44	County department of job and family services requirements for the purchase of child care services.
-----------	----------------	----	--------------	--

51 Department of Job and Family Services • Division of Social Services

Total Rules: 2 Original Filing Date: 10/18/2007 Jurisdiction Ends: 12/22/2007 Public Hearing: 11/19/2007

<u>Rule Type</u>	<u>Action</u>	<u>FYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
------------------	---------------	-------------	--------------------	-------------------

Amendment	Original Filing	No	5101:2-47-23.1	Title IV-E agency contracting and contract monitoring requirements.
Amendment	Original Filing	No	5101:2-47-26.2	Cost Report "Agreed Upon Procedures" engagement.

52 Department of Public Safety •

Total Rules: 14 Original Filing Date: 10/16/2007 Jurisdiction Ends: 12/20/2007 Public Hearing: 11/16/2007

<u>Rule Type</u>	<u>Action</u>	<u>FYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
------------------	---------------	-------------	--------------------	-------------------

Amendment	Original Filing	Yes	4501-1-01	Definitions.
Amendment	Original Filing	Yes	4501-1-03	Application for license and application process.
Amendment	Original Filing	Yes	4501-1-05	Criminal record.
Amendment	Original Filing	Yes	4501-1-06	Insurance coverage.
Amendment	Original Filing	Yes	4501-1-07	Performance bond.
Rescission	Original Filing	Yes	4501-1-08	Driver qualifications.
New Rule	Original Filing	No	4501-1-08	Driver qualifications.
Amendment	Original Filing	Yes	4501-1-09	Certificate of insurance and bond.
Rescission	Original Filing	Yes	4501-1-10	Validity of license.
New Rule	Original Filing	No	4501-1-10	Validity of license.
Amendment	Original Filing	Yes	4501-1-13	Suspension or revocation of license.
Amendment	Original Filing	Yes	4501-1-14	Failure to fulfill contract.
Amendment	Original Filing	Yes	4501-1-15	Condition of motor vehicle equipment.
Amendment	Original Filing	Yes	4501-1-16	Annual status report.

JOINT COMMITTEE ON AGENCY RULE REVIEW
12/3/2007 - 1:30 P.M.
House Finance Hearing Room (Room 313)

FINAL AGENDA

FINAL AGENDA

53 Department of Rehabilitation and Correction •

Total Rules: 1 Original Filing Date: 10/22/2007 Date of Revised Filing: 10/25/2007 Jurisdiction Ends: 12/26/2007 Public Hearing:

<u>Rule Type</u>	<u>Action</u>	<u>FYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Revised Filing	No	5120-12-01	Establishment of a transitional control program and minimum criteria defining eligibility.

54 Office of Budget and Management •

Total Rules: 2 Original Filing Date: 10/11/2007

Jurisdiction Ends: 12/15/2007 Public Hearing:

<u>Rule Type</u>	<u>Action</u>	<u>FYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
Rescission	Original Filing	Yes	126-1-02	Rates and requirements for reimbursement of travel expenses of state agents.
New Rule	Original Filing	No	126-1-02	Rates and requirements for reimbursement of travel expenses of state agents.

55 Ohio Board of Regents •

Total Rules: 6 Original Filing Date: 10/10/2007

Jurisdiction Ends: 12/14/2007 Public Hearing: 11/13/2007

<u>Rule Type</u>	<u>Action</u>	<u>FYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
New Rule	Original Filing	No	3333-1-61	Choose Ohio first scholarship program; eligible proposals.
New Rule	Original Filing	No	3333-1-61.1	General guidelines for proposals.
New Rule	Original Filing	No	3333-1-61.2	Objectives to be reflected in proposals.
New Rule	Original Filing	No	3333-1-61.3	Review process of proposals.
New Rule	Original Filing	No	3333-1-61.4	Award and Agreements.
New Rule	Original Filing	No	3333-1-61.5	Funding.

56 Ohio Environmental Protection Agency •

Total Rules: 1 Original Filing Date: 5/1/2007

Date of Refiled Filing: 11/8/2007 Jurisdiction Ends: 12/8/2007 Public Hearing: 6/8/2007

<u>Rule Type</u>	<u>Action</u>	<u>FYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
New Rule	Refiled Filing	No	3745-110-02	Applicability.

57 Ohio Environmental Protection Agency •

Total Rules: 2 Original Filing Date: 8/27/2007

Date of Refiled Filing: 11/19/2007 Jurisdiction Ends: 12/19/2007 Public Hearing: 10/3/2007

<u>Rule Type</u>	<u>Action</u>	<u>FYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
Rescission	Refiled Filing	Yes	3745-21-07	Control of emissions of organic materials from stationary sources.
New Rule	Refiled Filing	No	3745-21-07	Control of emissions of organic materials from stationary sources (i.e., emissions that are not regulated by rule 3745-21-09, 3745-21-12, 3745-21-13, 3745-21-14, 3745-21-15, 3745-21-16, or 3745-21-18 of the Administrative Code).

JOINT COMMITTEE ON AGENCY RULE REVIEW
12/3/2007 - 1:30 P.M.
House Finance Hearing Room (Room 313)

FINAL AGENDA

FINAL AGENDA

58 Ohio Environmental Protection Agency •

Total Rules: 3 Original Filing Date: 10/11/2007

Jurisdiction Ends: 12/15/2007 Public Hearing: 11/16/2007

<u>Rule Type</u>	<u>Action</u>	<u>FYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	Yes	3745-81-14	Maximum contaminant levels for microbiological contaminants.
Amendment	Original Filing	Yes	3745-81-21	Coliform monitoring requirements.
Amendment	Original Filing	Yes	3745-81-32	Public notification.

59 Ohio Medical Transportation Board •

Total Rules: 14 Original Filing Date: 10/17/2007

Jurisdiction Ends: 12/21/2007 Public Hearing: 11/20/2007

<u>Rule Type</u>	<u>Action</u>	<u>FYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
New Rule	Original Filing	No	4766-5-01	Definitions.
New Rule	Original Filing	No	4766-5-02	Application for initial or renewal licensure.
New Rule	Original Filing	No	4766-5-03	Fees.
New Rule	Original Filing	No	4766-5-04	Inspection of physical facilities.
New Rule	Original Filing	No	4766-5-05	Inspection of aircraft.
New Rule	Original Filing	No	4766-5-10	Communications requirements.
New Rule	Original Filing	No	4766-5-11	Sanitation requirements.
New Rule	Original Filing	No	4766-5-12	Maintenance requirements and documentation.
New Rule	Original Filing	No	4766-5-13	Staffing compliance.
New Rule	Original Filing	No	4766-5-16	Temporary use of aircraft and disaster operations.
New Rule	Original Filing	No	4766-5-18	Changes to be reported to the board.
New Rule	Original Filing	No	4766-5-19	Investigation of alleged violations.
New Rule	Original Filing	No	4766-5-20	Grounds for suspension, revocation, or denial of license or permit.
New Rule	Original Filing	No	4766-5-21	Summary suspension.

Total Rules: 2 Original Filing Date: 10/17/2007 Date of Revised Filing: 11/21/2007

Jurisdiction Ends: 12/21/2007 Public Hearing: 11/20/2007

<u>Rule Type</u>	<u>Action</u>	<u>FYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
New Rule	Revised Filing	No	4766-5-09	Recordkeeping requirements.
New Rule	Revised Filing	No	4766-5-22	Equipment for aircraft.

60 Ohio Police and Fire Pension Fund •

Total Rules: 1 Original Filing Date: 10/3/2007

Jurisdiction Ends: 12/7/2007 Public Hearing:

<u>Rule Type</u>	<u>Action</u>	<u>FYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
------------------	---------------	-------------	--------------------	-------------------

JOINT COMMITTEE ON AGENCY RULE REVIEW
12/3/2007 - 1:30 P.M.
House Finance Hearing Room (Room 313)

FINAL AGENDA

FINAL AGENDA

Amendment Original Filing Yes 742-5-11 Definition of concurrent service.
 Total Rules: 1 Original Filing Date: 10/3/2007 Date of Revised Filing: 10/5/2007 Jurisdiction Ends: 12/7/2007 Public Hearing:

Rule Type Action FYR? Rule Number Rule Title
 Amendment Revised Filing Yes 742-19-01 Administration of public safety officers death benefit fund.

61 Ohio Turnpike Commission

Total Rules: 1 Original Filing Date: 10/16/2007 Jurisdiction Ends: 12/20/2007 Public Hearing:

Rule Type Action FYR? Rule Number Rule Title
 Amendment Original Filing Yes 5537-3-01 Prohibited users.

62 Public Employees Retirement System

Total Rules: 5 Original Filing Date: 10/17/2007 Jurisdiction Ends: 12/21/2007 Public Hearing:

Rule Type Action FYR? Rule Number Rule Title
 Amendment Original Filing No 145-1-35 Service purchase.
 Amendment Original Filing No 145-1-65 Interim benefit payment.
 Amendment Original Filing No 145-1-71 Withdrawal of benefit application.
 Amendment Original Filing No 145-1-73 Withdrawal of application for refund or money purchase or additional annuity lump sum payments.
 Amendment Original Filing No 145-2-51 Effective date of benefits.

63 Public Utilities Commission of Ohio • Motor Carriers

Total Rules: 10 Original Filing Date: 10/18/2007 Jurisdiction Ends: 12/22/2007 Public Hearing:

Rule Type Action FYR? Rule Number Rule Title
 Rescission Original Filing Yes 4901:2-17-01 Definitions.
 Rescission Original Filing Yes 4901:2-17-02 Registration required.
 Rescission Original Filing Yes 4901:2-17-03 Designation of process agent required.
 Rescission Original Filing Yes 4901:2-17-04 Vehicle registration and identification required.
 Rescission Original Filing Yes 4901:2-17-05 Evidence of liability security.
 Rescission Original Filing Yes 4901:2-17-06 Notice of security cancellation.
 Rescission Original Filing Yes 4901:2-17-07 Miscellaneous.
 Rescission Original Filing Yes 4901:2-17-09 Procedure for registration of an exempt carrier by the carrier's agent.
 Rescission Original Filing Yes 4901:2-17-11 Purchase of cab card stamps.
 Rescission Original Filing Yes 4901:2-17-13 Possession of and presentation of cab card.

JOINT COMMITTEE ON AGENCY RULE REVIEW
12/3/2007 - 1:30 P.M.
House Finance Hearing Room (Room 313)

FINAL AGENDA

FINAL AGENDA

64 Public Utilities Commission of Ohio • Motor Carriers

Total Rules: 9 Original Filing Date: 10/18/2007

Jurisdiction Ends: 12/22/2007 Public Hearing:

<u>Rule Type</u>	<u>Action</u>	<u>FYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
Rescission	Original Filing	Yes	4901:2-15-01	Definitions.
New Rule	Original Filing	No	4901:2-15-01	Definitions.
Rescission	Original Filing	Yes	4901:2-15-02	Registration requirements.
New Rule	Original Filing	No	4901:2-15-02	Registration requirements.
Rescission	Original Filing	Yes	4901:2-15-03	Registration fees.
New Rule	Original Filing	No	4901:2-15-03	Change of name, address, or ownership of motor carrier.
Rescission	Original Filing	Yes	4901:2-15-04	Information required when registering.
Rescission	Original Filing	Yes	4901:2-15-05	Registration receipts.
Rescission	Original Filing	Yes	4901:2-15-06	Change of name, address, or ownership of motor carrier.

65 Public Utilities Commission of Ohio • Utilities

Total Rules: 4 Original Filing Date: 7/25/2007

Date of Refiled Filing: 11/20/2007 Jurisdiction Ends: 12/20/2007 Public Hearing:

<u>Rule Type</u>	<u>Action</u>	<u>FYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
New Rule	Refiled Filing	No	4901:1-5-03	Consumer access and information.
New Rule	Refiled Filing	No	4901:1-5-05	Establishing service and use of customer information.
New Rule	Refiled Filing	No	4901:1-5-06	Customer enrollment and contracts.
New Rule	Refiled Filing	No	4901:1-5-07	Customer bills.

66 Public Utilities Commission of Ohio • Utilities

Total Rules: 1 Original Filing Date: 7/25/2007

Date of Refiled Filing: 11/20/2007 Jurisdiction Ends: 12/20/2007 Public Hearing:

<u>Rule Type</u>	<u>Action</u>	<u>FYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
New Rule	Refiled Filing	No	4901:1-5-10	Service termination.

67 Public Utilities Commission of Ohio • Utilities

Total Rules: 1 Original Filing Date: 9/5/2007

Date of Refiled Filing: 11/20/2007 Jurisdiction Ends: 12/20/2007 Public Hearing:

<u>Rule Type</u>	<u>Action</u>	<u>FYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
New Rule	Refiled Filing	No	4901:1-7-26	Competition safeguards.

68 State Board of Emergency Medical Services •

Total Rules: 27 Original Filing Date: 10/12/2007

Jurisdiction Ends: 12/16/2007 Public Hearing: 11/14/2007

JOINT COMMITTEE ON AGENCY RULE REVIEW
 12/3/2007 - 1:30 P.M.
 House Finance Hearing Room (Room 313)

FINAL AGENDA

FINAL AGENDA

<u>Rule Type</u>	<u>Action</u>	<u>FYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
Rescission	Original Filing	Yes	4765-4-01	State trauma registry.
New Rule	Original Filing	No	4765-4-01	Definitions.
Rescission	Original Filing	Yes	4765-4-02	Operation of state trauma registry.
New Rule	Original Filing	No	4765-4-02	Purpose.
Rescission	Original Filing	Yes	4765-4-03	Required reporting to state trauma registry.
New Rule	Original Filing	No	4765-4-03	Required reporting.
Rescission	Original Filing	Yes	4765-4-04	Definitions.
New Rule	Original Filing	No	4765-4-04	Risk adjustment.
Rescission	Original Filing	Yes	4765-4-05	Purpose of risk adjustment.
New Rule	Original Filing	No	4765-4-05	Protected information.
Rescission	Original Filing	Yes	4765-4-06	Risk adjustment of state trauma registry data.
New Rule	Original Filing	No	4765-4-06	Submission of data.
Rescission	Original Filing	Yes	4765-4-07	Protected information within the state trauma registry.
New Rule	Original Filing	No	4765-4-07	Reporting deadlines.
Rescission	Original Filing	Yes	4765-4-08	Risk adjustment deliberations.
New Rule	Original Filing	No	4765-4-08	Failure to report.
New Rule	Original Filing	No	4765-4-09	Regional reporting.
Rescission	Original Filing	Yes	4765-13-01	Definitions.
Rescission	Original Filing	Yes	4765-13-02	Purpose.
Rescission	Original Filing	Yes	4765-13-03	Required reporting.
Rescission	Original Filing	Yes	4765-13-04	Format.
Rescission	Original Filing	Yes	4765-13-05	Reporting deadlines.
Rescission	Original Filing	Yes	4765-13-06	Reports.
Rescission	Original Filing	Yes	4765-13-07	Notifications.
Rescission	Original Filing	Yes	4765-13-08	Failure to report.
Rescission	Original Filing	Yes	4765-13-09	Advisory committee.
Rescission	Original Filing	Yes	4765-13-10	Protected information within the EMS incident reporting system.

69 State Board of Emergency Medical Services *

Total Rules: 9 Original Filing Date: 10/12/2007

Jurisdiction Ends: 12/16/2007 Public Hearing: 11/14/2007

Rule Type Action FYR? Rule Number Rule Title

JOINT COMMITTEE ON AGENCY RULE REVIEW
12/3/2007 - 1:30 P.M.
House Finance Hearing Room (Room 313)

FINAL AGENDA

FINAL AGENDA

New Rule	Original Filing	No	4765-7-11	Continuing education course requirements for Ohio EMS accredited and approved institutions.
Rescission	Original Filing	Yes	4765-10-01	Complaint procedure.
New Rule	Original Filing	No	4765-10-01	Definitions for disciplinary actions.
Rescission	Original Filing	Yes	4765-10-02	Investigations by the board.
New Rule	Original Filing	No	4765-10-02	Investigations.
Amendment	Original Filing	No	4765-10-03	Administrative actions.
Amendment	Original Filing	No	4765-10-05	Report of administrative actions.
Rescission	Original Filing	Yes	4765-19-01	Continuing education requirement.
New Rule	Original Filing	No	4765-19-01	Continuing education for first responders and EMTs.

70 State Board of Examiners of Architects •

Total Rules: 3 Original Filing Date: 10/11/2007 Jurisdiction Ends: 12/15/2007 Public Hearing: 11/16/2007

<u>Rule Type</u>	<u>Action</u>	<u>FYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	No	4703-1-02	Applications.
New Rule	Original Filing	No	4703-2-06	Program Providing for Reimbursement of IDP Enrollment Fees.
Amendment	Original Filing	No	4703-3-07	Code of conduct.

71 State Teachers Retirement System • Defined Benefits

Total Rules: 2 Original Filing Date: 10/22/2007 Jurisdiction Ends: 12/26/2007 Public Hearing:

<u>Rule Type</u>	<u>Action</u>	<u>FYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	No	3307:1-11-03	Health care services - cost.
Amendment	Original Filing	No	3307:1-11-10	Responsibility for health care coverage.

72 State Veterinary Medical Licensing Board •

Total Rules: 1 Original Filing Date: 10/11/2007 Jurisdiction Ends: 12/15/2007 Public Hearing: 11/14/2007

<u>Rule Type</u>	<u>Action</u>	<u>FYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	Yes	4741-1-14	Veterinary aide duties.

To Be Refiled

73 Department of Job and Family Services • Division of Medical Assistance

Total Rules: 1 Original Filing Date: 10/16/2007 Date of To Be Refiled: 11/29/2007 Jurisdiction Ends:

Public Hearing: 11/20/2007

JOINT COMMITTEE ON AGENCY RULE REVIEW
12/3/2007 - 1:30 P.M.
House Finance Hearing Room (Room 313)

FINAL AGENDA

FINAL AGENDA

Rule Type Action FYR? Rule Number Rule Title
 Amendment To Be Refilled No 5101:3-2-07.3 Methodology for determining relative weights.

74 Department of Job and Family Services • Division of Medical Assistance

Total Rules: 2 Original Filing Date: 10/16/2007 Date of To Be Refilled: 11/29/2007 Jurisdiction Ends: Public Hearing: 11/20/2007

Rule Type Action FYR? Rule Number Rule Title
 Rescission To Be Refilled Yes 5101:3-15-04 Medical transportation services: reimbursement.
 New Rule To Be Refilled No 5101:3-15-04 Medical transportation services: reimbursement.

75 Department of Job and Family Services • Division of Medical Assistance

Total Rules: 10 Original Filing Date: 10/16/2007 Date of To Be Refilled: 11/29/2007 Jurisdiction Ends: Public Hearing: 11/20/2007

Rule Type Action FYR? Rule Number Rule Title
 Amendment To Be Refilled Yes 5101:3-5-01 Dental program: general and co-payment provisions.
 Amendment To Be Refilled Yes 5101:3-5-02 Dental program: covered diagnostic services and limitations.
 Amendment To Be Refilled Yes 5101:3-5-04 Dental program: covered preventive services and limitations.
 Amendment To Be Refilled Yes 5101:3-5-05 Dental program: covered restorative services and limitations.
 Amendment To Be Refilled Yes 5101:3-5-06 Dental program: covered endodontic services and limitations.
 Amendment To Be Refilled Yes 5101:3-5-07 Dental program: covered periodontic services and limitations.
 Amendment To Be Refilled Yes 5101:3-5-08 Dental program: covered removable prosthodontic services and limitations.
 Amendment To Be Refilled Yes 5101:3-5-09 Dental program: covered oral surgery services and limitations.
 Amendment To Be Refilled Yes 5101:3-5-10 Dental program: covered orthodontic services and limitations.
 Amendment To Be Refilled Yes 5101:3-5-11 Dental program: other covered services and limitations.

76 Department of Job and Family Services • Division of Medical Assistance

Total Rules: 1 Original Filing Date: 10/15/2007 Date of To Be Refilled: 11/28/2007 Jurisdiction Ends: Public Hearing: 11/19/2007

Rule Type Action FYR? Rule Number Rule Title
 Amendment To Be Refilled No 5101:3-27-02 Coverage and limitations of medicaid community mental health services.

77 Department of Job and Family Services • Division of Medical Assistance

Total Rules: 3 Original Filing Date: 10/16/2007 Date of To Be Refilled: 11/29/2007 Jurisdiction Ends: Public Hearing: 11/20/2007

Rule Type Action FYR? Rule Number Rule Title
 Amendment To Be Refilled No 5101:3-46-06 Ohio home care waiver: reimbursement rates and billing procedures.
 Amendment To Be Refilled No 5101:3-47-06 Transitions MR/DD waiver program: reimbursement rates and billing procedures.

JOINT COMMITTEE ON AGENCY RULE REVIEW
12/3/2007 - 1:30 P.M.
House Finance Hearing Room (Room 313)

FINAL AGENDA

FINAL AGENDA

Amendment To Be Refiled No 5101:3-50-06 Transitions carve-out waiver program: reimbursement rates and billing procedures.

78 Department of Job and Family Services • Division of Medical Assistance

Total Rules: 2 Original Filing Date: 10/16/2007 Date of To Be Refiled: 11/29/2007 Jurisdiction Ends: Public Hearing: 11/20/2007

<u>Rule Type</u>	<u>Action</u>	<u>FYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	To Be Refiled	No	5101:3-12-05	Reimbursement: home health services.
Amendment	To Be Refiled	No	5101:3-12-06	Reimbursement: private duty nursing services.

79 Department of Mental Health •

Total Rules: 4 Original Filing Date: 10/16/2007 Date of To Be Refiled: 11/28/2007 Jurisdiction Ends: Public Hearing: 11/19/2007

<u>Rule Type</u>	<u>Action</u>	<u>FYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	To Be Refiled	Yes	5122-29-01	Purpose.
Amendment	To Be Refiled	Yes	5122-29-04	Mental health assessment service.
Rescission	To Be Refiled	Yes	5122-29-17	Community psychiatric supportive treatment (CPST) service.
New Rule	To Be Refiled	No	5122-29-17	Community psychiatric supportive treatment (CPST) service.

80 Department of Mental Retardation and Developmental Disabilities • Community Services

Total Rules: 2 Original Filing Date: 10/15/2007 Date of To Be Refiled: 11/28/2007 Jurisdiction Ends: Public Hearing: 11/16/2007

<u>Rule Type</u>	<u>Action</u>	<u>FYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
Rescission	To Be Refiled	Yes	5123:2-3-18	Calculation of room and board payment for an individual residing in a residential facility.
New Rule	To Be Refiled	No	5123:2-3-18	Calculation of room and board payment for an individual residing in a residential facility.

Withdrawn

81 Department of Agriculture • Plant Industry

Total Rules: 1 Original Filing Date: 4/27/2006 Date of Withdrawn Filing: 11/30/2007 Jurisdiction Ends: Public Hearing: 5/31/2006

<u>Rule Type</u>	<u>Action</u>	<u>FYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>
New Rule	Withdrawn Filing	No	901:5-7-23	BSE prevention.

82 Department of Job and Family Services • Child Support

Total Rules: 1 Original Filing Date: 5/29/2007 Date of Withdrawn Filing: 11/19/2007 Jurisdiction Ends: Public Hearing: 7/3/2007

<u>Rule Type</u>	<u>Action</u>	<u>FYR?</u>	<u>Rule Number</u>	<u>Rule Title</u>

JOINT COMMITTEE ON AGENCY RULE REVIEW
 12/3/2007 - 1:30 P.M.
 House Finance Hearing Room (Room 313)

FINAL AGENDA

FINAL AGENDA

New Rule Withdrawn Filing No 5101:12-80-14.2 Notice of support payments.
 83 Department of Job and Family Services • Division of Medical Assistance
 Total Rules: 1 Original Filing Date: 9/25/2007 Date of Withdrawn Filing: 11/29/2007 Jurisdiction Ends: Public Hearing: 10/30/2007
Rule Type Action EYR? Rule Number Rule Title
 Amendment Withdrawn Filing No 5101:3-1-60 Medicaid reimbursement.

Review

84 Ohio Civil Rights Commission •

Total Rules: 1 Original Filing Date: 1/19/2007 Date of Refiled Filing: 11/16/2007 Jurisdiction Ends: 12/16/2007 Public Hearing: 8/1/2007
Rule Type Action EYR? Rule Number Rule Title
 Amendment Refiled Filing Yes 4112-5-05 Sex discrimination.

Article IV

Attachment H

Final Adoption Notice to LSC Director and Secretary of State



Electronic Rule Filing

The Honorable Jennifer Brunner
Secretary of State
180 E. Broad St., 15th Floor
Columbus, OH 43215

Mark Flanders, Interim Director
Legislative Service Commission
77 South High St., 9th Floor
Columbus, OH 43215

William L. Hills, Executive Director
Joint Committee on Agency Rule Review
77 South High St., Concourse Level
Columbus, OH 43215

The Honorable Lee Fisher, Director
Department of Development
77 South High St., 27th Floor
Columbus, OH 43215

It is hereby confirmed that the Ohio Environmental Protection Agency final filed the following rule(s) pursuant to section 119.04 of the Ohio Revised Code.

Package Number: 26551
File Date and Time: 12/12/2007 08:18 AM
Confirmation Number: 15d6ed385a41ce01d1bc1303222811f

FINAL FILE

Rule Number	Type	FYR? JE Date	Eff Date	Next FYR	Tagline
3745-110-01	New	N 11/22/2007	12/22/2007	12/22/2012	Definitions.
3745-110-02	New	N 12/08/2007	12/22/2007	12/22/2012	Applicability.
3745-110-03	New	N 11/22/2007	12/22/2007	12/22/2012	RACT requirements and/or limitations for emissions of NOx from stationary sources.
3745-110-04	New	N 11/22/2007	12/22/2007	12/22/2012	Compliance deadlines.
3745-110-05	New	N 11/22/2007	12/22/2007	12/22/2012	Compliance methods.

Article IV

Attachment I

Proof of Prior Notice of
Effective Date

**State of Ohio
Environmental Protection Agency
Notice of Adoption of Rules**

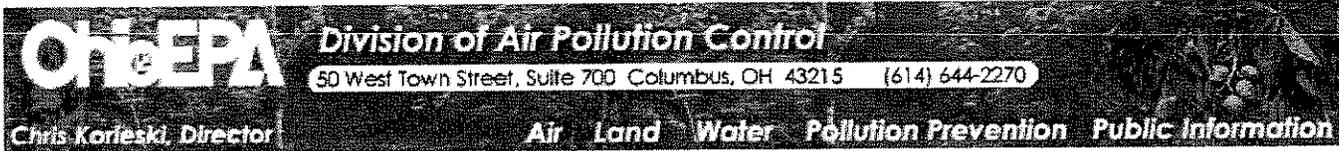
Notice is hereby given that the Director of Environmental Protection, under the authority of Ohio Revised Code Section 3704.03 has adopted new rules 3745-110-01, 110-02, 110-03, 110-04, and 110-05 of the Administrative Code, "NOx RACT Rules."

Rules 3745-110-01 to 3745-110-05 are intended to assist the state of Ohio in achieving and/or maintaining the national 8-hour ground level ozone standard through the regulation of nitrogen oxide (NOx) emissions for stationary sources (i.e., boilers, combustion turbines and internal combustion engines). NOx emissions are a precursor to ozone formation.

A public hearing on the new rules was held on June 8, 2007 in Columbus, Ohio. After considering comments and oral testimony, the Director's order of adoption was issued on December 12, 2007. The effective date of this rule is December 22, 2007.

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 Mr. Alan Harness, Ohio EPA, Division of Air Pollution Control, Lazarus Government Center, PO Box 1049, Columbus, Ohio 43216-1049 or call Mr. Alan Harness at (614) 644-4838. This rule is available on the Web page for electronic downloading by scrolling down to OAC 3745-21-17, "Nitrogen Oxides Reasonably Available Control Technology". The URL is: <http://www.epa.state.oh.us/dapc/regs/regs.html>.

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 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. Ohio EPA also requests that a copy of the appeal be served upon the Environmental Enforcement Section of the Ohio Attorney General's Office.



Answer Place

Have questions?
Need help?
Click here to visit
the Answer Place.

- Agency Links
- ▶ Public Participation
- ▶ Offices & Programs
- ▶ Small Business Assistance Office

- Division Links
- ▶ Forms & Publications
- ▶ Rules & Laws
- ▶ E-Check
- ▶ Title V
- ▶ STARShip
- ▶ Permits
- ▶ Fee Programs
- ▶ Right To Know
- ▶ What's New



Print Tips

News and Updates

*PUBLISHED ON DAPC
"WHAT'S NEW" WEBSITE*

Acrobat Reader 5.0 or higher is recommended for viewing PDFs.

Wednesday, December 12, 2007

- Notice is hereby given that the Director of Environmental Protection, under the authority of Ohio Revised Code (ORC) Section 3704.03(E), has adopted new Ohio Administrative Code (OAC) rules **3745-110-01 to 3745-110-05**, "Nitrogen Oxides - Reasonably Available Control Technology." These rules are related to the control of emissions of nitrogen oxides (NOx) from stationary combustion sources such as boilers, combustion turbines, and stationary internal combustion engines. The primary purpose of this rulemaking was to implement the USEPA 8-hour ozone standard (70 FR 71612) for subpart 2 "moderate" non-attainment areas.

The rules are effective as of Saturday, December 22, 2007 (see **Public Notice of Adoption**). The rules are being adopted after a **30 day draft language review** which ended on August 23, 2006, a **proposed rule comment period** that ended on June 8, 2007, and after a public hearing on June 8, 2007. OEPA received comments during both the draft language and proposed rule comment period. Click on the highlighted links in the paragraph to view OEPA's responses.

- **TITLE V PERMITS ISSUED 12/11/07**

Title V Preliminary Proposed

- 03-86-01-0036 Bryan Municipal Light & Water Utilities C (Renewal Permit)
- 03-86-01-0200 Bryan Municipal Light & Water Utilities (Renewal Permit)
- 03-02-02-0034 Buckeye Terminals LLC - Lima South Terminal (Renewal Permit)
- 03-02-00-0001 Chemtrade Logistics Inc (Renewal Permit)
- 03-17-01-0039 Crawford County Landfill (Renewal Permit)
- 03-81-00-0043 Robert P. Mone Plant

Title V Proposed

- 03-17-01-0039 Crawford County Landfill (Renewal Permit)
- 03-06-00-0133 The Minster Machine Company (Renewal Permit)

Title V Final

- 02-04-03-0272 Hadlock Plastics Inc. (Renewal Permit)
- 02-04-00-0423 Picken's Plastics, Inc. - Jefferson Plant 3 (Renewal Permit)

Tuesday, December 4, 2007

- DAPC will be releasing the eBusiness Center: Air Services software on March 3, 2008. This software will replace the STARShip software and include additional functionality. The last day STARShip files will be accepted is February 8, 2008. A mailing was sent to all Title V and Synthetic Minor Title V facilities on November 30, 2007. Please see the Web page for additional information.

- Notice is hereby given that the Director of Environmental Protection, under the authority of Ohio Revised Code (ORC) Section 3704.03(E), has adopted amended Ohio Administrative Code (OAC) rules **3745-31-01**, "Definitions", and **3745-77-01**, "Definitions." The primary reason for this rulemaking was to incorporate the final changes to the definition of "Major Stationary Source" for ethanol production plants as published in the federal register (72 FR Volume 83, page 24060). The final changes to the federal regulations affect the

E-mail to interested parties - Adoption of OAC Chapter 3745-110

Notice is hereby given that the Director of Environmental Protection, under the authority of Ohio Revised Code (ORC) 3704.03(E), has adopted new Ohio Administrative Code (OAC) rules 3745-110-01 to 3745-110-05, "Nitrogen Oxides - Reasonably Available Control Technology." These rules are related to the control of emissions of nitrogen oxides (NOx) from stationary combustion sources such as boilers, combustion turbines, and stationary internal combustion engines. The primary purpose of this rulemaking was to implement the USEPA 8-hour ozone standard (70 FR 71612) for subpart 2 "moderate" non-attainment areas. The rules will be effective as of December 22, 2007.

For more information on the rules, please visit the Ohio EPA DAPC "What's New" web page at <http://www.epa.state.oh.us/dapc/page/whatsnew.html> (see the information for these rules dated December 12, 2007).

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.

Message Id:	475FC373.DE0 : 194 : 56837		
Subject:	Ohio EPA DAPC Rulemaking - OAC Chapter 3745-110 - Adoption of Rules		
Created By:	Paul.Braun@epa.state.oh.us		
Scheduled Date:			
Creation Date:	12/12/2007 11:18 AM		
From:	Paul Braun		
Recipients			
Recipient	Action	Date & Time	Comment
 abbott.com	Transferred	12/12/2007 11:19 AM	
BC: Alexandra Boon (alexandra.boon)			
 accesstoledo.com	Transferred	12/12/2007 11:20 AM	
BC: Anthony Szilagye (3aws)			
 acme-chrome.com	Transferred	12/12/2007 11:19 AM	
BC: Richard Burton (rburton)			
 adatechinc.com	Transferred	12/12/2007 11:19 AM	
BC: Cory Bonifas (cory_bonifas)			
 adelphia.net	Transferred	12/12/2007 11:19 AM	
BC: Christopher Parker (ecechp)			
BC: Mark Baumgardner (mbmcehs)			
 advancedspecialtycontractors.com	Transferred	12/12/2007 11:19 AM	
BC: John Miller (jmiller)			
 ae.ge.com	Transferred	12/12/2007 11:19 AM	

BC: Bob Drexelius (robert.drexelius)		
BC: Gretchen Hancock (gretchen.hancock)		
 aep.com	Transferred	12/12/2007 11:19 AM
BC: Janet Henry (jjhenry)		
BC: Jeff Lytle (jcllytle)		
BC: John Hollback (jehollback)		
BC: John McManus (jmmcmanus)		
BC: Michael Bayes (mdbayes)		
 affinityconsultants.com	Transferred	12/12/2007 11:20 AM
BC: Keith Gaydosh (keith.gaydosh)		
 ag.state.oh.us	Transferred	12/12/2007 11:19 AM
BC: Benjamin Franz (bfranz)		
 aircomp.com	Transferred	12/12/2007 11:20 AM
BC: Alan Schreiner (al)		
BC: Louise Barton (louise)		
BC: Phil Billick (phil)		
 airqualityspecialist.com	Transferred	12/12/2007 11:20 AM
BC: Jannifer Baker (jenniferb)		
 ajrose.com	Transferred	12/12/2007 11:20 AM
BC: Jack Salmon (jsalmon)		
 alcan.com	Transferred	12/12/2007 11:21 AM
BC: Brian Galley (brian.galley)		
BC: Casimir Rogala (cas.rogala)		
 alcoa.com	Transferred	12/12/2007 11:20 AM
BC: Amanda Masterson (amanda.masterson)		
BC: Lisa Wagoner (lisa.wagoner)		
BC: Paul Tater (paul.tater)		
 aleris.com	Transferred	12/12/2007 11:20 AM
BC: Ken Willings (ken.willings)		
 all4inc.com	Transferred	12/12/2007 11:20 AM
BC: Marvin Gregory (mgregory)		
 alleghenyludlum.com	Transferred	12/12/2007 11:20 AM
BC: Deborah Calderazzo (dcalderazzo)		
 alleghenypower.com	Transferred	12/12/2007 11:20 AM
BC: Lance Cottrill (lcottri)		

 alliancecityhealth.org	Transferred	12/12/2007 11:20 AM
BC: Randall Flint (rflint)		
 alltel.net	Transferred	12/12/2007 11:20 AM
BC: Hal Grant (hgrant)		
 altechenvironmental.com	Transferred	12/12/2007 11:20 AM
BC: Mariah Hope (mhope)		
 americansteeltreating.com	Transferred	12/12/2007 11:20 AM
BC: Jerry Ricker (jricker)		
 amkinney.com	Transferred	12/12/2007 11:20 AM
BC: Murty Nalluri (nallurim)		
 amtex-lh.com	Transferred	12/12/2007 11:20 AM
BC: Sandy Stude (sstude)		
 amtrim.com	Transferred	12/12/2007 11:20 AM
BC: Clifford Falls (cfalls)		
 anheuser-busch.com	Transferred	12/12/2007 11:20 AM
BC: Neal Willging (neal.willging)		
 aol.com	Transferred	12/12/2007 11:20 AM
BC: Barbara Banks (barbsgarlic)		
BC: Dan Horn (hornlogan)		
BC: Daniel Hassett (danhassett)		
BC: Ernesto DeJesus (edej14316)		
BC: Everett Clark (emc3331)		
BC: Gary Blanton (garyb0007)		
BC: Gary Jones (garyjgaf)		
BC: James Mueller (jmuellerpolysci)		
BC: James Titmas (gensyst)		
BC: Jennifer Mclsaac (damcisaac)		
BC: Sandy Senedak (hollysenn)		
BC: Steven Moore B.S., R.S. (AA8EK)		
 aol.com	Transferred	12/12/2007 11:20 AM
BC: Allen Tatel (tatelab)		
BC: Dave Oakley (oakleydav)		
BC: Marilyn Herman (mherman697)		
BC: Robert Engels (rejkengels)		
BC: Shanna McBee (rtwining)		
BC: Susan (susaneyes)		
BC: Tereas Mills (millstb)		
BC: William Fink (wef545)		

 api.org	Transfer Delayed Transferred	12/12/2007 12:17 PM 12/12/2007 12:38 PM
BC: Elise Spriggs (spriggse)		
BC: Terry Fleming (flemingt)		
 aqda.state.oh.us	Transferred	12/12/2007 11:21 AM
BC: Mark Shanahan (mark.shanahan)		
 arcadis-us.com	Transferred	12/12/2007 11:22 AM
BC: Mark Kittinger (mark.kittinger)		
 arcelormittal.com	Transfer Delayed Transferred	12/12/2007 11:22 AM 12/12/2007 11:42 AM
BC: Michael Long (michael.long)		
 arenet.net	Transferred	12/12/2007 11:20 AM
BC: Jan O'Keefe (janokeefe)		
 artifex.ws	Transferred	12/12/2007 11:20 AM
BC: Jennifer Lake (jen)		
 asc-ind.com	Transferred	12/12/2007 11:21 AM
BC: James Carlin (jcarlin)		
 ashland.com	Transferred	12/12/2007 11:21 AM
BC: Chuck Cooper (ccooper)		
 augustmack.com	Transferred	12/12/2007 11:21 AM
BC: Charles Schnurpel (cschnurpel)		
BC: J.E. Illera (jillera)		
BC: Rebecca Kabat (bkabat)		
 ayerquality.com	Transferred	12/12/2007 11:23 AM
BC: Matt Ayer (matt)		
 bapm.com	Transferred	12/12/2007 11:21 AM
BC: David Osmun (dcosmun)		
 battelle.org	Transferred	12/12/2007 11:21 AM
BC: Kelley Hand (handk)		
 bdblaw.com	Transferred	12/12/2007 11:21 AM
BC: William Caplan (bcaplan)		
 bfca.com	Transferred	12/12/2007 11:21 AM
BC: Bridget McAuliffe (bmcauliffe)		
 bjaam.com	Transferred	12/12/2007 11:21 AM

BC: Jay Dahl (jdahl)		
 bp.com	Transferred	12/12/2007 11:21 AM
BC: Allen Ellett (ellettar)		
 bpel.com	Transferred	12/12/2007 11:21 AM
BC: Kathleen Wyatt (kathyw)		
 brewstercheese.com	Transferred	12/12/2007 11:21 AM
BC: Lonnie Via (lvia)		
 brightdsl.net	Transferred	12/12/2007 11:21 AM
BC: Darlene Smith (chiptwp)		
 broin.com	Transferred	12/12/2007 11:21 AM
BC: Erin Heupel (erin.heupel)		
 brouse.com	Transferred	12/12/2007 11:21 AM
BC: Jill Grinham (jgrinham)		
 buckeyepower.com	Transferred	12/12/2007 11:24 AM
BC: Dick D'Auteuil (rrd)		
 butlercountyohio.org	Transferred	12/12/2007 11:21 AM
BC: Adam Sackenheim (sackenheim)		
 bwxt.com	Transferred	12/12/2007 11:22 AM
BC: Rich Cunningham (rmcunningham)		
 calfee.com	Transferred	12/12/2007 11:22 AM
BC: Christopher Jones (cjones)		
 cantonhealth.org	Transferred	12/12/2007 11:22 AM
BC: Gregory Clark (gclark)		
 capstoneassoc.com	Transferred	12/12/2007 11:22 AM
BC: Al Moyer (capstone)		
 carbis.net	Transferred	12/12/2007 11:27 AM
BC: Scott Cramer (dsc)		
 carmeusena.com	Transferred	12/12/2007 11:22 AM
BC: Lindon Pierce (lindon.pierce)		
 catohio.cjb.net	Transfer Delayed Transferred	12/12/2007 11:22 AM 12/12/2007 11:43 AM
BC: Keith Eckmeyer (cat)		
 ccbh.net	Transferred	12/12/2007 11:22 AM

BC: John McLeod (jmcleod)		
 cecinc.com	Transferred	12/12/2007 11:22 AM
BC: Bill Foster (bfoster)		
BC: Dan Szwed (dszwed)		
BC: Jennifer Ewing (jewing)		
BC: Kristian Macosky (kmacoskey)		
BC: Rick Buffalini (rbuffalini)		
 centurytel.net	Transferred	12/12/2007 11:22 AM
BC: James Bailey (jim.alumalloy)		
 cera.com	Transferred	12/12/2007 11:22 AM
BC: Robert Barnett (rbarnett)		
 cfl.rr.com	Transferred	12/12/2007 11:22 AM
BC: Joe Pattok (jpattok)		
 ch2m.com	Transferred	12/12/2007 11:22 AM
BC: Cynthia Lang (cseitz)		
 champion-newera.com	Transferred	12/12/2007 11:22 AM
BC: Dmitri Gianakopoulos (dimitri)		
 chartersteel.com	Transferred	12/12/2007 11:22 AM
BC: Tammy Bukach (bukacht)		
 chemtron-corp.com	Transferred	12/12/2007 11:22 AM
BC: James Erclauz (jerclauz)		
 chkenergy.com	Transferred	12/12/2007 11:22 AM
BC: Steven Feisal (sfeisal)		
 churchdwright.com	Transferred	12/12/2007 11:22 AM
BC: Jackie Holton (jackie.holton)		
 ci.akron.oh.us	Transferred	12/12/2007 11:22 AM
BC: Jason Segedy (segedja)		
BC: Warren Woford (hansoke)		
 ci.canton.oh.us	Transfer Delayed Transferred	12/12/2007 12:19 PM 12/12/2007 4:20 PM
BC: Douglas Harris (djharris)		
 ci.hamilton.oh.us	Transferred	12/12/2007 11:23 AM
BC: Darla Crum (crumd)		
BC: Robert Hocks (hocksr)		
 ci.toledo.oh.us	Transferred	12/12/2007 11:23 AM
BC: Bob Lopez (robert.lopez)		

 cinci.rr.com	Transferred	12/12/2007 11:23 AM
BC: David Paul (dpauleco)		
BC: Nancy Baldwin (nbaldwin)		
 cincinnati-oh.gov	Transferred	12/12/2007 11:23 AM
BC: Kimberly Johnson (kimberly.johnson)		
 cinergy.com	Transferred	12/12/2007 11:23 AM
BC: Doug Abbott (doug.abbott)		
BC: J. Michael Geers (michael.geers)		
BC: John Funke (jfunke)		
 city.cleveland.oh.us	Transferred	12/12/2007 11:23 AM
BC: Julianne Kurdila (jkurdila)		
 cityofgirard.com	Transferred	12/12/2007 11:23 AM
BC: James Dobson (jdobson)		
 cityofstbernard.org	Transferred	12/12/2007 11:23 AM
BC: Robert Evans (revans)		
 cleanfuelsohio.org	Transferred	12/12/2007 11:23 AM
BC: CleanfuelsOhio (info)		
BC: Sam Spofforth (sam)		
 cleanohio.com	Transferred	12/12/2007 11:23 AM
BC: Joe Minadeo (jminadeo)		
 clevelandairport.com	Transferred	12/12/2007 11:23 AM
BC: Nathan Walden (nwalden)		
 co.delaware.oh.us	Transferred	12/12/2007 11:23 AM
BC: Ben Henson (bhenson)		
 co.warren.oh.us	Transferred	12/12/2007 11:23 AM
BC: Daniel Collins (colldc)		
 coair.com	Transferred	12/12/2007 11:23 AM
BC: Leah Raney (lraney)		
BC: Rachel Vocaire (rachel.vocaire)		
 cognis-oleochemicals.com	Transferred	12/12/2007 11:23 AM
BC: Mike Flaherty (mike.flaherty)		
 col.boehringer-igelheim.com	Transferred	12/12/2007 11:23 AM
BC: Mark Staiman (mstaiman)		
 columbus.gov	Transferred	12/12/2007 11:23 AM

BC: Dax Blake (djblake)		
BC: Dirk Brown (dsb)		
BC: Dominic Hanket (djhanket)		
BC: Janean Weber (jrweber)		
BC: Jeffrey Bertacchi (jlbartacchi)		
 columbus.rr.com	Transferred	12/12/2007 11:23 AM
BC: Peggy Wright (peggyw)		
 columbusairports.com	Transferred	12/12/2007 11:24 AM
BC: Paul Kennedy (pkennedy)		
 conformancecheck.com	Transferred	12/12/2007 11:24 AM
BC: Sara Lipson (slipson)		
 cooperstandard.com	Transferred	12/12/2007 11:23 AM
BC: David Burkett (dburkett)		
 coopertire.com	Transferred	12/12/2007 11:23 AM
BC: Tom Wood (tewood)		
 cornerstoneeg.com	Transferred	12/12/2007 11:24 AM
BC: Kyle Nay (kyle.nay)		
BC: Tamara Sands (tami.sands)		
 corsbassett.com	Transferred	12/12/2007 11:24 AM
BC: David Schmidt (djs)		
 cpchem.com	Transferred	12/12/2007 11:24 AM
BC: Cindy Gleason (gleasci)		
BC: George Garcia (garcige)		
BC: Greg Young (youngga)		
BC: Scott Haney (haneysa)		
 crawford-co.org	Transferred	12/12/2007 11:24 AM
BC: Director of Environmental Health (environmental)		
 craworld.com	Transferred	12/12/2007 11:24 AM
BC: Henry Cooke (hpcooke)		
 craworld.com	Transferred	12/12/2007 11:24 AM
BC: Martin Krentz (mkrentz)		
 crown.com	Transferred	12/12/2007 11:24 AM
BC: Tonja Hardin (tonja.hardin)		
 crownsolutions.com	Transferred	12/12/2007 11:24 AM
BC: Michael Giffen (mgiffen)		
 cs.com	Transferred	12/12/2007 11:24 AM

BC: Ernest Neal (nealnes)		
 ctcn.net	Transferred	12/12/2007 11:24 AM
BC: Melanie Kendrick (mkendrick)		
 ctconsultants.com	Transferred	12/12/2007 11:24 AM
BC: Mike Bradley (mbradley)		
 ctleng.com	Transferred	12/12/2007 11:27 AM
BC: Ryan Oates (roates)		
 cwslaw.com	Transferred	12/12/2007 11:24 AM
BC: April Bott (abott)		
 dana.com	Transferred	12/12/2007 11:24 AM
BC: Greg Morris (greg.morris)		
 delta.com	Transferred	12/12/2007 11:24 AM
BC: Jon Amato (jon.amato)		
 dispatch.com	Transferred	12/12/2007 11:24 AM
BC: Mark Somerson (msomerson)		
BC: Spencer Hunt (shunt)		
 dom.com	Transferred	12/12/2007 11:24 AM
BC: Lisa Moerner (lisa_c_moerner)		
BC: Robert Asplund (robert_asplund)		
 dot.state.oh.us	Transferred	12/12/2007 11:25 AM
BC: Dave Moore (dave.moore1)		
BC: Timothy Hill (tim.hill)		
 dplinc.com	Transferred	12/12/2007 11:24 AM
BC: Gary Bramble (gary.bramble)		
 dteenergy.com	Transferred	12/12/2007 11:24 AM
BC: Kim Bradford (bradfordkj)		
 dtees.com	Transferred	12/12/2007 11:24 AM
BC: Caroline Depp (deppc)		
BC: Michelle Kolozsvary (kolozsm)		
 duke-energy.com	Transferred	12/12/2007 11:24 AM
BC: Richard Brewer (dick.brewer)		
 earthdaycoalition.org	Transferred	12/12/2007 11:24 AM
BC: Scott Sanders (edc)		
 earthlink.net	Transferred	12/12/2007 11:25 AM
BC: Clyde Miller (cmiller1992)		
BC: George Harmon		

(georgeharmon2)			
BC: Thomas Menka (menketom)	Undeliverable	12/12/2007 11:25 AM	550 menketom@earthlink.net...Due to extended inactivity new mail is not currently being accepted for this mailbox.
BC: Toni Hines (ahines1)			
 earthtech.com	Transferred	12/12/2007 11:24 AM	
BC: Jonathan Amos (jonathan.amos)			
 eastgatecog.org	Transferred	12/12/2007 11:24 AM	
BC: Jim Wells (jwells)			
 eckertseamans.com	Transferred	12/12/2007 11:25 AM	
BC: David Rockman (drockman)			
 efiglobal.com	Transferred	12/12/2007 11:25 AM	
BC: Christy Darst (christy_darst)			
BC: Martin Upchurch (marty_upchurch)			
 egeihof.com	Transferred	12/12/2007 11:27 AM	
BC: Doug DeWalt (d.dewalt)			
 ehstech.com	Transferred	12/12/2007 11:27 AM	
BC: Holly Padovani (hpadovani)			
 elpaso.com	Transferred	12/12/2007 11:27 AM	
BC: Juan Rios (juan.rios)			
BC: Ravindra Kura (ravindra.kura)			
 enhesa.com	Transferred	12/12/2007 11:27 AM	
BC: Jack Welsch (jw)			
 entrix.com	Transferred	12/12/2007 11:27 AM	
BC: Jim Teitt (jteitt)			
 env-comm.org	Transferred	12/12/2007 11:27 AM	
BC: Marilyn Wall (marilyn.wall)			
BC: Marti Sinclair (marti.sinclair)			
 envdesigni.com	Transferred	12/12/2007 11:27 AM	
BC: John Wellman (jwellman)			
 environcorp.com	Transferred	12/12/2007 11:27 AM	
BC: Mary Cottingham (mcottingham)			
 environmental-help.com	Transferred	12/12/2007 11:27 AM	
BC: Robert Chaffee (rchaffee)			
 eohiomach.com	Transferred	12/12/2007 11:27 AM	
BC: Joe Gosney (jgosney)			

 epa.gov	Transferred	12/12/2007 11:27 AM
BC: Jaime Julian (julian.jaime)		
BC: John Paskevica (paskevicz.john)		
BC: Kaushal Gupta (gupta.kaushal)		
BC: Pamela Blakeley (blakley.pamela)		
BC: Steven Rosenthal (rosenthal.steven)		
 EPAPO.Central-Office	Delivered	12/12/2007 11:18 AM
BC: Alan Harness (Aharness)		
	Read	12/12/2007 11:21 AM
BC: Bob Hodanbosi (Bhodanbo)		
 EPAPO.Central-Office	Delivered	12/12/2007 11:18 AM
BC: Bill Spires (Bspires)		
	Read	12/13/2007 7:07 AM
BC: Bryan Zima (Bzima)		
	Read	12/12/2007 1:29 PM
BC: Carol Hester (Chester)		
	Read	12/12/2007 11:28 AM
BC: Carolina Prado (Cprado)		
	Read	12/12/2007 11:31 AM
BC: Cathryn Allen (Callen2)		
BC: Cheryl Suttman (Csuttman)		
	Read	12/12/2007 11:41 AM
BC: Chris Korleski (ckorlesk)		
	Read	12/12/2007 11:34 AM
BC: Cindy Dewulf (Cdewulf)		
	Read	12/13/2007 12:42 PM
BC: Cindy Hafner (chafner)		
BC: Dan Harris (Dharris)		
	Read	12/12/2007 11:32 AM
BC: Dana Thompson (Dthompso)		
	Read	12/12/2007 11:27 AM
BC: Dave Brown (Dbrown)		
	Read	12/12/2007 3:29 PM
BC: Don Vanterpool (Dvanterp)		
	Read	12/13/2007 9:19 AM
BC: Edward Kitchen (Ekitchen)		
	Read	12/12/2007 12:45 PM
BC: Elisa Thomas (Ethomas)		
BC: Frederick Jones (Fjones)		
	Read	12/12/2007 12:50 PM
BC: Gary Engler (Gengler)		
	Read	12/13/2007 8:06 AM
BC: Glenn Luksik (Gluksik)		
BC: Greg Smith (GSMITH)		
	Read	12/12/2007 1:05 PM
BC: Heidi Griesmer (Hgriesme)		
BC: Isaac Robinson (Irobinso)		

BC: Jeff Beattie (Jbeattie)	Read	12/13/2007 10:04 AM
BC: Jennifer Hunter (Jhunter)	Read	12/12/2007 3:19 PM
BC: Jim Oriemann (Jorleman)	Read	12/12/2007 1:32 PM
BC: Karen Haight (Khaight)		
BC: Lee Burkleca (Lburklec)	Read	12/12/2007 12:16 PM
BC: Marcus Glasgow (mglasgow)		
BC: Michael Kelley (Mkelley)	Read	12/12/2007 1:02 PM
BC: Mike Ahern (Mahern)		
BC: Mike Baker (MBAKER)	Read	12/12/2007 12:06 PM
BC: Mike Hopkins (Mhopkins)	Read	12/12/2007 2:45 PM
BC: Mike Savage (MSAVAGE)		
BC: Mike VanMatre (Mvanmatr)		
BC: Misty Parsons (Mparsons)		
BC: Muhammad Elsalahat (Msalahat)	Read	12/13/2007 11:02 AM
BC: Paul Braun (Pbruan)	Read	12/12/2007 11:22 AM
BC: Paul Koval (Pkoval)	Read	12/12/2007 11:20 AM
BC: Randy Hock (Rhock)		
BC: Rick Carleski (Rcarlesk)	Read	12/12/2007 11:42 AM
BC: Robyn Kenney (Rkenney)		
BC: Sam MacDonald (Tmacdona)	Read	12/12/2007 11:31 AM
BC: Sherri Swihart (Sswihart)		
BC: Stephen Feldmann (Sfeldman)		
BC: Sudhir Singhal (Ssinghal)	Read	12/12/2007 3:06 PM
BC: Todd Brown (Tbrown)		
BC: Tom Buchan (Tbuchan)	Read	12/12/2007 11:33 AM
BC: Tom Kalman (Tkalman)	Read	12/12/2007 11:41 AM
 NEDO.Central-Office	Delivered	12/12/2007 11:18 AM
BC: Dennis Bush (Dbush)	Read	12/12/2007 12:07 PM
 NWDO.Central-Office	Delivered	12/12/2007 11:18 AM
BC: Don Waltermeyer (Dwalterm)	Read	12/12/2007 11:58 AM
BC: Paul Chad (Pchad)	Read	12/12/2007 11:30 AM
	Transferred	12/12/2007

DAPC_INTERNET_USERS.Internet		11:20 AM
BC: Jennifer Marsee (Jmarsee)		
BC: Patrick Shriver (Pshriver)		
 epamail.epa.gov	Transferred	12/12/2007 11:25 AM
BC: Jeffrey Bratko (bratko.jeffrey)		
BC: John Summerhays (summerhays.john)		
BC: Richard Anglebech (Anglebeck.Richard)		
 eqm.com	Transferred	12/12/2007 11:25 AM
BC: Dawn Miller (dmiller)		
BC: Kenneth Hardesty (khardesty)		
BC: Stephanie Reynolds (sreynolds)		
 eqm-rtp.com	Transferred	12/12/2007 11:25 AM
BC: Steve Felton (sfelton)		
 ercweb.com	Transferred	12/12/2007 11:25 AM
BC: Brian Karnofsky (brian)		
 excelloeng.com	Transferred	12/12/2007 11:25 AM
BC: Carl Duffield (cduffield)		
BC: Jeff Hral (jkral)		
 faxon-machining.com	Transferred	12/12/2007 11:25 AM
BC: Chris Suits (hr)		
 fbtlaw.com	Transferred	12/12/2007 11:25 AM
BC: Joshua Young (jyoung)		
BC: Steve Wesloh (swesloh)		
 fedex.com	Transferred	12/12/2007 11:26 AM
BC: Danielle Carter (dycarter)		
 fhai.com	Transferred	12/12/2007 11:25 AM
BC: Robb Beckstedt (rbeckstedt)		
 firstenergycorp.com	Transferred	12/12/2007 11:25 AM
BC: Dan Steen (steend)		
BC: Diana Henslee (dhenslee)		
BC: Fred Starheim (starheimf)		
BC: Gail Twymon (mgtwymon)		
BC: Robert Williams (williamsr)		
 fitinc.net	Transfer Delayed Transferred	12/12/2007 12:23 PM 12/12/2007 4:24 PM
BC: Jerome Onlayao (j_onlayao)		

 flexiblepavements.org	Transferred	12/12/2007 11:25 AM
BC: Clifford Ursich (cliffursich)		
 ford.com	Transferred	12/12/2007 11:26 AM
BC: Bob Niemi (rniemi1)		
BC: Duane Johnson (djohns10)		
BC: James Hostacky (jhostack)		
BC: Stacie Campbell (scampb29)		
 frantward.com	Transferred	12/12/2007 11:25 AM
BC: Joe Koncelik (jkoncelik)		
 fritolay.com	Transferred	12/12/2007 11:25 AM
BC: Pamela Carter (pamela.f.carter)		
 fs.fed.us	Transferred	12/12/2007 11:25 AM
BC: Steven Davis (stevendavis)		
 fuse.net	Transferred	12/12/2007 11:25 AM
BC: Kevin Flowers (kflowers)		
 gapac.com	Transferred	12/12/2007 11:25 AM
BC: Mike Juszynski (mike.juszynski)		
 gbp.com	Transferred	12/12/2007 11:26 AM
BC: Brian Duffy (bduffy)		
 gesonline.com	Transferred	12/12/2007 11:25 AM
BC: Katie Piepmeier (kpiepmeier)		
 glatfelter.com	Transferred	12/12/2007 11:26 AM
BC: Kim Lute (klute)		
 gm.com	Transferred	12/12/2007 11:26 AM
BC: Laura Bartling (laura.bartling)		
BC: Marvin Asbury (marvin.k.asbury)		
BC: Rusty Helm (rusty.helm)		
 gmail.com	Transferred	12/12/2007 11:26 AM
BC: Heather Knisely (knisley.heather)		
BC: Henry Cavanagh (henrycavanagh)		
BC: John Hurd (hurdjk)		
BC: Lavendar King (gutterdollface)		
 goodrich.com	Transferred	12/12/2007 11:26 AM
BC: Mark Hartman (Mark.e.hartman)		
 goodyear.com	Transferred	12/12/2007 11:26 AM

BC: Marcy Fischer (marcy_fischer)		
 gpu.com	Transferred	12/12/2007 11:26 AM
BC: Kathy Kunkel (kkunkel)		
 graphicpkg.com	Transferred	12/12/2007 11:26 AM
BC: Dell Majure (dell.majure)		
 graymont-pa.com	Transferred	12/12/2007 11:27 AM
BC: Brian Mensinger (bmensing)		
 grc.nasa.gov	Transferred	12/12/2007 11:26 AM
BC: Aaron Walker (aaron.m.walker)		
 SEDO.Central-Office	Delivered	12/12/2007 11:18 AM
BC: Dean Ponchak (Dponchak)		
	Read	12/13/2007 8:45 AM
 grenadamfg.com	Transferred	12/12/2007 11:28 AM
BC: Don Williams (dwilliams)		
 gspnet.com	Transferred	12/12/2007 11:26 AM
BC: Jill Foster (jill_foster)		
BC: John Lengel (john_lengel)		
 gswiring.com	Transferred	12/12/2007 11:26 AM
BC: Joseph Nemrava (jnemrava)		
 gtenvironmental.com	Transferred	12/12/2007 11:26 AM
BC: Ron Hansen (rhansen)		
 guardian.com	Transferred	12/12/2007 11:26 AM
BC: Sandra Muehling (smuehling)		
 halechrome.com	Transferred	12/12/2007 11:26 AM
BC: Dean Spradlin (hdsprad)		
 ham.honda.com	Transferred	12/12/2007 11:26 AM
BC: Jeff McCormack (jeff_mccormack)		
BC: Karen Heybob (karen_heybob)		
 handb.com	Transferred	12/12/2007 11:26 AM
BC: Glenn Weist (gweist)		
 hanson.biz	Transferred	12/12/2007 11:26 AM
BC: David Worthington (dave.worthington)		
 hdrinc.com	Transferred	12/12/2007 11:26 AM
BC: Karen Sherwood (karen.sherwood)		

 hessprintsolutions.com	Transferred	12/12/2007 11:26 AM
BC: Bob Terry (bterry)		
 hollandcolours.com	Transferred	12/12/2007 11:27 AM
BC: Dave Glassner (dglassner)		
 holophane.com	Transferred	12/12/2007 11:27 AM
BC: Stephen Burns (sburns)		
 honeywell.com	Transferred	12/12/2007 11:27 AM
BC: George Bruner (george.bruner)		
 hotmail.com	Transferred	12/12/2007 11:27 AM
BC: abubakr (almarwany)		
BC: Craig Miller (cmill89)		
BC: Duane Rasey (onthego58)		
BC: Ellen Shea (lnshea)		
BC: John Price (jprice3)		
BC: Lisa Rainer (lisarainer)		
BC: Rita Robinett (ritarobinett)		
BC: Sarah Schakow (jadewind9)		
BC: Teri Maples (ohterbear2000)		
BC: Tricia McKinnon (triciah358)		
 hrpassociates.com	Transferred	12/12/2007 11:27 AM
BC: Christopher Mazur (chris.mazur)		
BC: Tom Seguljic (tom.seguljic)		
 hzwenv.com	Transferred	12/12/2007 11:27 AM
BC: Barbara Knecht (bknecht)		
BC: Susan Rojeck (srojeck)		
 ici.com	Transferred	12/12/2007 11:28 AM
BC: Jim Kantola (jim_kantola)		
 ici-laminating.com	Transferred	12/12/2007 11:27 AM
BC: Russ Kapperman (rkapperman)		
 idem.in.gov	Transferred	12/12/2007 11:27 AM
BC: Christine Pedersen (cpederse)		
 industryproductscsco.com	Transferred	12/12/2007 11:28 AM
BC: Maggie Vance (maggie)		
 innovene.com	Transferred	12/12/2007 11:28 AM
BC: Dana Neely (dana.neely)		
BC: Erica Dromgoole (erica.dromgoole)		
 intlsteel.com	Transfer	12/12/2007

	Delayed Transferred	11:31 AM 12/12/2007 11:56 AM	
BC: Rich Zavoda (rzavoda)			
 ishikawaamerica.com	Transferred	12/12/2007 11:28 AM	
BC: Dave Badertscher (d.badertscher)			
 itlcorp.com	Transfer Delayed Transferred	12/12/2007 12:15 PM 12/12/2007 12:44 PM	
BC: Larry Hensley (larryh)			
 jm.com	Transferred	12/12/2007 11:28 AM	
BC: Brent Tracy (brent.tracy)			
BC: Don Clark (clarkd)	Undeliverable	12/12/2007 11:28 AM	550 No such user - psmt
 johnsonelectric.com	Transferred	12/12/2007 11:28 AM	
BC: Leonard Allen (leonard.allen)			
 jpmorgan.com	Transferred	12/12/2007 11:28 AM	
BC: Robert Delarm (robert.w.delarm)			
 jrjnet.com	Transferred	12/12/2007 11:28 AM	
BC: Dan Cargo (dan.cargo)			
 jwp-inc.com	Transferred	12/12/2007 11:28 AM	
BC: Steve Brandenburg (stevenb)			
 kecco.net	Transferred	12/12/2007 11:28 AM	
BC: Dwain Kincaid (dkincaid)			
 kilbaneenv.com	Transferred	12/12/2007 11:28 AM	
BC: Andrew Roberts (aroberts)			
 kindermorgan.com	Transferred	12/12/2007 11:28 AM	
BC: Lon Wilson (lon_wilson)			
 kraton.com	Transferred	12/12/2007 11:28 AM	
BC: Dale Loudermilk (dale.loudermilk)			
BC: Virginia Britton (ginny.britton)			
 kse50.com	Transferred	12/12/2007 11:28 AM	
BC: Charles Storrow (cfs)			
BC: Robyn (robyn)			
 laa.ci.canton.oh.us	Transferred	12/12/2007 11:28 AM	
BC: Dan Aleman (alemanda)			
 leagueofohiosportsmen.org	Transfer	12/13/2007	

	Delayed	12:37 PM
BC: Larry Mitchell (president)		
 lexisnexis.com	Transferred	12/12/2007 11:28 AM
BC: Michael Oechsler (michael.oechsler)		
 littlemiamiriver.org	Transferred	12/12/2007 11:29 AM
BC: Dennis TenWolde (dtenwolde)		
 imco.com	Transferred	12/12/2007 11:29 AM
BC: Amy Jones (amy.c.jones)		
 imgweb.com	Transferred	12/12/2007 11:29 AM
BC: Christopher Carr (c.carr)		
 lubrizol.com	Transferred	12/12/2007 11:30 AM
BC: Greg Taylor (greg.a.taylor)		
BC: Karen Walter (krwl)		
 lwvohio.org	Transferred	12/12/2007 11:29 AM
BC: Tery McCoy (lwvoinfo)		
 mail2usa.com	Transferred	12/12/2007 11:29 AM
BC: Joseph Daniels (vahallaco)		
 management.emu.edu.tr	Transferred	12/12/2007 11:29 AM
BC: Halil Cagnan (hcagnan)		
 mapllc.com	Transfer Delayed Transferred	12/12/2007 11:33 AM 12/12/2007 11:54 AM
BC: Charles Kramek (cekramek)		
BC: Ralph Blake (rdblake)		
 marathonpetroleum.com	Transfer Delayed Transferred	12/12/2007 11:33 AM 12/12/2007 11:54 AM
BC: Gary Wilson (grwilson)		
 mar-bal.com	Transferred	12/12/2007 11:29 AM
BC: Gary Petruska (garyp)		
 marsulex.com	Transferred	12/12/2007 11:29 AM
BC: Ray Powell (rpowell)		
 matrixsystem.com	Transferred	12/12/2007 11:29 AM
BC: Ronald Andrus (rpandrus)		
 mcgough-inc.com	Transferred	12/12/2007 11:29 AM
BC: John McGough (jmcgough)		

 med.ge.com	Transferred	12/12/2007 12:26 PM
BC: James Ostberg (james.ostberg)		
BC: Scott Danna (scott.danna)		
 metroparks.org	Transferred	12/12/2007 11:29 AM
BC: Michelle Broyles (mbroyles)		
 metvan.com	Transferred	12/12/2007 11:29 AM
BC: Philip Wentzel (pwentzel)		
 mgsglaw.com	Transfer Delayed Transferred	12/12/2007 11:59 AM 12/12/2007 12:20 PM
BC: Deron Smith (dsmith)		
 michigan.gov	Transferred	12/12/2007 11:30 AM
BC: Joy Taylor Morgan (taylorj1)		
 midtowncleveland.org	Transferred	12/12/2007 11:30 AM
BC: Erica Oladeji (eoladeji)		
 midwestenvironmentalservices.com	Transferred	12/12/2007 11:30 AM
BC: Curt Jones (cjones)		
 millspride.com	Transferred	12/12/2007 11:30 AM
BC: Debbie Hannah (debbiehannah)		
 mmm.com	Transferred	12/12/2007 11:30 AM
BC: Stacy Johnson (stacyjohnson)		
 moen.com	Transferred	12/12/2007 11:30 AM
BC: Mark Renick (mark.renick)		
 morpc.org	Transferred	12/12/2007 11:30 AM
BC: Chester Jourdan (cjourdan)		
BC: Daved Abel (dabel)		
BC: Nick Gill (ngill)		
 mostardiplattenv.com	Transferred	12/12/2007 11:30 AM
BC: Britt Wenzel (bwenzel)		
 mountvernonohio.org	Transferred	12/12/2007 11:30 AM
BC: Judy Scott (treatdistadmin)		
 mpo.noaca.org	Transferred	12/12/2007 11:30 AM
BC: Amy Wainright (awainright)		
BC: Bill Davis (bdavis)		
 msn.com	Transferred	12/12/2007 11:30 AM
BC: Joe Moreheart (jdmorehart)		

BC: treg (n923157)		
 mvrpc.org	Transferred	12/12/2007 11:30 AM
BC: Matthew Lindsay (mlindsay)		
 na.omgl.com	Transferred	12/12/2007 11:30 AM
BC: Laura Sydro (laura.sydro)		
 nalco.com	Transferred	12/12/2007 11:30 AM
BC: Dennis Bores (dbores)		
 nasa.gov	Transferred	12/12/2007 11:30 AM
BC: Christie Myers (christie.myers)		
 nav-international.com	Transferred	12/12/2007 11:30 AM
BC: Terri Sexton (terri.sexton)		
BC: Tim McDaniel (tim.mcdaniel)		
 neaton.com	Transferred	12/12/2007 11:30 AM
BC: Cheryl White (cheryl.white)		
 neo.rr.com	Transferred	12/12/2007 11:30 AM
BC: Jerry Ayers (jayers6)		
BC: Jim (jmerino1)		
 netzero.com	Transferred	12/12/2007 11:30 AM
BC: Anissa Phillips (aphillips21)		
 netzero.com	Transferred	12/12/2007 11:30 AM
BC: Norm Bratton (nwbbornagain52)		
 newarkohio.net	Transferred	12/12/2007 11:30 AM
BC: Harry Ballinger (hballing)		
 nibco.com	Transfer Delayed Transferred	12/12/2007 11:32 AM 12/12/2007 11:53 AM
BC: Ricky Bryant (bryantr)		
 nifcoam.com	Transferred	12/12/2007 11:30 AM
BC: Mark Shirkey (shirkeym)		
 nisource.com	Transferred	12/12/2007 11:31 AM
BC: Kasey Gabbard (kgabbard)		
BC: Kelly Charmichael (kcarmichael)		
BC: Mark Strimbu (mgstrimbu)		
BC: Tim Keslar (tkeslar)		
 novachem.com	Transferred	12/12/2007 11:31 AM
BC: Charles McCandless III (mccanch)		

 nsmarion.com	Transferred	12/12/2007 11:31 AM
BC: Bob Hice (bhice)		
 oada.com	Transferred	12/12/2007 11:31 AM
BC: Charlie Howard (choward)		
BC: Joseph Cannon (jcannon)		
 oaima.org	Transferred	12/12/2007 11:31 AM
BC: Pat Jacomet (patj)		
 obg.com	Transferred	12/12/2007 11:31 AM
BC: Tony Finch (finchaj)		
 odh.ohio.gov	Transferred	12/12/2007 11:31 AM
BC: Andrew Porter (aporter1)		
BC: Carol Ray (cray)		
BC: J. Edwards (ironchd)		
BC: James King (jking)		
BC: Laura Wallrabenstein (lwallrab)		
BC: Roger Suppes (rsupes)		
BC: Stephanie Zmuda (szmuda)		
 ofbf.org	Transferred	12/12/2007 11:31 AM
BC: Larry Antosch (lantosch)		
 oh.nacdnet.net	Transfer Delayed Transferred	12/12/2007 4:36 PM 12/12/2007 8:36 PM
BC: Zachary Williams (zach.williams)		
 oh.nacdnet.org	Transferred	12/12/2007 11:31 AM
BC: Sue Lumley (sue-lumley)		
 ohio.edu	Transferred	12/12/2007 11:31 AM
BC: Chuck Hart (hartc)		
 ohiochamber.com	Transferred	12/12/2007 11:31 AM
BC: Jannifer Klein (jklein)		
BC: Kristin Clingan (kclingan)		
 ohiochemistry.org	Transfer Delayed Transferred	12/12/2007 11:31 AM 12/12/2007 11:52 AM
BC: Jack Pounds (jpounds)		
 ohiocitizen.org	Transferred	12/12/2007 11:31 AM
BC: Rachel Belz (rbelz)		
BC: Sandy Buchanan (sbuchanan)		
 ohiocoal.com	Transfer Delayed	12/12/2007 11:32 AM

	Transferred	12/12/2007 11:53 AM
BC: Shawn Bennett (sbennett)		
 ohiometal.net	Transfer Delayed Transferred	12/12/2007 11:34 AM 12/12/2007 11:55 AM
BC: Ceccilia Walters (cwalters)		
 ohiomfg.com	Transfer Delayed Transferred	12/12/2007 11:37 AM 12/12/2007 11:58 AM
BC: Kevin Schmidt (kschmidt)		
BC: Ryan Augsburg (raugsburger)		
 oki.org	Transferred	12/12/2007 11:32 AM
BC: James Duane (plan)		
 onu.edu	Transferred	12/12/2007 11:32 AM
BC: Bruce French (b-french)		
BC: Heather Caprette (h-caprette)		
 opmca.org	Transferred	12/12/2007 11:32 AM
BC: Jennifer Rhoads (jrhoads)		
 orbitaltechsolutions.com	Transferred	12/12/2007 11:32 AM
BC: Tom Fitzpatrick (tfitzpatrick)		
 osu.edu	Transferred	12/12/2007 11:32 AM
BC: Gary Comer (comer.29)		
BC: Sean Phillippi (phillippi.13)		
 ovec.com	Transferred	12/12/2007 11:33 AM
BC: Donald Fulkers (dfulkers)		
 owenscorning.com	Transferred	12/12/2007 11:32 AM
BC: Tammy VanWalsen (tammy.vanwalsen)		
 parknationalbank.com	Transferred	12/12/2007 11:32 AM
BC: Ralph Root (rroot)		
 partnersenv.com	Transferred	12/12/2007 11:32 AM
BC: Brian Dolansky (bdolansky)		
 pchd.org	Transfer Delayed Transferred	12/12/2007 11:33 AM 12/12/2007 11:54 AM
BC: Tammy Ayers (tayers)		
 peckwater.com	Transferred	12/12/2007 11:32 AM
BC: Don Rice (drice)		

 perstorp.com	Transferred	12/12/2007 11:33 AM
BC: Anthony Sloma (tony.sloma)		
 pg.com	Transferred	12/12/2007 11:33 AM
BC: Maxine Dewbury (dewbury.md)		
 piketownship.com	Transferred	12/12/2007 11:33 AM
BC: Sharon Perrine (zoning)		
 pilko.com	Transferred	12/12/2007 11:33 AM
BC: Sandra Brand (sandra)		
 pirnie.com	Transferred	12/12/2007 11:33 AM
BC: Jim Hays (jhays)		
 porterwright.com	Transferred	12/12/2007 11:33 AM
BC: Martin Seltzer (mseltzer)		
BC: Rob Brubaker (rbrubaker)		
 pottersbeads.com	Transferred	12/12/2007 11:33 AM
BC: Robert Hooper (bob.hooper)		
 powdermetinc.com	Transferred	12/12/2007 11:33 AM
BC: Max Matteson (mmatteson)		
 ppg.com	Transferred	12/12/2007 11:33 AM
BC: Meghan Roe (mroe)		
 praxair.com	Transferred	12/12/2007 11:33 AM
BC: Ed Saccoccia (ed_saccoccia)		
 prodigy.net.mx	Transferred	12/12/2007 11:33 AM
BC: Fidencio (fburgosz)		
 protiviti.jp	Transferred	12/12/2007 11:33 AM
BC: Aki Watanabe (aki.watanabe)		
 psara.com	Transferred	12/12/2007 11:33 AM
BC: Rich Stuck (rjstuck)		
 qsr-inc.com	Transferred	12/12/2007 11:33 AM
BC: Phil Young (pyoung)		
 quakermfg.com	Transferred	12/12/2007 11:33 AM
BC: Robert Klusty (bklusty)		
 ralaw.com	Transferred	12/12/2007 11:33 AM
BC: Shane Farolino (sfarolino)		
BC: Terry Finn (tfinn)		
 ransohoff.com	Transferred	12/12/2007

		11:33 AM
BC: D Bingle (dbingle)		
 rcn.com	Transferred	12/12/2007 11:33 AM
BC: Scott Theal (thealenv)		
 regscan.com	Transferred	12/12/2007 11:33 AM
BC: Karhon Stabler (kstabler)		
 reillyind.com	Transferred	12/12/2007 11:33 AM
BC: John Jones (jjones)		
 reprsv.com	Transferred	12/12/2007 11:33 AM
BC: Tamara Dewalt (dewaltt)		
 retect.com	Transferred	12/12/2007 11:34 AM
BC: Jamie Christopher (jchristopher)		
 rewarner.com	Transfer Delayed Transferred	12/12/2007 12:38 PM 12/12/2007 4:38 PM
BC: Terry McClain (tmcclain)		
 rikerprod.com	Transferred	12/12/2007 11:34 AM
BC: Chad Lehmann (chad.lehmann)		
 riversunlimited.org	Transferred	12/12/2007 11:34 AM
BC: Mike Fremont (mike.fremont)		
 rmaworld.com	Transferred	12/12/2007 11:34 AM
BC: Shelley Buckles (sabuckles)		
 rmtinc.com	Transferred	12/12/2007 11:34 AM
BC: Craig Schmeisser (craig.schmeisser)		
BC: Eric Tabor (eric.tabor)		
BC: Patty Hemmelgarn (patty.hemmelgarn)		
 rrd.com	Transferred	12/12/2007 11:34 AM
BC: Chris Hassmann (chris.hassmann)		
 sagerisk.com	Transferred	12/12/2007 11:34 AM
BC: James Rocco (jrocco)		
 sargentlundy.com	Transferred	12/12/2007 11:34 AM
BC: Bernard Mount (bernard.f.mount)		
 sbcglobal.net	Transferred	12/12/2007 11:36 AM
BC: Chris Heminger		

(chris_tcompliance)			
BC: Frank Rhodes (franker454)			
BC: Jennifer Sevlad (akronplating)			
BC: Mary Jane Neiman (mjneiman)			
BC: Philip Schillawski (pcschillawski)			
BC: Ronald Andrus (andrusrd)			
	scpwildblue.com	Transferred	12/12/2007 11:35 AM
BC: Susan Clay (jclay3632)			
	seawaybolt.com	Transferred	12/12/2007 11:35 AM
BC: Dave Oas (doas)			
	servlet.com	Transferred	12/12/2007 11:35 AM
BC: Cornett, Bruce (bcornett)			
	shawgrp.com	Transferred	12/12/2007 11:35 AM
BC: Dave Newsad (dave.newsad)			
BC: Joanna Bambeck (joanna.bambeck)			
BC: Kay Gilmer (environmental)			
BC: Timothy Thoma (timothy.thoma)			
	shellyandsands.com	Transferred	12/12/2007 11:35 AM
BC: Anthony Ruggiero (tonyr)			
	shellyco.com	Transferred	12/12/2007 11:39 AM
BC: Katherine Beach (khanna)			
	shiloh.com	Transferred	12/12/2007 11:35 AM
BC: Heather Avery (heavery)			
	showaaluminum.com	Transferred	12/12/2007 11:35 AM
BC: Robert Feltz (ref)			
	sidwell.info	Transferred	12/12/2007 11:35 AM
BC: Connie Lyon (connielyon)			
	sika-corp.com	Transferred	12/12/2007 11:35 AM
BC: Daniel Martin (martin.dan)			
	skycasters.net	Transferred	12/12/2007 11:35 AM
BC: Chris Walton (cwalton)			
	slk-law.com	Transferred	12/12/2007 11:35 AM
BC: Cheri Budzynski (cbudzynski)			
BC: Mike Born (mborn)			
BC: Mike Snyder (msnyder)			
	solarturbines.com	Transferred	12/12/2007 11:35 AM

BC: Leslie Witherspoon (witherspoon_leslie_h)			
 spenceenv.com	Transferred	12/12/2007 11:35 AM	
BC: Curt Spence (curt)			
 spiritenv.com	Transferred	12/12/2007 11:35 AM	
BC: Leslie Wong (lwong)			
 ssallc.com	Transferred	12/12/2007 11:36 AM	
BC: Barbara Ashby (bjashby)			
 sscorp.com	Transferred	12/12/2007 11:35 AM	
BC: Amanda Mercer (amercer)			
 ssd.com	Transferred	12/12/2007 11:35 AM	
BC: Doug McWilliams (dmcwilliams)			
BC: Karen Winters (kwinters)			
BC: Timothy Peterkoski (tpeterkoski)			
 sssnet.com	Transferred	12/12/2007 11:35 AM	
BC: Andrea Comanitz (comanitz)			
 stanleyus.com	Transferred	12/12/2007 11:36 AM	
BC: Larry Hicks (lhicks)			
 stateside.com	Transferred	12/12/2007 11:36 AM	
BC: Fidel Rul (frr)			
BC: Lane Nemirow (lhn)			
BC: Rima Idzelis (ri)			
 stoneenvironmental.com	Transferred	12/12/2007 11:36 AM	
BC: John Lytle (lohnlytle)			
 suite224.net	Transferred	12/12/2007 11:36 AM	
BC: Kenna Coltman (kennac)			
 sunocoinc.com	Transferred	12/12/2007 11:36 AM	
BC: Chuck Barksdale (cdbarksdale)			
BC: Delauna Pack (dpack)			
BC: Monica Styles (mstyles)			
 sypris.com	Transfer Failed	12/12/2007 11:36 AM	
BC: Kelly Hurley (kelly.hurley)			
	Undeliverable	12/12/2007 11:36 AM	550 No such user - psmtip
 szd.com	Transferred	12/12/2007 11:36 AM	
BC: Elizabeth Tulman (etulman)			
 sztool.com	Transferred	12/12/2007 11:36 AM	
BC: Andrae Maze (amaze)			

BC: Chris Jochum (cjochum)			
 techsolve.org	Transferred	12/12/2007	11:36 AM
BC: Mary Beth Holley (holley)			
 tekni-plex.com	Transferred	12/12/2007	11:36 AM
BC: Clark Baubles (clark.baubles)			
 templeinland.com	Transferred	12/12/2007	11:36 AM
BC: Nick Walton (nickwalton)			
 theoec.org	Transferred	12/12/2007	11:36 AM
BC: Jack Shaner (jack)			
BC: Kurt Waltzer (kurt)			
BC: Staci Putney (staci)			
BC: Trent Dougherty (trent)			
 thompsonhine.com	Transferred	12/12/2007	11:38 AM
BC: Andrew Kolesar (andrew.kolesar)			
 thorpreed.com	Transferred	12/12/2007	11:39 AM
BC: Shawn Gallagher (sgallagher)			
 tks-america.com	Transferred	12/12/2007	11:38 AM
BC: Randy Ball (rball)			
 tmacog.org	Transferred	12/12/2007	11:38 AM
BC: David Gedeon (gedeon)			
BC: Kurt Erichsen (erichsen)			
 tnc.org	Transferred	12/12/2007	11:36 AM
BC: Marlene Kromer (mkromer)			
 tomasco.net	Transferred	12/12/2007	11:36 AM
BC: Debra Reining (dreining)			
 toyota.com	Transferred	12/12/2007	11:36 AM
BC: Dan Monette (dan_monette)			
BC: Nikki Gilmore (nikki_gilmore)			
 transglobalco.com	Transferred	12/12/2007	11:36 AM
BC: Paul Bowen (bowen)			
 triadstrategies.com	Transferred	12/12/2007	11:36 AM
BC: Teresa Copenhaver (tcopenhaver)			
 trinityconsultants.com	Transferred	12/12/2007	11:37 AM
BC: Michael Edison (medison)			
BC: Paul Smith (psmith)			

BC: William Bruscin (bbruscin)		
 trw.com	Transferred	12/12/2007 11:37 AM
BC: Bill Poiry (bill.poiry)		
BC: Lisa Brown (lisa.m.brown)		
BC: Paul Anteau (paul.anteau)		
 trw.com	Transferred	12/12/2007 11:37 AM
BC: Todd Clifford (todd.clifford)		
 tssaviation.com	Transferred	12/12/2007 11:37 AM
BC: David Showalter (dshowalter)		
 tstrim.com	Transferred	12/12/2007 11:37 AM
BC: Mike Sarver (mike_sarver)		
 ulmer.com	Transferred	12/12/2007 11:37 AM
BC: Gregory Smith (gsmith)		
 urscorp.com	Transferred	12/12/2007 11:37 AM
BC: Anu Nathan (anu_nathan)		
BC: Chris Dolan (chris_dolan)		
BC: James McDonald (james_mcdonald)		
 us.agc-automotive.com	Transferred	12/12/2007 11:37 AM
BC: Jeanie Weiskittle (jweiskittle)		
 us.army.mil	Transferred	12/12/2007 11:37 AM
BC: Rebecca Clarridge (rebecca.clarridge)		
 us.behrgroup.com	Transferred	12/12/2007 11:37 AM
BC: Bill Huston (Billy.huston)		
 us.mahle.com	Transferred	12/12/2007 11:37 AM
BC: Doug Chronister (doug.chronister)		
 us.tiauto.com	Transferred	12/12/2007 11:37 AM
BC: Ken Porr (kporr)		
 usa.dupont.com	Transferred	12/12/2007 11:37 AM
BC: Matthew Barnes (matthew.d.barnes)		
BC: Maureen Miller (maureen.b.miller-1)		
 usec.com	Transferred	12/12/2007 11:37 AM
BC: Nathan Banks (banksnj)		
 usps.gov	Transferred	12/12/2007 11:37 AM

BC: Mike Wisniewski (mwisnie1)		
 utnet.utoledo.edu	Transferred	12/12/2007 11:38 AM
BC: David Smith-Watts (dsmith)		
 vssp.com	Transferred	12/12/2007 11:37 AM
BC: Bill Hayes (wdhayes)		
 vt.edu	Transferred	12/12/2007 11:37 AM
BC: Charles Herman (chherman)		
 wavelinc.com	Transferred	12/12/2007 11:37 AM
BC: Thomas Moore (codbinc)		
 waxmanblumenthal.com	Transferred	12/12/2007 11:37 AM
BC: Michael Blumenthal (mblumenthal)		
 wcoil.com	Transferred	12/12/2007 11:37 AM
BC: Steve Kayatin (kayatin)		
 webcoenvironmental.com	Transferred	12/12/2007 11:37 AM
BC: Walter Bowles (wbowles)		
 wendys.com	Transferred	12/12/2007 11:37 AM
BC: Patty Woodward (patty_woodward)		
 whitecastle.com	Transferred	12/12/2007 11:37 AM
BC: Jeff Miller (millerje)		
 wilkshire.net	Transferred	12/12/2007 11:37 AM
BC: Linda Harvey (somerdale)		
 willowbendcapital.com	Transferred	12/12/2007 11:38 AM
BC: Shaila Hossain (shailah)		
 wilresearch.com	Transferred	12/12/2007 11:38 AM
BC: Bruce Vanscoy (bvanscoy)		
 windsormoldgroup.com	Transferred	12/12/2007 11:38 AM
BC: Sue Legault (slegault)		
 winecellarinnovations.com	Transferred	12/12/2007 11:38 AM
BC: Adam Cowan (adamc)		
 woh.rr.com	Transferred	12/12/2007 11:38 AM
BC: Chris Shoker (cshoker)		
BC: Concerned Citizens of Neave. Twp. (nomegadairy)		
 worthingtonindustries.com	Transferred	12/12/2007 11:38 AM

BC: Roger Downey (radowney)		
wpsc.com	Transferred	12/12/2007 11:38 AM
BC: Harold Strohmeier (Strohmeierhg)		
BC: jim Lewis (lewisjg)		
wright.edu	Transferred	12/12/2007 11:38 AM
BC: Kimberly Morris (kimberly.morris)		
yahoo.com	Transfer Delayed Transferred	12/12/2007 12:35 PM 12/12/2007 4:36 PM
BC: Amie Greene (zigato_)		
BC: Ashish Kumar (ashishmsj2)		
BC: Chad Best (chadbest30)		
BC: Drew Nicholson (nicholson_drew)		
BC: Hoang Phuong (griffithphuong)		
BC: Nicole Byrd (nicoleabyrd)		
BC: Thomas Tuckerman (tomt_1944)		
BC: Zaheeruddin Memon (zhr_mem)		
yengin-majestic.com	Transferred	12/12/2007 11:38 AM
BC: V.W. Santamaria (vics)		
ysu.edu	Transferred	12/12/2007 11:38 AM
BC: Sandra Denman (sldenman)		
yutakatech.com	Transferred	12/12/2007 11:38 AM
BC: Carl Wolf (cwolf)		
zande.com	Transferred	12/12/2007 11:38 AM
BC: Martha Innes (marthainnes)		
zinsser.com	Transferred	12/12/2007 11:38 AM
BC: Charlie Kirman (charles.kirman)		
zoominternet.net	Transferred	12/12/2007 11:38 AM
BC: Kenneth Braun (kjbraun)		
zoomtown.com	Transferred	12/12/2007 11:38 AM
BC: Mike Matthews (mtm)		

Post Offices

Post Office	Delivered	Route
abbott.com		abbott.com
accesstoledo.com		accesstoledo.com

acme-chrome.com	acme-chrome.com
adatechinc.com	adatechinc.com
adelphia.net	adelphia.net
advancedspecialtycontractors.com	advancedspecialtycontractors.com
ae.ge.com	ae.ge.com
aep.com	aep.com
affinityconsultants.com	affinityconsultants.com
ag.state.oh.us	ag.state.oh.us
aircomp.com	aircomp.com
airqualityspecialist.com	airqualityspecialist.com
ajrose.com	ajrose.com
alcan.com	alcan.com
alcoa.com	alcoa.com
aleris.com	aleris.com
all4inc.com	all4inc.com
alleghenyludlum.com	alleghenyludlum.com
alleghenypower.com	alleghenypower.com
alliancecityhealth.org	alliancecityhealth.org
alltel.net	alltel.net
altechenvironmental.com	altechenvironmental.com
americansteeltreating.com	americansteeltreating.com
amkinney.com	amkinney.com
amtex-lh.com	amtex-lh.com
amtrim.com	amtrim.com
anheuser-busch.com	anheuser-busch.com
aol.com	aol.com
aol.com	aol.com
api.org	api.org
aqda.state.oh.us	aqda.state.oh.us
arcadis-us.com	arcadis-us.com
arcelormittal.com	arcelormittal.com
arenet.net	arenet.net
artifex.ws	artifex.ws
asc-ind.com	asc-ind.com
ashland.com	ashland.com
augustmack.com	augustmack.com
ayerquality.com	ayerquality.com
bapm.com	bapm.com
battelle.org	battelle.org
bdblau.com	bdblau.com
bfca.com	bfca.com
bjam.com	bjam.com
bp.com	bp.com
bpel.com	bpel.com
brewstercheese.com	brewstercheese.com
brightdsl.net	brightdsl.net

broin.com	broin.com
browse.com	browse.com
buckeyepower.com	buckeyepower.com
butlercountyohio.org	butlercountyohio.org
bwxt.com	bwxt.com
calfee.com	calfee.com
cantonhealth.org	cantonhealth.org
capstoneassoc.com	capstoneassoc.com
carbiso.net	carbiso.net
carmeusenacom.com	carmeusenacom.com
catohio.cjb.net	catohio.cjb.net
ccbhn.net	ccbhn.net
cecinc.com	cecinc.com
centurytel.net	centurytel.net
cera.com	cera.com
cfl.rr.com	cfl.rr.com
ch2m.com	ch2m.com
champion-newera.com	champion-newera.com
chartersteel.com	chartersteel.com
chemtron-corp.com	chemtron-corp.com
chkenergy.com	chkenergy.com
churchdwight.com	churchdwight.com
ci.akron.oh.us	ci.akron.oh.us
ci.canton.oh.us	ci.canton.oh.us
ci.hamilton.oh.us	ci.hamilton.oh.us
ci.toledo.oh.us	ci.toledo.oh.us
cinci.rr.com	cinci.rr.com
cincinnati-oh.gov	cincinnati-oh.gov
cinergy.com	cinergy.com
city.cleveland.oh.us	city.cleveland.oh.us
cityofgirard.com	cityofgirard.com
cityofstbernard.org	cityofstbernard.org
cleanfuelsohio.org	cleanfuelsohio.org
cleanohio.com	cleanohio.com
clevelandairport.com	clevelandairport.com
co.delaware.oh.us	co.delaware.oh.us
co.warren.oh.us	co.warren.oh.us
coair.com	coair.com
cognis-oleochemicals.com	cognis-oleochemicals.com
col.boehringer-ingelheim.com	col.boehringer-ingelheim.com
columbus.gov	columbus.gov
columbus.rr.com	columbus.rr.com
columbusairports.com	columbusairports.com
conformancecheck.com	conformancecheck.com
cooperstandard.com	cooperstandard.com
coopertire.com	coopertire.com

cornerstoneeg.com		cornerstoneeg.com
corsbassett.com		corsbassett.com
cpchem.com		cpchem.com
crawford-co.org		crawford-co.org
craworld.com		craworld.com
craworld.com		craworld.com
crown.com		crown.com
crownsolutions.com		crownsolutions.com
cs.com		cs.com
ctcn.net		ctcn.net
ctconsultants.com		ctconsultants.com
ctleng.com		ctleng.com
cwslaw.com		cwslaw.com
dana.com		dana.com
DAPC_INTERNET_USERS.internet		epa.state.oh.us
delta.com		delta.com
dispatch.com		dispatch.com
dom.com		dom.com
dot.state.oh.us		dot.state.oh.us
dplinc.com		dplinc.com
dteenergy.com		dteenergy.com
dtees.com		dtees.com
duke-energy.com		duke-energy.com
earthdaycoalition.org		earthdaycoalition.org
earthlink.net		earthlink.net
earthtech.com		earthtech.com
eastgatecog.org		eastgatecog.org
eckertseamans.com		eckertseamans.com
efiglobal.com		efiglobal.com
egelhof.com		egelhof.com
ehstech.com		ehstech.com
elpaso.com		elpaso.com
enhesa.com		enhesa.com
entrix.com		entrix.com
env-comm.org		env-comm.org
envdesigni.com		envdesigni.com
environcorp.com		environcorp.com
environmental-help.com		environmental-help.com
eohiomach.com		eohiomach.com
epa.gov		epa.gov
epamail.epa.gov		epamail.epa.gov
EPAPO.Central-Office	12/12/2007 11:18 AM	epa.state.oh.us
EPAPO.Central-Office	12/12/2007 11:18 AM	epa.state.oh.us
eqm.com		eqm.com
eqm-rtp.com		eqm-rtp.com
ercweb.com		ercweb.com

excelloeng.com	excelloeng.com
faxon-machining.com	faxon-machining.com
fbtlaw.com	fbtlaw.com
fedex.com	fedex.com
fhai.com	fhai.com
firstenergycorp.com	firstenergycorp.com
fitinc.net	fitinc.net
flexiblepavements.org	flexiblepavements.org
ford.com	ford.com
frantzward.com	frantzward.com
fritolay.com	fritolay.com
fs.fed.us	fs.fed.us
fuse.net	fuse.net
gapac.com	gapac.com
gbp.com	gbp.com
gesonline.com	gesonline.com
glatfelter.com	glatfelter.com
gm.com	gm.com
gmail.com	gmail.com
goodrich.com	goodrich.com
goodyear.com	goodyear.com
gpu.com	gpu.com
graphicpkg.com	graphicpkg.com
graymont-pa.com	graymont-pa.com
grc.nasa.gov	grc.nasa.gov
grenadamfg.com	grenadamfg.com
gspnet.com	gspnet.com
gswiring.com	gswiring.com
gtenvironmental.com	gtenvironmental.com
guardian.com	guardian.com
halechrome.com	halechrome.com
ham.honda.com	ham.honda.com
handb.com	handb.com
hanson.biz	hanson.biz
hdrinc.com	hdrinc.com
hessprintsolutions.com	hessprintsolutions.com
hollandcolours.com	hollandcolours.com
holophane.com	holophane.com
honeywell.com	honeywell.com
hotmail.com	hotmail.com
hrpassociates.com	hrpassociates.com
hzwenv.com	hzwenv.com
ici.com	ici.com
ici-laminating.com	ici-laminating.com
idem.in.gov	idem.in.gov
industryproductsco.com	industryproductsco.com

innovene.com	innovene.com
intlsteel.com	intlsteel.com
ishikawaamerica.com	ishikawaamerica.com
itlcorp.com	itlcorp.com
jm.com	jm.com
johnsonelectric.com	johnsonelectric.com
jpmorgan.com	jpmorgan.com
jrjnet.com	jrjnet.com
jwp-inc.com	jwp-inc.com
kecco.net	kecco.net
kilbaneenv.com	kilbaneenv.com
kindermorgan.com	kindermorgan.com
kraton.com	kraton.com
kse50.com	kse50.com
laa.ci.canton.oh.us	laa.ci.canton.oh.us
leagueofohiosportsmen.org	leagueofohiosportsmen.org
lexisnexis.com	lexisnexis.com
littlemiamiriver.org	littlemiamiriver.org
lmco.com	lmco.com
imgweb.com	imgweb.com
lubrizol.com	lubrizol.com
lwvohio.org	lwvohio.org
mail2usa.com	mail2usa.com
management.emu.edu.tr	management.emu.edu.tr
mapllc.com	mapllc.com
marathonpetroleum.com	marathonpetroleum.com
mar-bal.com	mar-bal.com
marsulex.com	marsulex.com
matrixsystem.com	matrixsystem.com
mcgough-inc.com	mcgough-inc.com
med.ge.com	med.ge.com
metroparks.org	metroparks.org
metvan.com	metvan.com
mgsglaw.com	mgsglaw.com
michigan.gov	michigan.gov
midtowncleveland.org	midtowncleveland.org
midwestenvironmentalservices.com	midwestenvironmentalservices.com
millspride.com	millspride.com
mmm.com	mmm.com
moen.com	moen.com
morpc.org	morpc.org
mostardiplatten.com	mostardiplatten.com
mountvernonohio.org	mountvernonohio.org
mpo.noaca.org	mpo.noaca.org
msn.com	msn.com
mvrpc.org	mvrpc.org

na.omgi.com		na.omgi.com
nalco.com		nalco.com
nasa.gov		nasa.gov
nav-international.com		nav-international.com
neaton.com		neaton.com
NEDO.Central-Office	12/12/2007 11:18 AM	epa.state.oh.us
neo.rr.com		neo.rr.com
netzero.com		netzero.com
netzero.com		netzero.com
newarkohio.net		newarkohio.net
nibco.com		nibco.com
nifcoam.com		nifcoam.com
nisource.com		nisource.com
novachem.com		novachem.com
nsmarion.com		nsmarion.com
NWDO.Central-Office	12/12/2007 11:18 AM	epa.state.oh.us
oada.com		oada.com
oaima.org		oaima.org
obg.com		obg.com
odh.ohio.gov		odh.ohio.gov
ofbf.org		ofbf.org
oh.nacdnet.net		oh.nacdnet.net
oh.nacdnet.org		oh.nacdnet.org
ohio.edu		ohio.edu
ohiochamber.com		ohiochamber.com
ohiochemistry.org		ohiochemistry.org
ohiocitizen.org		ohiocitizen.org
ohiocoal.com		ohiocoal.com
ohiometal.net		ohiometal.net
ohiomfg.com		ohiomfg.com
oki.org		oki.org
onu.edu		onu.edu
opmca.org		opmca.org
orbitaltechsolutions.com		orbitaltechsolutions.com
osu.edu		osu.edu
ovec.com		ovec.com
owenscorning.com		owenscorning.com
parknationalbank.com		parknationalbank.com
partnersenv.com		partnersenv.com
pchd.org		pchd.org
peckwater.com		peckwater.com
perstorp.com		perstorp.com
pg.com		pg.com
piketownship.com		piketownship.com
pilko.com		pilko.com
pirnie.com		pirnie.com

porterwright.com		porterwright.com
pottersbeads.com		pottersbeads.com
powdermetinc.com		powdermetinc.com
ppg.com		ppg.com
praxair.com		praxair.com
prodigy.net.mx		prodigy.net.mx
protiviti.jp		protiviti.jp
psara.com		psara.com
qsr-inc.com		qsr-inc.com
quakermfg.com		quakermfg.com
ralaw.com		ralaw.com
ransohoff.com		ransohoff.com
rcn.com		rcn.com
regscan.com		regscan.com
reillyind.com		reillyind.com
repsrv.com		repsrv.com
retec.com		retec.com
rewarner.com		rewarner.com
rikerprod.com		rikerprod.com
riversunlimited.org		riversunlimited.org
rmaworld.com		rmaworld.com
rmtinc.com		rmtinc.com
rrd.com		rrd.com
sagerisk.com		sagerisk.com
sargentlundy.com		sargentlundy.com
sbcglobal.net		sbcglobal.net
scpwildblue.com		scpwildblue.com
seawaybolt.com		seawaybolt.com
SEDO.Central-Office	12/12/2007 11:18 AM	epa.state.oh.us
servlet.com		servlet.com
shawgrp.com		shawgrp.com
shellyandsands.com		shellyandsands.com
shellyco.com		shellyco.com
shiloh.com		shiloh.com
showaaluminum.com		showaaluminum.com
sidwell.info		sidwell.info
sika-corp.com		sika-corp.com
skycasters.net		skycasters.net
sik-law.com		sik-law.com
solarturbines.com		solarturbines.com
spenceenv.com		spenceenv.com
spiritenv.com		spiritenv.com
ssallc.com		ssallc.com
sscorp.com		sscorp.com
ssd.com		ssd.com
sssnet.com		sssnet.com

stanleyus.com	stanleyus.com
stateside.com	stateside.com
stoneenvironmental.com	stoneenvironmental.com
suite224.net	suite224.net
sunocoinc.com	sunocoinc.com
sypris.com	sypris.com
szd.com	szd.com
sztool.com	sztool.com
techsolve.org	techsolve.org
tekni-plex.com	tekni-plex.com
templeinland.com	templeinland.com
theoec.org	theoec.org
thompsonhine.com	thompsonhine.com
thorpreed.com	thorpreed.com
tk-america.com	tk-america.com
tmacog.org	tmacog.org
tnc.org	tnc.org
tomasco.net	tomasco.net
toyota.com	toyota.com
transglobalco.com	transglobalco.com
triadstrategies.com	triadstrategies.com
trinityconsultants.com	trinityconsultants.com
trw.com	trw.com
trw.com	trw.com
tssaviation.com	tssaviation.com
tstrim.com	tstrim.com
ulmer.com	ulmer.com
urscorp.com	urscorp.com
us.agc-automotive.com	us.agc-automotive.com
us.army.mil	us.army.mil
us.behrgroup.com	us.behrgroup.com
us.mahle.com	us.mahle.com
us.tiauto.com	us.tiauto.com
usa.dupont.com	usa.dupont.com
usec.com	usec.com
usps.gov	usps.gov
utnet.utoledo.edu	utnet.utoledo.edu
vssp.com	vssp.com
vt.edu	vt.edu
wavelinc.com	wavelinc.com
waxmanblumenthal.com	waxmanblumenthal.com
wcoil.com	wcoil.com
webcoenvironmental.com	webcoenvironmental.com
wendys.com	wendys.com
whitecastle.com	whitecastle.com
wilshire.net	wilshire.net

willowbendcapital.com	willowbendcapital.com
wilresearch.com	wilresearch.com
windsormoldgroup.com	windsormoldgroup.com
winecellarinnovations.com	winecellarinnovations.com
woh.rr.com	woh.rr.com
worthingtonindustries.com	worthingtonindustries.com
wpsc.com	wpsc.com
wright.edu	wright.edu
yahoo.com	yahoo.com
yenkin-majestic.com	yenkin-majestic.com
ysu.edu	ysu.edu
yutakatech.com	yutakatech.com
zande.com	zande.com
zinsser.com	zinsser.com
zoominternet.net	zoominternet.net
zoomtown.com	zoomtown.com

Files

File	Size	Date & Time
MESSAGE	2507	12/12/2007 11:18 AM

Options

Auto Delete: No
Concealed Subject: No
Expiration Date: None
Notify Recipients: Yes
Priority: Standard
Reply requested by None
Security: Standard
To Be Delivered: Immediate

Article IV

Attachment J

Email Notice to Interested
Parties

Chapter 3745-110: Interested Parties Draft Rule Language Notification and List

Notice is hereby given that the Ohio Environmental Protection Agency, Division of Air Pollution Control ("DAPC") proposes the addition of rules in Chapter 3745-110 of the Ohio Administrative Code ("OAC"). The rules are related to the control of emissions of nitrogen oxides (NOx) from stationary combustion sources such as boilers, combustion turbines, and stationary internal combustion engines.

The draft OAC rules are:

3745-110-01 (definitions),
3745-110-02 (applicability),
3745-110-03 (RACT limitations for emissions of NOx from stationary sources),
3745-110-04 (compliance deadlines), and
3745-110-05 (compliance testing and monitoring).

To implement the federal 8-hour ozone standard (70 FR 71612), Ohio EPA is required to submit RACT rules for subpart 2 "moderate" non-attainment areas no later than 27 months after initial determination.

The proposed rules under this Chapter will apply to the eight "moderate" non-attainment counties located in the Cleveland/Akron, Ohio metropolitan area (i.e., Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Medina, Portage, and Summit County). These rules are required to be in place by September 15, 2006.

As part of the rule-making process, DAPC is required by Section 121.39 of the Ohio Revised Code to consult with organizations that represent political subdivisions, environmental interests, business interests, and others affected by the rules. The DAPC is offering your organization the opportunity to comment on these rules before the division formally proposes them.

Attached, please find the draft OAC rules 3745-110-01, through 3745-110-05 and a detailed synopsis of the rule language. These rules are also available at: <http://www.epa.state.oh.us/dapc/regs/regs.html>. We request that you provide us with any comments you may have to the changes that have been recommended by August 23, 2006.

Please e-mail or mail your comments or suggestions to the following addresses:

E-mail: alan.harness@epa.state.oh.us

Mailing address: Alan L. Harness
Ohio Environmental Protection Agency, DAPC
Lazarus Government Center
P.O. Box 1049
Columbus, Ohio 43216-1049

Phone: (614) 644-4838

Thank you,

Robert Hodanbosi, Chief
Division of Air Pollution Control
Ohio Environmental Protection Agency

Message Id:	44C4FDBA.459 : 194 : 56837
Subject:	Ohio EPA DAPC Rulemaking - OAC Chapter 110 - Draft Rule Language
Created By:	Paul.Braun@epa.state.oh.us

Scheduled Date:
Creation Date: 7/24/2006 1:04 PM
From: Paul Braun

Recipients

Recipient	Action	Date & Time	Comment
 1st.net	Transfer Delayed Transferred	7/24/2006 1:53 PM 7/24/2006 2:14 PM	
To: Brad Johnston (flood1)			
 abbott.com	Transferred	7/24/2006 1:12 PM	
To: Alexandra Boon (alexandra.boon)			
 accenture.com	Transferred	7/24/2006 1:11 PM	
To: Enix (holly.a.enix)			
 adelphia.net	Transferred	7/24/2006 1:11 PM	
To: Mark Baumgardner (mbmcehs)			
 advancedspecialtycontractors.com	Transferred	7/24/2006 1:11 PM	
To: John Miller (jmiller)			
 ae.ge.com	Transferred	7/24/2006 1:11 PM	
To: Bob Drexelius (robert.drexelius)			
To: Gretchen Hancock (gretchen.hancock)			
 aep.com	Transferred	7/24/2006 1:11 PM	
To: Hollback (jehollback)			
To: Janet Henry (jjhenry)			
To: Jeff Lytle (jclytle)			
To: John McManus (jmmcmanus)			
To: Kemp (dwkemp)			
To: Padalporto (padalporto)			
 affinityconsultants.com	Transferred	7/24/2006 1:12 PM	
To: Keith Gaydosh (keith.gaydosh)			
 aircomp.com	Transferred	7/24/2006 1:11 PM	

To: Alan Schreiner (al)		
To: Louise Barton (louise)		
To: Phil Billick (phil)		
 airqualityspecialist.com	Transferred	7/24/2006 1:12 PM
To: Jennifer Baker (jenniferb)		
 aksteel.com	Transferred	7/24/2006 1:11 PM
To: Francis (steve_francis)		
 alcoa.com	Transferred	7/24/2006 1:11 PM
To: Lisa Wagoner (lisa.wagoner)		
To: Paul Tater (paul.tater)		
 all4inc.com	Transferred	7/24/2006 1:11 PM
To: Marvin Gregory (mgregory)		
 alleghenyludlum.com	Transferred	7/24/2006 1:11 PM
To: Deborah Calderazzo (dcalderazzo)		
 alleghenypower.com	Transferred	7/24/2006 1:11 PM
To: Lance K. Cottrill (lcottri)		
 alltel.com	Transferred	7/24/2006 1:11 PM
To: Stephanie Miller (stephanie.m.miller)		
 alltel.net	Transferred	7/24/2006 1:12 PM
To: Hal Grant (hgrant)		
 altechenvironmental.com	Transferred	7/24/2006 1:12 PM
To: Mariah Hope (mhope)		
 americansteeltreating.com	Transferred	7/24/2006 1:12 PM
To: Jerry Ricker (JRicker)		
 amkinney.com	Transferred	7/24/2006 1:12 PM
To: Murty Nalluri (nallurim)		
 amp-ohio.org	Transferred	7/24/2006 1:12 PM
To: Meyer (rmeyer)		
 amtex-lh.com	Transferred	7/24/2006 1:12 PM
To: Sandy Stude (sstude)		

 andoverttechnology.com	Transferred	7/24/2006 1:12 PM
To: Staudt (staudt)		
 anheuser-busch.com	Transferred	7/24/2006 1:12 PM
To: Neal Willging (neal.willging)		
 aol.com	Transferred	7/24/2006 1:12 PM
To: Allen Tatel (TatelAB)		
To: Biomass (biomassgp)		
To: Dan Horn (hornlogan)		
To: Jennifer Mcisaac (damcisaac)		
 api.org	Transferred	7/24/2006 1:12 PM
To: Elise Spriggs (spriggse)		
To: Terry Fleming (flemingt)		
 aqda.state.oh.us	Transferred	7/24/2006 1:12 PM
To: Mark Shanahan (mark.shanahan)		
 ashland.com	Transferred	7/24/2006 1:12 PM
To: Chuck Cooper (ccooper)		
 augustmack.com	Transferred	7/24/2006 1:12 PM
To: Charles Schnurpel (cschnurpel)		
To: J.E. Illera (jillera)		
To: Rebecca Kabat (bkabat)		
To: William Russell (wrussell)		
 ayerquality.com	Transferred Transfer Failed	7/24/2006 1:12 PM 7/24/2006 1:12 PM
To: Matt Ayer (matt)		
 battelle.org	Transferred	7/24/2006 1:12 PM
To: Kelley Hand (handk)		
 bdblaw.com	Transferred	7/24/2006 1:12 PM
To: William Caplan (bcaplan)		
 beazer.com	Transferred	7/24/2006 1:12 PM
To: Liz Feltner (efeltner)		
 beldenblake.com	Transferred	7/24/2006 1:12 PM

To: Rachelle A. King (rachelle.king)			
 bfca.com	Transfer Failed	7/24/2006 1:12 PM	
To: Jesse (pjesse)			
	Undeliverable	7/24/2006 1:12 PM	550 No such user - psmtip
 bjaam.com	Transferred	7/24/2006 1:12 PM	
To: Jay Dahl (jdahl)			
 BP.com	Transferred	7/24/2006 1:12 PM	
To: Allen Ellett (EllettAR)			
To: Wilson (wilsonlj)			
 bpe.com	Transferred	7/24/2006 1:12 PM	
To: Kathleen Wyatt (kathyw)			
 bright.net	Transferred	7/24/2006 1:12 PM	
To: Richard Sahli (rsahli)			
 BROIN.COM	Transferred	7/24/2006 1:12 PM	
To: Erin Heupel (ERIN.HEUPEL)			
 buckeyepower.com	Transferred	7/24/2006 1:12 PM	
To: Ahern (tahern)			
To: RRD (rrd)			
 butlercountyohio.org	Transferred	7/24/2006 1:12 PM	
To: Adam Sackenheim (sackenheim)			
 bwxt.com	Transferred	7/24/2006 1:12 PM	
To: Rich Cunningham (rmcunningham)			
 calfee.com	Transferred	7/24/2006 1:12 PM	
To: Christopher Jones (cjones)			
 cantonhealth.org	Transferred	7/24/2006 1:12 PM	
To: Gregory A Clark (gclark)			
 capstoneassoc.com	Transferred	7/24/2006 1:12 PM	
To: Al Moyer (capstone)			
 carbis.net	Transferred	7/24/2006 1:12 PM	

To: Scott Cramer (dsc)		
 cargill.com	Transferred	7/24/2006 1:12 PM
To: Duvall (angie_duvall)		
 carmeusena.com	Transferred	7/24/2006 1:12 PM
To: Lindon Pierce (lindon.pierce)		
 catohio.cjb.net	Transferred	7/24/2006 1:12 PM
To: Keith Eckmeyer (cat)		
 cboss.com	Transfer Failed	7/24/2006 1:12 PM
To: PCA (pca)	Undeliverable	7/24/2006 550 5.1.1 <pca@cboss.com> is not a 1:12 PM valid mailbox
 cecinc.com	Transferred	7/24/2006 1:12 PM
To: Bill Foster (bfoster)		
To: Dan Szwed (dszwed)		
To: Jennifer Ewing (jewing)		
To: Lawrence A. Drane III (ldrane)		
To: Rick Buffalini (rbuffalini)		
 centurytel.net	Transfer Delayed Transferred	7/24/2006 1:54 PM 7/24/2006 2:14 PM
To: James Bailey (jim.alumalloy)		
 cera.com	Transferred	7/24/2006 1:12 PM
To: Robert Barnett (rbarnett)		
 cfl.rr.com	Transferred	7/24/2006 1:12 PM
To: Joe Pattok (jpattok)		
 champion-newera.com	Transferred	7/24/2006 1:12 PM
To: Dimitri Gianakopoulos (dimitri)		
 chartersteel.com	Transferred	7/24/2006 1:12 PM
To: Tammy Bukach (bukacht)		
 chefsolutions.com	Transferred	7/24/2006 1:12 PM
To: Dustin J. Binkman (dustin.brinkman)		
 chemtron-corp.com	Transferred	7/24/2006 1:12 PM

To: James Erclauz (jerclauz)		
 churchdwight.com	Transferred	7/24/2006 1:12 PM
To: Jackie Holton (jackie.holton)		
 ci.akron.oh.us	Transferred	7/24/2006 1:12 PM
To: Jason Segedy (segedja)		
To: Warren Wolford (HansoKe)		
 ci.hamilton.oh.us	Transferred	7/24/2006 1:12 PM
To: Robert Hocks (hocksr)		
 ci.springfield.oh.us	Transferred	7/24/2006 1:12 PM
To: Larry Himes (ccstcc)		
 ci.toledo.oh.us	Transferred	7/24/2006 1:12 PM
To: Bob Lopez (robert.lopez)		
 Cincinnati.com	Transferred	7/24/2006 1:12 PM
To: David Paul (dpauleco)		
To: Nancy Baldwin (nbaldwin)		
 Cincinnati-oh.gov	Transferred	7/24/2006 1:12 PM
To: Kimberly R. Johnson (kimberly.johnson)		
 cinergy.com	Transferred	7/24/2006 1:12 PM
To: Bernie Huff (bernie.huff)		
To: Brewer (dickbrewer)		
To: Doug Abbott (doug.abbott)		
To: Geers (mgeers)		
To: J. Michael Geers (michael.geers)		
To: John Funke (jfunke)		
To: Tranter (l.tranter)		
 cleanfuelsohio.org	Transferred	7/24/2006 1:12 PM
To: Sam Spofforth (sam)		
 cleanohio.com	Transferred	7/24/2006 1:12 PM
To: Joe Minadeo (jminadeo)		
 clevelandairport.com	Transferred	7/24/2006 1:12 PM
To: Nathan Walden (nwalden)		

 clowwater.com	Transferred	7/24/2006 1:12 PM
To: Patrick Huth (patrick.huth)		
 coair.com	Transferred	7/24/2006 1:12 PM
To: Leah Raney (lraney)		
 cognis-oleochemicals.com	Transferred	7/24/2006 1:12 PM
To: Mike Flaherty (mike.flaherty)		
 cognis-us.com	Transfer Failed	7/24/2006 1:12 PM
To: Brunson (bob.brunson)	Undeliverable	7/24/2006 550 RCPT TO:<bob.brunson@cognis- 1:12 PM us.com> Relaying not allowed
To: Groh (mike.groh)	Undeliverable	7/24/2006 550 RCPT TO:<mike.groh@cognis- 1:12 PM us.com> Relaying not allowed
 colaik.com	Transferred	7/24/2006 1:12 PM
To: Debbie Favio-Tiger (debby.tiger)		
 columbus.gov	Transferred	7/24/2006 1:12 PM
To: Dax Blake (djblake)		
To: Dirk Brown (dsb)		
To: Dominic Hanket (djhanket)		
To: Janean Weber (jrweber)		
To: Jeffrey Bertacchi (jlbartacchi)		
 corematerials.com	Transferred	7/24/2006 1:12 PM
To: Linda J. Denison (LDenison)		
 cornerstoneeg.com	Transferred	7/24/2006 1:12 PM
To: Kyle Nay (kyle.nay)		
 corsbassett.com	Transferred	7/24/2006 1:12 PM
To: David J. Schmitt (djs)		
 cpchem.com	Transferred	7/24/2006 1:12 PM
To: Cindy Gleason (gleascl)		
To: Greg Young (youngga)		
To: Scott Haney (haneysa)		
 craworld.com	Transferred	7/24/2006 1:12 PM
To: Henry Cooke (hpcooke)		
To: Martin Krentz (mkrentz)		

 crown.com	Transferred	7/24/2006 1:12 PM	
To: Tonja Hardin (tonja.hardin)			
 crownsolutions.com	Transferred	7/24/2006 1:12 PM	
To: Michael Giffen (mgiffen)			
 ctcn.net	Transferred	7/24/2006 1:12 PM	
To: Melanie Kendrick (mkendrick)			
 ctconsultants.com	Transferred	7/24/2006 1:12 PM	
To: Mike Bradley (mbradley)			
 ctleng.com	Transferred	7/24/2006 1:12 PM	
To: Ryan Oates (roates)			
 cwslaw.com	Transferred	7/24/2006 1:12 PM	
To: April Bott (abott)			
 delphi.com	Transferred	7/24/2006 1:12 PM	
To: Joanne Rau (joanne.rau)			
 delta.com	Transferred	7/24/2006 1:12 PM	
To: Jon Amato (jon.amato)			
 dispatch.com	Transferred	7/24/2006 1:12 PM	
To: Mark Somerson (msomerson)			
 dnr.state.oh.us	Transferred	7/24/2006 1:12 PM	
To: Steve Holland (steven.holland)			
 dom.com	Transferred	7/24/2006 1:12 PM	
To: Lisa Moerner (lisa_c_moerner)			
To: Rider (doug_rider)	Undeliverable	7/24/2006 1:12 PM	550 Mailbox unavailable or access denied - <doug_rider@dom.com>
To: Robert Asplund (robert_asplund)			
 dot.state.oh.us	Transfer Delayed Transferred	7/24/2006 1:13 PM 7/24/2006 1:35 PM	
To: Dave Moore (dave.moore1)			
 dplinc.com	Transferred	7/24/2006 1:12 PM	
To: Amy Wright (amy.wright)			

To: Vinolus (athan.vinolus)		
 dtees.com	Transferred	7/24/2006 1:12 PM
To: Caroline Depp (deppc)		
To: Michelle Kolozsvary (kolozsm)		
 duke-energy.com	Transferred	7/24/2006 1:12 PM
To: Holland (clholland)		
To: Richard Brewer (dick.brewer)		
 dynegy.com	Transferred	7/24/2006 1:12 PM
To: Irwin (barb_irwin)		
 earthdaycoalition.org	Transferred	7/24/2006 1:12 PM
To: Scott Sanders (edc)		
 earthjustice.org	Transferred	7/24/2006 1:12 PM
To: Keri Powell (kpowell)		
 earthlink.net	Transferred	7/24/2006 1:12 PM
To: Clyde Miller (cmiller1992)		
To: George Harmon (georgeharmon2)		
To: Lamin Bias (gqbean007)		
 earthtech.com	Transferred	7/24/2006 1:12 PM
To: Jonathan Amos (jonathan.amos)		
To: Lysa Modica (lysa.modica)		
 eastgatecog.org	Transferred	7/24/2006 1:12 PM
To: Jim Wells (jwells)		
 eckertseamans.com	Transferred	7/24/2006 1:12 PM
To: David Rockman (drockman)		
 eea-inc.com	Transferred	7/24/2006 1:12 PM
To: Hayes (shayes)		
 CDO.Central-Office	Delivered	7/24/2006 1:05 PM
To: Isaac Robinson (Irobinso)		
	Read	7/24/2006 1:38 PM
 Central-Support.Central-Office	Delivered	7/24/2006 1:05 PM
To: Carol Hester (Chester)		
	Read	7/24/2006

		1:18 PM
To: Cathryn Allen (Callen2)	Read	7/25/2006 8:47 AM
To: Don Vanterpool (Dvanterp)	Read	7/24/2006 2:05 PM
To: Edward Kitchen (Ekitchen)	Read	7/24/2006 1:26 PM
To: Heidi Griesmer (Hgriesme)	Read	7/24/2006 1:36 PM
To: Jeanne Mallett (Jmallett)	Read	7/25/2006 10:56 AM
To: Joe Koncelik (JKonceli)	Read	7/24/2006 5:11 PM
To: Karen Haight (Khaight)		
To: Laura Powell (Lpowell)	Read	7/24/2006 2:48 PM
To: Michael Kelley (Mkelley)	Read	7/25/2006 6:33 AM
To: Rick Carleski (Rcarlesk)	Read	7/24/2006 3:18 PM
To: Stephen Feldmann (Sfeldman)	Read	8/16/2006 2:06 PM
 DERR.Central-Office	Delivered	7/24/2006 1:05 PM
To: Cindy Hafner (chafner)		
 DHWM.Central-Office	Delivered	7/24/2006 1:05 PM
To: Mike Savage (MSAVAGE)		
 DSIWM.Central-Office	Delivered	7/24/2006 1:05 PM
To: Dan Harris (Dharris)	Read	7/24/2006 2:42 PM
 efiglobal.com	Transferred	7/24/2006 1:12 PM
To: Martin Upchurch (marty_upchurch)		
 egelhof.com	Transferred	7/24/2006 1:12 PM
To: Doug DeWalt (d.dewalt)		
 entergy.com	Transfer Failed	7/24/2006 1:12 PM
To: Smit (msmit21)	Undeliverable	7/24/2006 550 5.1.1 <msmit21@entergy.com>... 1:12 PM User unknown
 entrix.com	Transferred	7/24/2006 1:12 PM
To: James Stouch (jstouch)		

 env-comm.org	Transferred	7/24/2006 1:12 PM
To: Marilyn Wall (marilyn.wall)		
To: Marti Sinclair (marti.sinclair)		
 envdesigni.com	Transferred	7/24/2006 1:12 PM
To: John Wellman (jwellman)		
 environcorp.com	Transferred	7/24/2006 1:12 PM
To: Angelina Schulz (aschulz)		
 environmentalhelp.com	Transfer Delayed Transfer Failed	7/28/2006 10:16 AM 7/28/2006 2:16 PM
To: Rchafee (rchafee)		
 environmental-help.com	Transferred	7/24/2006 1:12 PM
To: Marcin Steciak (msteciak)	Undeliverable	7/24/2006 550 msteciak@environmental-help.com 1:12 PM unknown user account
To: Robert Chaffee (rchaffee)		
 eohiomach.com	Transferred	7/24/2006 1:12 PM
To: Joe Gosney (jgosney)		
 epa.gov	Transferred	7/24/2006 1:12 PM
To: Cecilia (mijares.cecilia)		
To: Genevieve Damico (damico.genevieve)		
To: Jaime Julian (julian.jaime)		
To: John Paskevicz (paskevicz.john)		
To: Kaushal Gupta (gupta.kaushal)		
To: Pamela Blakely (blakley.pamela)		
To: Steven Rosenthal (rosenthal.steven)		
 EPAPO.Central-Office	Delivered	7/24/2006 1:06 PM
To: Alan Harness (Aharness)	Read	7/24/2006 1:08 PM
To: Bill Spires (Bspires)	Read	7/24/2006 1:07 PM
To: Bob Hodanbosi (Bhodanbo)		
To: Cheryl Suttman (Csuttman)	Read	7/24/2006 1:26 PM
To: Cindy Dewulf (Cdewulf)	Read	8/28/2006

			4:10 PM
To: Dana Thompson (Dthompso)			
To: Dave Brown (Dbrown)			
To: Elisa Thomas (Ethomas)			
To: Frederick Jones (Fjones)	Read	7/25/2006 3:53 PM	
To: Gary Engler (Gengler)	Read	7/24/2006 1:18 PM	
To: Glenn Luksik (Gluksik)			
To: Greg Smith (GSMITH)			
To: Jeff Beattie (Jbeattie)	Read	7/24/2006 1:07 PM	
To: Jennifer Nichols (Jnichols)	Read	7/24/2006 1:26 PM	
To: Jim Orlemann (Jorleman)	Read	7/24/2006 2:22 PM	
 DAPC_INTERNET_USERS.Internet	Transferred	7/24/2006 1:11 PM	
To: Bert Mechenbier (Bmechenb)			
To: John Paul (Jpaul)			
To: Karen Granata (Kgranata)	Undeliverable	7/24/2006 1:11 PM	550 5.1.1 <mark_vilem@ohio.epa.state.oh.us>... User unknown
To: Lynn Malcolm (Lmalcolm)			
To: Mark Vilem (Mvilem)			
To: Patrick Shriver (Pshriver)			
 epamail.epa.gov	Transferred	7/24/2006 1:12 PM	
To: Bharat (mathur.bharat)			
To: Jeffrey Bratko (Bratko.Jeffrey)			
To: paskevicz (paskevicz.john)			
To: Richard Anglebech (Angelbeck.Richard)			
To: Stacey Colburn (Coburn.Stacey)			
 EPAPO.Central-Office	Delivered	7/24/2006 1:06 PM	
To: Lee Burkleca (Lburklec)	Read	7/24/2006 1:08 PM	
To: Mike Ahern (Mahern)			
To: Mike Baker (MBAKER)			
To: Mike Hopkins (Mhopkins)	Read	7/24/2006 2:02 PM	
To: Mike Matney (Mmatney)			

To: Mike VanMatre (Mvanmatr)		
To: Misty Parsons (Mparsons)	Read	7/25/2006 2:16 PM
To: Muhammad Elsalahat (Msalahat)		
To: Paul Braun (Pbruan)	Read	7/24/2006 1:06 PM
To: Paul Koval (Pkoval)	Read	7/24/2006 2:07 PM
To: Randy Hock (Rhock)	Read	7/27/2006 7:27 AM
To: Sam MacDonald (Tmacdona)		
To: Sherri Swihart (Sswihart)	Read	7/24/2006 1:07 PM
To: Sudhir Singhal (Ssinghal)	Read	7/26/2006 8:57 AM
To: Todd Brown (Tbrown)		
To: Tom Buchan (Tbuchan)		
To: Tom Kalman (Tkalman)	Read	7/24/2006 1:36 PM
 eqm.com	Transferred	7/24/2006 1:12 PM
To: Dawn Miller (dmiller)		
To: Stephanie Reynolds (sreynolds)		
 eqm-rtp.com	Transferred	7/24/2006 1:12 PM
To: Steve Felton (sfelton)		
 equistarchem.com	Transferred	7/24/2006 1:12 PM
To: Andy Ruppenkamp (andy.ruppenkamp)		
 eramet-mn-us.com	Transferred	7/24/2006 1:12 PM
To: John Hughes (john.hughes)		
 erm.com	Transferred	7/24/2006 1:12 PM
To: Jim Teitt (jim.teitt)		
To: long (Michael_long)		
 excelloeng.com	Transferred	7/24/2006 1:12 PM
To: Jeff Kral (jkral)		
 faxon-machining.com	Transferred	7/24/2006 1:12 PM
To: Chris Suits (hr)		
 fbtlaw.com	Transferred	7/24/2006

		1:12 PM
To: Joshua M. Young (jyoung)		
To: Steve Wesloh (swesloh)		
 fernald.gov	Transferred	7/24/2006 1:12 PM
To: Tim Poff (timothy.poff)		
 fes.com	Transferred	7/24/2006 1:12 PM
To: Nick Fernandez (fernandezn)		
 fhai.com	Transferred	7/24/2006 1:12 PM
To: Robb Beckstedt (rbeckstedt)		
 firstenergycorp.com	Transferred	7/24/2006 1:12 PM
To: Dan Steen (steend)		
To: Gail Twymon (mgtwymon)		
To: Jirousek (mjjirousek)		
To: Weber (djweber)		
 NEDO.Central-Office	Delivered	7/24/2006 1:05 PM
To: Dennis Bush (Dbush)	Read	7/24/2006 1:14 PM
 NWDO.Central-Office	Delivered	7/24/2006 1:05 PM
To: Don Waltermeyer (Dwalterm)	Read	7/26/2006 7:40 AM
To: Paul Chad (Pchad)	Read	7/25/2006 12:10 PM
 SEDO.Central-Office	Delivered	7/24/2006 1:05 PM
To: Dean Ponchak (Dponchak)	Read	7/24/2006 2:11 PM
 firstenergycorp.com	Transferred	7/24/2006 1:12 PM
To: Robert Williams (williamsr)		
 fitinc.net	Transferred	7/24/2006 1:12 PM
To: Jerome Onlayao (j_onlayao)		
 ford.com	Transferred	7/24/2006 1:13 PM
To: Bob Niemi (rniemi1)		
To: Duane Johnson (djohns10)		
To: James Hostacky (jhostack)		
To: Stacie Campbell (scampb29)		

 fritolay.com	Transferred	7/24/2006 1:12 PM
To: Pamela Carter (pamela.f.carter)		
 fs.fed.us	Transferred	7/24/2006 1:12 PM
To: Steven R. Davis (stevendavis)		
 fuse.net	Transferred	7/24/2006 1:12 PM
To: Kevin Flowers (kflowers)		
 gbp.com	Transferred	7/24/2006 1:12 PM
To: Brian Duffy (bduffy)		
 ge.com	Transferred	7/24/2006 2:08 PM
To: John Oldi (john.oldi)		
 gesonline.com	Transferred	7/24/2006 1:12 PM
To: Katie Piepmeier (kpiepmeier)		
 globalenergyinc.com	Transferred	7/24/2006 1:12 PM
To: Lockwood (dnlockwood)		
 gm.com	Transferred	7/24/2006 1:12 PM
To: Laura Bartling (laura.bartling)		
To: Rusty Helm (rusty.helm)		
 gmail.com	Transferred	7/24/2006 1:12 PM
To: Heather Knisley (knisley.heather)		
To: Lavendar King (gutterdollface)		
 goodyear.com	Transferred	7/24/2006 1:12 PM
To: Marcy Fischer (marcy_fischer)		
To: Trembly (mtrembly)		
 gpu.com	Transferred	7/24/2006 1:12 PM
To: Kathy Kunkel (kkunkel)		
 graphicpkg.com	Transferred	7/24/2006 1:12 PM
To: Dell Majure (dell.majure)		
 graymont-pa.com	Transferred	7/24/2006 1:12 PM
To: Brian Mensinger (bmensinger)		
 grc.nasa.gov	Transferred	7/24/2006 1:12 PM

To: Aaron Walker (aaron.m.walker)		
 grenadamfg.com	Transferred	7/24/2006 1:12 PM
To: Don Williams (dwilliams)		
 gspnet.com	Transferred	7/24/2006 1:12 PM
To: Jill Foster (jill_foster)		
To: John Lengel (john_lengel)		
 gtenvironmental.com	Transferred	7/24/2006 1:13 PM
To: Ron Hansen (rhansen)		
To: Taylor (ctaylor)		
 guardian.com	Transferred	7/24/2006 1:12 PM
To: Sandra Muehling (smuehling)		
 halechrome.com	Transferred	7/24/2006 1:12 PM
To: Dean Spradlin (hdsprad)		
 ham.honda.com	Transferred	7/24/2006 1:12 PM
To: Chris Korleski (Chris_Korleski)		
To: Karen Heyob (karen_heyob)		
 handb.com	Transferred	7/24/2006 1:12 PM
To: Glenn Weist (gweist)		
 hanson.biz	Transferred	7/24/2006 1:12 PM
To: David Worthington (dave.worthington)		
 hansonamerica.com	Transferred	7/24/2006 1:15 PM
To: Robert Snyder (robert.snyder)		
 hollandcolours.com	Transferred	7/24/2006 1:12 PM
To: Dave Glassner (dglassner)		
 holophane.com	Transferred	7/24/2006 1:12 PM
To: Stephen Burns (sburns)		
 hotmail.com	Transferred	7/24/2006 1:14 PM
To: Craig Miller (cmill89)		
To: Ellen Shea (inshea)		
To: John Price (jprice3)		
To: Lisa Rainer (lisarainer)		

To: Rita Robinett (ritarobinett)		
To: Sarah Schackow (jadewind9)		
To: Tricia McKinnon (triciah358)		
 ici.com	Transferred	7/24/2006 1:12 PM
To: Jim Kantola (jim_kantola)		
 idem.in.gov	Transferred	7/24/2006 1:12 PM
To: Christine Pedersen (cpederse)		
 industryproductsco.com	Transferred	7/24/2006 1:13 PM
To: Maggie Vance (maggie)		
 infinnet.com	Transferred	7/24/2006 1:12 PM
To: Tim Ling (twill)		
 innovene.com	Transferred	7/24/2006 1:12 PM
To: Erica Dromgoole (erica.dromgoole)		
 intlsteel.com	Transferred	7/24/2006 1:12 PM
To: Rich Zavoda (rzavoda)		
 ispcorp.com	Transferred	7/24/2006 1:12 PM
To: David Martin (dwmartin)		
 itlcorp.com	Transferred	7/24/2006 1:12 PM
To: Larry Hensley (larryh)		
 jci.com	Transferred	7/24/2006 1:12 PM
To: Michael Hill (michael.r.hill)		
 jm.com	Transferred	7/24/2006 1:12 PM
To: Don Clark (clarkd)		
 jpmorgan.com	Transferred	7/24/2006 1:12 PM
To: Robert Delarm (robert.w.delarm)		
 junos.com	Transferred	7/24/2006 1:12 PM
To: Jim Thorne (ellajim)		
 jwp-inc.com	Transferred	7/24/2006 1:12 PM
To: Steven Brandenberry (stevenb)		
 kecco.net	Transferred	7/24/2006

		1:12 PM
To: Dwain Kincaid (dkincaid)		
 kraton.com	Transferred	7/24/2006 1:12 PM
To: Dale Loudermilk (dale.loudermilk)		
To: Virginia Britton (ginny.britton)		
 kse50.com	Transferred	7/24/2006 1:12 PM
To: Charles Storrow (cfs)		
To: Robyn (robyn)		
 laa.ci.canton.oh.us	Transferred	7/24/2006 1:12 PM
To: Dan Aleman (alemanda)		
 lafargecorp.com	Transfer Delayed Transfer Failed	7/28/2006 10:18 AM 7/28/2006 2:19 PM
To: Weible (tim.weible)		
 lanxess.com	Transferred	7/24/2006 1:13 PM
To: Terry Harris (terry.harris)		
 law.capital.edu	Transferred	7/24/2006 1:12 PM
To: Benjamin Franz (rfranz)		
 leagueofohiosportsmen.org	Transferred	7/24/2006 1:12 PM
To: Larry Mitchell (president)		
 lexisnexis.com	Transferred	7/24/2006 1:12 PM
To: Michael Oechsler (michael.oechsler)		
 lmco.com	Transferred	7/24/2006 1:12 PM
To: Amy Jones (amy.c.jones)		
 lmgweb.com	Transferred	7/24/2006 1:13 PM
To: Christopher Carr (c.carr)		
 lubrizol.com	Transferred	7/24/2006 1:12 PM
To: Karen Walter (krwl)		
 lwvohio.org	Transferred	7/24/2006 1:12 PM
To: Terry McCoy (lwvoinfo)		
 management.emu.edu.tr	Transferred	7/24/2006

		1:13 PM
To: Halil Cagnan (hcagnan)		
 mapllc.com	Transfer	7/24/2006 2:09 PM
	Delayed	7/24/2006
	Transferred	6:09 PM
To: Charles E. Kramek (cekramek)		
To: Ralph Blake (rdblake)		
 marionindustries.com	Transferred	7/24/2006 1:13 PM
To: Mark Dishon (mdishon)		
 marsulex.com	Transferred	7/24/2006 1:13 PM
To: Ray Powell (rpowell)		
 martinmarietta.com	Transferred	7/24/2006 1:12 PM
To: Joe Green (joe.green)		
 matrixsystem.com	Transferred	7/24/2006 1:13 PM
To: Ronald Andrus (rpandrus)		
 mcgough-inc.com	Transferred	7/24/2006 1:13 PM
To: John McGough (jmcgough)		
 mead.com	Transferred	7/24/2006 1:13 PM
To: DJK (djk1)		
To: Kaw (Kaw2)		
To: TDO (tdo)		
 metvan.com	Transferred	7/24/2006 1:13 PM
To: Philip Wentzel (pwentzel)		
 mgsglaw.com	Transferred	7/24/2006 1:13 PM
To: Deron Smith (dsmith)		
 michigan.gov	Transferred	7/24/2006 1:13 PM
To: Joy Taylor Morgan (taylorj1)		
 millspride.com	Transferred	7/24/2006 1:13 PM
To: Debbie Hannah (debbiehannah)		
 mmm.com	Transferred	7/24/2006 1:13 PM
To: Stacy Zaneski (skzaneski)		
 morpc.org	Transferred	7/24/2006 1:13 PM

To: Bill Habig (whabig)		
To: Daved Abel (dabel)		
To: Nick Gill (ngill)		
mountvernonohio.org	Transferred	7/24/2006 1:14 PM
To: Judy Scott (treatdistadmin)		
mpo.noaca.org	Transfer Delayed Transferred	7/24/2006 1:14 PM 7/24/2006 1:34 PM
To: Amy Wainright (awainright)		
To: Bill Davis (bdavis)		
To: Howard Maier (sdinunzio)		
msn.com	Transferred	7/24/2006 1:13 PM
To: Glenn Kreais (gkreais)		
To: Joe Morehart (jdmorehart)		
To: treg (n923157)		
muohio.edu	Transferred	7/24/2006 1:13 PM
To: Lisa Whittamore (whittala)		
mvrpc.org	Transferred	7/24/2006 1:13 PM
To: Matt Lindsay (mlindsay)		
nalco.com	Transferred	7/24/2006 1:13 PM
To: Dennis Bores (dbores)		
nasa.gov	Transferred	7/24/2006 1:13 PM
To: Christie Myers (christie.myers)		
nav-international.com	Transferred	7/24/2006 1:13 PM
To: Terri Sexton (terri.sexton)		
negt.com	Transfer Failed	7/24/2006 1:13 PM
To: Carney (mark.carney)	Undeliverable	7/24/2006 550 5.2.1 <mark.carney@negt.com>... 1:13 PM Mailbox disabled for this recipient
neo.ir.com	Transferred	7/24/2006 1:13 PM
To: Jerry Ayers (jayers6)		
netzero.com	Transferred	7/24/2006 1:13 PM
To: Anissa Phillips (aphillips21)		
To: Norm Bratton, Jr. (nwbbornagain52)		

 nibco.com	Transferred	7/24/2006 1:13 PM
To: Ricky Bryant (bryantr)		
 nifcoam.com	Transferred	7/24/2006 1:13 PM
To: Mark Shirkey (shirkeym)		
 nisource.com	Transferred	7/24/2006 1:13 PM
To: Mark Strimbu (mgstrimbu)		
 oada.com	Transferred	7/24/2006 1:13 PM
To: Charlie Howard (choward)		
To: Joseph Cannon (jcannon)		
 oaimea.org	Transferred	7/24/2006 1:13 PM
To: Pat Jacomet (patj)		
 obg.com	Transferred	7/24/2006 1:13 PM
To: Tony Finch (finchaj)		
 odh.ohio.gov	Transferred	7/24/2006 1:13 PM
To: Carol Ray (cray)		
To: Roger Suppes (rsupes)		
 odod.state.oh.us	Transferred	7/24/2006 1:13 PM
To: Ward (sword)		
 ohiochamber.com	Transferred	7/24/2006 1:13 PM
To: Kristin Clingan (kclingan)		
 ohiocitizen.org	Transferred	7/24/2006 1:13 PM
To: Kathy Remias (kremias)		
To: Noreen Warnock (nwarnock)		
To: Rachel Belz (rbelz)		
To: Sandy Buchanan (sbuchanan)		
To: Simona Vaclavikova (svaclavikova)		
 ohiomfg.com	Transferred	7/24/2006 1:13 PM
To: Kevin Schmidt (kschmidt)		
To: Ryan Augsburg (raugsburger)		
 ohspri.ang.af.mil	Transferred	7/24/2006 1:13 PM
To: Kevin Connair (kevin.connair)		

 oki.org	Transferred	7/24/2006 1:13 PM
To: Dory Montazemi (dorym)		
To: James Duane (plan)		
 onu.edu	Transferred	7/24/2006 1:13 PM
To: Bruce French (b-french)		
 OPMCA.org	Transferred	7/24/2006 1:13 PM
To: Jennifer Rhoads (JRhoads)		
 optim2000.com	Transferred	7/24/2006 1:13 PM
To: Sonali Deshpande (sonali.deshpande)		
 orbitaltechsolutions.com	Transferred	7/24/2006 1:13 PM
To: Tom Fitzpatrick (tfitzpatrick)		
 osu.edu	Transferred	7/24/2006 1:13 PM
To: Sean Phillippi (phillippi.13)		
 ovec.com	Transferred	7/24/2006 1:13 PM
To: Donald T. Fulkers (dfulkers)		
 owenscorning.com	Transferred	7/24/2006 1:13 PM
To: Tammy VanWalsen (tammy.vanwalsen)		
 parknationalbank.com	Transferred	7/24/2006 1:13 PM
To: Ralph Root (rroot)		
 pechiney.com	Transfer Delayed Transferred	7/24/2006 1:13 PM 7/24/2006 1:33 PM
To: Brian Galley (Brian.galley)		
 peckwater.com	Transferred	7/24/2006 1:13 PM
To: Don Rice (drice)		
 perstorp.com	Transferred	7/24/2006 1:13 PM
To: Anthony Sloma (tony.sloma)		
 pg.com	Transferred	7/24/2006 1:13 PM
To: Bachman (bachman.bw)		
To: Maxine Dewbury (dewbury.md)		

To: Towers (towers.ps)		
 pilko.com	Transferred	7/24/2006 1:13 PM
To: Sandra Brand (sandra)		
 porterwright.com	Transferred	7/24/2006 1:13 PM
To: Drew Bergman (abergman)		
To: Kathy Eftimoff (keftimoff)		
To: Martin Seltzer (mseltzer)		
To: McNealey (jmcnealey)		
To: Rob Brubaker (rbrubaker)		
 ppg.com	Transferred	7/24/2006 1:13 PM
To: Meghan Roe (mroe)		
 praxair.com	Transferred	7/24/2006 1:13 PM
To: Ed Saccoccia (ed_saccoccia)		
 prodigy.net	Transferred	7/24/2006 1:13 PM
To: Shannon Harps (shannon.harps)		
 prodigy.net.mx	Transferred	7/24/2006 1:13 PM
To: Fidencio (fburgosz)		
 protiviti.jp	Transferred	7/24/2006 1:13 PM
To: Aki Watanabe (aki.watanabe)		
 psara.com	Transferred	7/24/2006 1:13 PM
To: Rich Stuck (rjstuck)		
 quebecorworld.com	Transferred	7/24/2006 1:13 PM
To: Tim McCarrick (tim.mccarrick)		
 ralaw.com	Transferred	7/24/2006 1:13 PM
To: Shane Farolino (sfarolino)		
 ransohoff.com	Transferred	7/24/2006 1:13 PM
To: D. Bingle (dbingle)		
 rapca.org	Transferred	7/24/2006 1:13 PM
To: Jennifer Marsee (marseejs)		
To: John Paul (paulja)		
 rcn.com	Transferred	7/24/2006 1:13 PM

To: Scott Theal (thealenv)		
 regscan.com	Transferred	7/24/2006 1:13 PM
To: Karhon Stabler (kstabler)		
 reillyind.com	Transferred	7/24/2006 1:13 PM
To: John Jones (jjones)		
 repsrv.com	Transferred	7/24/2006 1:13 PM
To: Tamara DeWalt (dewaltt)		
 republictech.com	Transfer Failed	7/24/2006 1:13 PM
To: Conti (mconti)	Undeliverable	7/24/2006 1:13 PM 550 5.7.1 <mconti@republictech.com>... we do not relay <Paul.Braun@epa.state.oh.us>
 retec.com	Transferred	7/24/2006 1:13 PM
To: Jamie Christopher (jchristopher)		
 rewarner.com	Transferred	7/24/2006 1:13 PM
To: Terry McClain (tmcclain)		
 ribwayengineeringgroup.com	Transferred	7/24/2006 1:13 PM
To: Andrew Eribo (aeribo)		
 riversunlimited.org	Transferred	7/24/2006 1:13 PM
To: Mike Fremont (mike.fremont)		
 rmaworld.com	Transferred	7/24/2006 1:13 PM
To: Shelley Buckles (sabuckles)		
 rmtinc.com	Transferred	7/24/2006 1:13 PM
To: Eric Tabor, PE (eric.tabor)		
To: Patty Hemmelgarn (patty.hemmelgarn)		
 rrd.com	Transferred	7/24/2006 1:13 PM
To: Chris Hassmann (chris.hassmann)		
 sagerisk.com	Transferred	7/24/2006 1:13 PM
To: James R. Rocco (jrocco)		
 sargentlundy.com	Transferred	7/24/2006 1:13 PM

To: Bernard Mount (bernard.f.mount)		
 sbcglobal.net	Transferred	7/24/2006 1:13 PM
To: Jennifer Sevlad (akronplating)		
To: Philip Schillawski (pcschillawski)		
 seawaybolt.com	Transferred	7/24/2006 1:13 PM
To: Dave Oas (doas)		
 servlet.com	Transferred	7/24/2006 1:13 PM
To: Cornett, Bruce (bcornett)		
 sfstrucksales.com	Transferred	7/24/2006 1:13 PM
To: Christopher Vinson (cvinson)		
 shawgrp.com	Transferred	7/24/2006 1:13 PM
To: Kay Gilmer (kay.gilmer)		
To: Timothy Thoma (timothy.thoma)		
 shell.com	Transferred	7/24/2006 1:13 PM
To: Katrina LeVert (katrina.levert)		
 shellyandsands.com	Transferred	7/24/2006 1:13 PM
To: Anthony Ruggiero (tonyr)		
 shellyco.com	Transferred	7/24/2006 1:13 PM
To: Katherine Beach (khanna)		
 shiloh.com	Transferred	7/24/2006 1:13 PM
To: Heather Avery (heavery)		
 sika-corp.com	Transferred	7/24/2006 1:13 PM
To: Daniel Martin (martin.dan)		
 skycasters.net	Transferred	7/24/2006 1:13 PM
To: Chris Walton (cwalton)		
 slk-law.com	Transferred	7/24/2006 1:13 PM
To: Mike Born (mborn)		
To: Mike Snyder (msnyder)		
 smartpapers.com	Transferred	7/24/2006 1:13 PM

To: Ken Hardesty (ken.hardesty)		
 spenceenv.com	Transferred	7/24/2006 1:13 PM
To: Curt Spence (curt)		
 spiritenv.com	Transferred	7/24/2006 1:13 PM
To: Leslie Wong (lwong)		
 ssallc.com	Transferred	7/24/2006 1:13 PM
To: Barbara Ashby (bjashby)		
 ssd.com	Transferred	7/24/2006 1:13 PM
To: Doug McWilliams (dmcwilliams)		
To: Karen Winters (kwinters)		
 sssnet.com	Transferred	7/24/2006 1:13 PM
To: Andrea Comanitz (comanitz)		
 stateside.com	Transferred	7/24/2006 1:13 PM
To: Lane H. Nemirow, Esq (LHN)		
To: Rima Idzelis (ri)		
 stl-inc.com	Transferred	7/24/2006 1:13 PM
To: Joe Baker (jbaker)		
 stoneenvironmental.com	Transferred	7/24/2006 1:13 PM
To: John Lytle (johnlytle)		
 sunocoinc.com	Transferred	7/24/2006 1:13 PM
To: Chuck Barksdale (cdebarksdale)		
To: Delauna Pack (dpack)		
 sunoil.com	Transfer Delayed Transfer Failed	7/28/2006 10:17 AM 7/28/2006 2:17 PM
To: Moore (elaine_m_moore)		
 sypris.com	Transferred	7/24/2006 1:13 PM
To: Kelly Hurley (kelly.hurley)		
 techsolve.org	Transferred	7/24/2006 1:13 PM
To: Mary Beth Holley (holley)		
 tekni-plex.com	Transferred	7/24/2006 1:13 PM

To: Clark Baubles (clark.baubles)		
 theoec.org	Transferred	7/24/2006 1:13 PM
To: Jack Shaner (jack)		
To: Kurt Waltzer (kurt)		
To: OEC (oec)		
To: Staci Putney (staci)		
 thesourcegroup.net	Transferred	7/24/2006 1:13 PM
To: Daniel Jelinek (djelinek)		
 thompsonhine.com	Transferred	7/24/2006 1:13 PM
To: Andrew Kolesar (andrew.kolesar)		
 tks-america.com	Transferred	7/24/2006 1:13 PM
To: Randy Ball (rball)		
 tmacog.org	Transferred	7/24/2006 1:16 PM
To: David Gedeon (gedeon)		
To: Kurt Erichsen (erichsen)		
 tnc.org	Transferred	7/24/2006 1:13 PM
To: Marlene Kromer (mkromer)		
 tomasco.net	Transferred	7/24/2006 1:13 PM
To: Daniel Hammonds (dhammonds)		
To: Debra Reining (dreining)		
 Toyota.com	Transferred	7/24/2006 1:13 PM
To: Dan Monette (Dan_Monette)		
To: Nikki Gilmore (nikki_gilmore)		
 transglobalco.com	Transferred	7/24/2006 1:13 PM
To: Paul Bowen (bowen)		
 trinityconsultants.com	Transferred	7/24/2006 1:13 PM
To: Michael Edison (medison)		
To: Paul Smith (psmith)		
To: William Bruscin (bbruscin)		
 trw.com	Transferred	7/24/2006 1:14 PM
To: Bill Poiry (bill.poiry)		

To: Lisa Brown (lisa.m.brown)		
To: Paul Anteau (paul.anteau)		
To: Todd Clifford (todd.clifford)		
 tstrim.com	Transferred	7/24/2006 1:13 PM
To: Mike Sarver (mike_sarver)		
 ulmer.com	Transferred	7/24/2006 1:13 PM
To: Gregory Smith (gsmith)		
 urscorp.com	Transferred	7/24/2006 1:13 PM
To: Babb (tony_babb)		
To: James McDonald (james_mcdonald)		
To: Myles Wilkinson (myles_wilkinson)		
 US.TIAuto.com	Transferred	7/24/2006 1:13 PM
To: Ken Porr (kporr)		
 usa.dupont.com	Transferred	7/24/2006 1:13 PM
To: Maureen Miller (maureen.b.miller-1)		
 usps.gov	Transferred	7/24/2006 1:13 PM
To: Mike Wisniewski (mwisnie1)		
 voyager.net	Transferred	7/24/2006 1:13 PM
To: Jack R. Pounds (jpoundsocc)		
 vssp.com	Transferred	7/24/2006 1:13 PM
To: Bill Hayes (wdhayes)		
To: Giuliani (ajgiuliani)		
 vt.edu	Transferred	7/24/2006 1:15 PM
To: Charles Herman (cherman)		
 waxmanblumenthal.com	Transferred	7/24/2006 1:13 PM
To: Michael Blumenthal (mblumenthal)		
 wcisteel.com	Transferred	7/24/2006 1:13 PM
To: Shepker (toshepker)		
 webcoenvironmental.com	Transferred	7/24/2006 1:13 PM

To: Walter Bowles (wbowles)		
 wendys.com	Transferred	7/24/2006 1:13 PM
To: Patty Woodward (patty_woodward)		
 whitecastle.com	Transferred	7/24/2006 1:13 PM
To: Jeff Miller (millerje)		
 wideopenwest.com	Transfer Delayed Transferred	7/24/2006 1:15 PM 7/24/2006 1:35 PM
To: Marvin Floer (mfloer)		
 wilkshire.net	Transferred	7/24/2006 1:13 PM
To: Linda S. Harvey (somerdale)		
 willowbendcapital.com	Transferred	7/24/2006 1:13 PM
To: Shaila Hossain (shailah)		
 wilresearch.com	Transferred	7/24/2006 1:13 PM
To: Bruce VanScoy (bvanscoy)		
 windsormoldgroup.com	Transferred	7/24/2006 1:13 PM
To: Sue Legault (slegault)		
 winecellarinnovations.com	Transferred	7/24/2006 1:13 PM
To: Adam Cowan (adamc)		
 woh.rr.com	Transferred	7/24/2006 1:14 PM
To: Concerned Citizens of Neave Twp. (nomegadairy)		
 worthingtonindustries.com	Transferred	7/24/2006 1:13 PM
To: Roger A. Downey (radowney)		
 yahoo.com	Transferred	7/24/2006 1:13 PM
To: Amie Greene (zigato_)		
To: Ashish Kumar (ashishmsj2)		
To: Hoang Phuong (griffithphuong)		
To: Robynn Fletcher (robynn_ut)		
 yenkin-majestic.com	Transferred	7/24/2006 1:13 PM
To: V.W. Santamaria (vics)		
 ysu.edu	Transfer	7/24/2006

	Delayed	1:16 PM
	Transferred	7/24/2006 1:38 PM
To: Sandra Denman (sldenman)		
 yutakatech.com	Transferred	7/24/2006 1:13 PM
To: Carl Wolf (cwolf)		
 zande.com	Transferred	7/24/2006 1:14 PM
To: Martha Innes (marthainnes)		
 zinsser.com	Transferred	7/24/2006 1:13 PM
To: Charlie Kirman (charles.kirman)		
 zoominternet.net	Transferred	7/24/2006 1:14 PM
To: Jean Holley (shelbysgm)		
 zoomtown.com	Transferred	7/24/2006 1:13 PM
To: Mike Matthews (mtm)		

Post Offices

Post Office	Delivered	Route
1st.net		1st.net
abbott.com		abbott.com
accenture.com		accenture.com
adelphia.net		adelphia.net
advancedspecialtycontractors.com		advancedspecialtycontractors.com
ae.ge.com		ae.ge.com
aep.com		aep.com
affinityconsultants.com		affinityconsultants.com
aircomp.com		aircomp.com
airqualityspecialist.com		airqualityspecialist.com
aksteel.com		aksteel.com
alcoa.com		alcoa.com
all4inc.com		all4inc.com
alleghenyludlum.com		alleghenyludlum.com
alleghenypower.com		alleghenypower.com
alltel.com		alltel.com
alltel.net		alltel.net
altechenvironmental.com		altechenvironmental.com

americansteeltreating.com		americansteeltreating.com
amkinney.com		amkinney.com
amp-ohio.org		amp-ohio.org
amtex-lh.com		amtex-lh.com
andovertechnology.com		andovertechnology.com
anheuser-busch.com		anheuser-busch.com
aol.com		aol.com
api.org		api.org
aqda.state.oh.us		aqda.state.oh.us
ashland.com		ashland.com
augustmack.com		augustmack.com
ayerquality.com		ayerquality.com
battelle.org		battelle.org
bdblawn.com		bdblawn.com
beazer.com		beazer.com
beldenblake.com		beldenblake.com
bfca.com		bfca.com
bjaam.com		bjaam.com
BP.com		BP.com
bpel.com		bpel.com
bright.net		bright.net
BROIN.COM		BROIN.COM
buckeyepower.com		buckeyepower.com
butlercountyohio.org		butlercountyohio.org
bwxt.com		bwxt.com
calfee.com		calfee.com
cantonhealth.org		cantonhealth.org
capstoneassoc.com		capstoneassoc.com
carbis.net		carbis.net
cargill.com		cargill.com
carmeusena.com		carmeusena.com
catohio.cjb.net		catohio.cjb.net
cboss.com		cboss.com
CDO.Central-Office	7/24/2006 1:05 PM	epa.state.oh.us
cecinc.com		cecinc.com
Central-Support.Central-Office	7/24/2006 1:05 PM	epa.state.oh.us
centurytel.net		centurytel.net
cera.com		cera.com
cfl.rr.com		cfl.rr.com
champion-newera.com		champion-newera.com
chartersteel.com		chartersteel.com

chefsolutions.com		chefsolutions.com
chemtron-corp.com		chemtron-corp.com
churchdwright.com		churchdwright.com
ci.akron.oh.us		ci.akron.oh.us
ci.hamilton.oh.us		ci.hamilton.oh.us
ci.springfield.oh.us		ci.springfield.oh.us
ci.toledo.oh.us		ci.toledo.oh.us
cinci.rr.com		cinci.rr.com
cincinnati-oh.gov		cincinnati-oh.gov
cinergy.com		cinergy.com
cleanfuelsohio.org		cleanfuelsohio.org
cleanohio.com		cleanohio.com
clevelandairport.com		clevelandairport.com
clowwater.com		clowwater.com
coair.com		coair.com
cognis-oleochemicals.com		cognis-oleochemicals.com
cognis-us.com		cognis-us.com
colaik.com		colaik.com
columbus.gov		columbus.gov
corematerials.com		corematerials.com
cornerstoneeg.com		cornerstoneeg.com
corsbassett.com		corsbassett.com
cpchem.com		cpchem.com
craworld.com		craworld.com
crown.com		crown.com
crownsolutions.com		crownsolutions.com
ctcn.net		ctcn.net
ctconsultants.com		ctconsultants.com
ctleng.com		ctleng.com
cwslaw.com		cwslaw.com
DAPC_INTERNET_USERS.Internet		epa.state.oh.us
delphi.com		delphi.com
delta.com		delta.com
DERR.Central-Office	7/24/2006 1:05 PM	epa.state.oh.us
DHWM.Central-Office	7/24/2006 1:05 PM	epa.state.oh.us
dispatch.com		dispatch.com
dnr.state.oh.us		dnr.state.oh.us
dom.com		dom.com
dot.state.oh.us		dot.state.oh.us
dplinc.com		dplinc.com
DSIWM.Central-Office	7/24/2006 1:05 PM	epa.state.oh.us

dtees.com		dtees.com
duke-energy.com		duke-energy.com
dynegy.com		dynegy.com
earthdaycoalition.org		earthdaycoalition.org
earthjustice.org		earthjustice.org
earthlink.net		earthlink.net
earthtech.com		earthtech.com
eastgatecog.org		eastgatecog.org
eckertseamans.com		eckertseamans.com
eea-inc.com		eea-inc.com
efiglobal.com		efiglobal.com
egelhof.com		egelhof.com
entergy.com		entergy.com
entrix.com		entrix.com
env-comm.org		env-comm.org
envdesigni.com		envdesigni.com
environcorp.com		environcorp.com
environmentalhelp.com		environmentalhelp.com
environmental-help.com		environmental-help.com
eohiomach.com		eohiomach.com
epa.gov		epa.gov
epamail.epa.gov		epamail.epa.gov
EPAPO.Central-Office	7/24/2006 1:06 PM	epa.state.oh.us
EPAPO.Central-Office	7/24/2006 1:06 PM	epa.state.oh.us
eqm.com		eqm.com
eqm-rtp.com		eqm-rtp.com
equistarchem.com		equistarchem.com
eramet-mn-us.com		eramet-mn-us.com
erm.com		erm.com
excelloeng.com		excelloeng.com
faxon-machining.com		faxon-machining.com
fbtlaw.com		fbtlaw.com
fernald.gov		fernald.gov
fes.com		fes.com
fhai.com		fhai.com
firstenergycorp.com		firstenergycorp.com
firstenergycorp.com		firstenergycorp.com
fitinc.net		fitinc.net
ford.com		ford.com
fritolay.com		fritolay.com
fs.fed.us		fs.fed.us

fuse.net	fuse.net
gbp.com	gbp.com
ge.com	ge.com
gesonline.com	gesonline.com
globalenergyinc.com	globalenergyinc.com
gm.com	gm.com
gmail.com	gmail.com
goodyear.com	goodyear.com
gpu.com	gpu.com
graphicpkg.com	graphicpkg.com
graymont-pa.com	graymont-pa.com
grc.nasa.gov	grc.nasa.gov
grenadamfg.com	grenadamfg.com
gspnet.com	gspnet.com
gtenvironmental.com	gtenvironmental.com
guardian.com	guardian.com
halechrome.com	halechrome.com
ham.honda.com	ham.honda.com
handb.com	handb.com
hanson.biz	hanson.biz
hansonamerica.com	hansonamerica.com
hollandcolours.com	hollandcolours.com
holophane.com	holophane.com
hotmail.com	hotmail.com
ici.com	ici.com
idem.in.gov	idem.in.gov
industryproductsco.com	industryproductsco.com
infinet.com	infinet.com
innovene.com	innovene.com
intlsteel.com	intlsteel.com
ispcorp.com	ispcorp.com
itlcorp.com	itlcorp.com
jci.com	jci.com
jm.com	jm.com
jpmorgan.com	jpmorgan.com
juno.com	juno.com
jwp-inc.com	jwp-inc.com
kecco.net	kecco.net
kraton.com	kraton.com
kse50.com	kse50.com
laa.ci.canton.oh.us	laa.ci.canton.oh.us

lafargecorp.com		lafargecorp.com
lanxess.com		lanxess.com
law.capital.edu		law.capital.edu
leagueofohiosportsmen.org		leagueofohiosportsmen.org
lexisnexis.com		lexisnexis.com
lmco.com		lmco.com
lmgweb.com		lmgweb.com
lubrizol.com		lubrizol.com
lwvohio.org		lwvohio.org
management.emu.edu.tr		management.emu.edu.tr
mapllc.com		mapllc.com
marionindustries.com		marionindustries.com
marsulex.com		marsulex.com
martinmarietta.com		martinmarietta.com
matrixsystem.com		matrixsystem.com
mcgough-inc.com		mcgough-inc.com
mead.com		mead.com
metvan.com		metvan.com
mgsglaw.com		mgsglaw.com
michigan.gov		michigan.gov
millspride.com		millspride.com
mmm.com		mmm.com
morpc.org		morpc.org
mountvernonohio.org		mountvernonohio.org
mpo.noaca.org		mpo.noaca.org
msn.com		msn.com
muohio.edu		muohio.edu
mvrpc.org		mvrpc.org
nalco.com		nalco.com
nasa.gov		nasa.gov
nav-international.com		nav-international.com
NEDO.Central-Office	7/24/2006 1:05 PM	epa.state.oh.us
negt.com		negt.com
neo.ir.com		neo.ir.com
netzero.com		netzero.com
nibco.com		nibco.com
nifcoam.com		nifcoam.com
nisource.com		nisource.com
NWDO.Central-Office	7/24/2006 1:05 PM	epa.state.oh.us
oada.com		oada.com
oaima.org		oaima.org

obg.com	obg.com
odh.ohio.gov	odh.ohio.gov
odod.state.oh.us	odod.state.oh.us
ohiochamber.com	ohiochamber.com
ohiocitizen.org	ohiocitizen.org
ohiomfg.com	ohiomfg.com
ohspri.ang.af.mil	ohspri.ang.af.mil
oki.org	oki.org
onu.edu	onu.edu
OPMCA.org	OPMCA.org
optim2000.com	optim2000.com
orbitaltechsolutions.com	orbitaltechsolutions.com
osu.edu	osu.edu
ovec.com	ovec.com
owenscorning.com	owenscorning.com
parknationalbank.com	parknationalbank.com
pechiney.com	pechiney.com
peckwater.com	peckwater.com
perstorp.com	perstorp.com
pg.com	pg.com
pilko.com	pilko.com
porterwright.com	porterwright.com
ppg.com	ppg.com
praxair.com	praxair.com
prodigy.net	prodigy.net
prodigy.net.mx	prodigy.net.mx
protiviti.jp	protiviti.jp
psara.com	psara.com
quebecorworld.com	quebecorworld.com
ralaw.com	ralaw.com
ransohoff.com	ransohoff.com
rapca.org	rapca.org
rcn.com	rcn.com
regscan.com	regscan.com
reillyind.com	reillyind.com
repsrv.com	repsrv.com
republictech.com	republictech.com
retec.com	retec.com
rewarner.com	rewarner.com
ribwayengineeringgroup.com	ribwayengineeringgroup.com
riversunlimited.org	riversunlimited.org

rmaworld.com		rmaworld.com
rtinc.com		rtinc.com
rrd.com		rrd.com
sagerisk.com		sagerisk.com
sargentlundy.com		sargentlundy.com
sbcglobal.net		sbcglobal.net
seawaybolt.com		seawaybolt.com
SEDO, Central-Office	7/24/2006 1:05 PM	epa.state.oh.us
servlet.com		servlet.com
sfstrucksales.com		sfstrucksales.com
shawgrp.com		shawgrp.com
shell.com		shell.com
shellyandsands.com		shellyandsands.com
shellyco.com		shellyco.com
shiloh.com		shiloh.com
sika-corp.com		sika-corp.com
skycasters.net		skycasters.net
slk-law.com		slk-law.com
smartpapers.com		smartpapers.com
spenceenv.com		spenceenv.com
spiritenv.com		spiritenv.com
ssallc.com		ssallc.com
ssd.com		ssd.com
sssnet.com		sssnet.com
stateside.com		stateside.com
stl-inc.com		stl-inc.com
stoneenvironmental.com		stoneenvironmental.com
sunocoinc.com		sunocoinc.com
sunoil.com		sunoil.com
sypris.com		sypris.com
techsolve.org		techsolve.org
tekni-plex.com		tekni-plex.com
theoec.org		theoec.org
thesourcegroup.net		thesourcegroup.net
thompsonhine.com		thompsonhine.com
tk-america.com		tk-america.com
tmacog.org		tmacog.org
tnc.org		tnc.org
tomasco.net		tomasco.net
Toyota.com		Toyota.com
transglobalco.com		transglobalco.com

trinityconsultants.com	trinityconsultants.com
trw.com	trw.com
tstrim.com	tstrim.com
ulmer.com	ulmer.com
urscorp.com	urscorp.com
US.TIAuto.com	US.TIAuto.com
usa.dupont.com	usa.dupont.com
usps.gov	usps.gov
voyager.net	voyager.net
vssp.com	vssp.com
vt.edu	vt.edu
waxmanblumenthal.com	waxmanblumenthal.com
wcisteel.com	wcisteel.com
webcoenvironmental.com	webcoenvironmental.com
wendys.com	wendys.com
whitecastle.com	whitecastle.com
wideopenwest.com	wideopenwest.com
wilkshire.net	wilkshire.net
willowbendcapital.com	willowbendcapital.com
wilresearch.com	wilresearch.com
windsormoldgroup.com	windsormoldgroup.com
winecellarinnovations.com	winecellarinnovations.com
woh.rr.com	woh.rr.com
worthingtonindustries.com	worthingtonindustries.com
yahoo.com	yahoo.com
yenkin-majestic.com	yenkin-majestic.com
ysu.edu	ysu.edu
yutakatech.com	yutakatech.com
zande.com	zande.com
zinsser.com	zinsser.com
zoominternet.net	zoominternet.net
zoomtown.com	zoomtown.com

Files

File	Size	Date & Time
3745-110 Syn IP.pdf	25264	7/21/2006 11:17 AM
3745-110-01 IP.pdf	30899	7/21/2006 11:33 AM
3745-110-02 IP.pdf	10699	7/21/2006 11:34 AM
3745-110-03 IP.pdf	37511	7/21/2006 11:34 AM

3745-110-04 IP.pdf	13980	7/21/2006 11:37 AM
3745-110-05 IP.pdf	11560	7/21/2006 11:38 AM
MESSAGE	3398	7/24/2006 1:04 PM
TEXT.htm	3200	

Options

Auto Delete: No
Concealed Subject: No
Expiration Date: None
Notify Recipients: Yes
Priority: Standard
Reply requested by: None
Security: Standard
To Be Delivered: Immediate

Article V

Hearing Transcripts

BEFORE THE OHIO ENVIRONMENTAL PROTECTION AGENCY

IN RE: PROPOSED OAC :
RULES 3745-110-01 :
THROUGH 3745-110-05, :

Transcript of proceedings taken before Mary McCarron, Hearing Officer, Ohio Environmental Protection Agency, taken before Margaret A. Marsh, a Registered Professional Reporter and Notary Public in and for the State of Ohio, commencing at 10:01 a.m., on the 8th day of June, 2007, at the Ohio Environmental Protection Agency, 50 West Town Street, Sixth Floor, Conference Room A, Columbus, Ohio.



Newark, Ohio
(740) 345-8556

Main Office
8036 Smoke Road
Pataskala, Ohio 43062
(740) 927-3338
(800) 852-6163
Fax (740) 927-3436

Columbus, Ohio
(614) 228-0018

e-mail: FraleyCooper@earthlink.net

1 Friday Morning Session
2 June 8, 2007
3 10:01 a.m.

4 HEARING OFFICER MCCARRON: My name is Mary
5 McCarron. I'm the public involvement manager for Ohio
6 EPA's Public Interest Center. I will be presiding over
7 the hearing today.

8 Thank you for taking the time to attend the
9 hearing before Ohio EPA. The purpose of the hearing
10 today is to obtain comments from any interested person
11 regarding Ohio EPA's proposed rules. The proposed new
12 rules in the OAC 3745-110-01 through 3745-110-05 apply
13 to eight moderate nonattainment counties located in the
14 Cleveland/Akron metropolitan area, specifically
15 Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Medina,
16 Portage, and Summit Counties.

17 These will regulate Nox emissions from
18 existing stationary combustion sources. And in
19 addition, the rules will apply statewide to any new or
20 modified source issued a permit to install after
21 January 1, 2007.

22 These rules have been filed with the Joint
23 Committee on Agency Rule Review. Copies of the rules
24 are available for public review at Ohio EPA's Central
25 Office and may be obtained by contacting Alan Harness

1 with Ohio EPA's Division of Air Pollution Control at
2 (614)644-4838.

3 All interested persons are entitled to attend
4 or be represented and to present oral and/or written
5 comments concerning the proposed new rules. All
6 written and oral comments received as part of the
7 official record will be considered by the director of
8 Ohio EPA before a final decision is made.

9 Hello. If you want, you can sign in. We
10 just began.

11 To be included in the official record,
12 written comments must be received by Ohio EPA by the
13 close of business today, June 8, 2007. These comments
14 may be filed with me today or e-mailed to Alan Harness
15 A-L-A-N, H-A-R-N-E-S-S, at
16 alan.hariness@epa.state.oh.us.

17 All written comments for the record receive
18 the same consideration as oral testimony given today.
19 Written statements submitted after today will be
20 considered as time and circumstances permit but will
21 not be part of the official record of the hearing.

22 If you wish to present oral testimony, I'll
23 be calling folks in the order that they signed in on
24 the registration sheet. If I call your name and you
25 wish not to provide testimony, go ahead and say pass.

1 There's no cross-examination of speakers or
2 representatives of Ohio EPA during hearings. Ohio EPA
3 hearings such as this offer citizens the opportunity to
4 provide comments on the official record. Therefore, we
5 won't be able to answer any questions; but we may ask
6 clarifying questions of the commenter to ensure that
7 the record is as accurate as possible.

8 I'll go ahead and call the names of the folks
9 who have registered. And again, if you don't want to
10 comment, go ahead and say pass.

11 Greg Fouche.

12 MR. FOUCHE: Pass.

13 HEARING OFFICER MCCARRON: And Sarah
14 Harrigan?

15 MS. HARRIGAN: Pass.

16 HEARING OFFICER MCCARRON: Okay. We will go
17 off the record until 10:30 to see if anybody is a late
18 arrival for the hearing.

19 (Recess taken.)

20

21

22

23

24

25

1 HEARING OFFICER MCCARRON: We'll go ahead and
2 get back on the record. The time is 10:31 a.m. At
3 this time nobody else has arrived to testify so we'll
4 go ahead and close the hearing. I want to remind folks
5 that written comments can be turned in by the end of
6 the day today. Thank you for coming.

7

- - -

8

9

 Thereupon, at 10:31 a.m., on Friday, June 8,
2007, the hearing was concluded.

10

- - -

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

<p>A</p> <p>able 4:5 accurate 4:7 addition 2:19 after 2:20 3:19 again 4:9 Agency 1:1,8,12 2:23 6:10 ahead 3:25 4:8 4:10 5:1,4 Air 3:1 Alan 2:25 3:14 alan.harness@... 3:16 and/or 3:4 answer 4:5 anybody 4:17 apply 2:12,19 area 2:14 arrival 4:18 arrived 5:3 Ashtabula 2:15 attend 2:8 3:3 available 2:24 A-L-A-N 3:15 a.m 1:11 2:2 5:2 5:8</p>	<p>4:4 5:5 Committee 2:23 complete 6:8 concerning 3:5 concluded 5:9 Conference 1:13 consideration 3:18 considered 3:7 3:20 contacting 2:25 Control 3:1 Copies 2:23 correct 6:8 COUNTIES 2:13,16 COUNTY 6:4 cross-examinat... 4:1 Cuyahoga 2:15</p>	<p>G</p> <p>Geauga 2:15 given 3:18 go 3:25 4:8,10,16 5:1,4 Greg 4:11</p>	<p>moderate 2:13 modified 2:20 Morning 2:1 must 3:12</p>	<p>provide 3:25 4:4 public 1:9 2:5,6 2:24 purpose 2:9</p>	<p>submitted 3:19 Summit 2:16</p>
<p>B</p> <p>back 5:2 before 1:1,6,8 2:9 3:8 6:9 began 3:10 business 3:13</p>	<p>D</p> <p>DATED 6:13 day 1:11 5:6 6:13 decision 3:8 director 3:7 Division 3:1 during 4:2</p>	<p>H</p> <p>Harness 2:25 3:14 Harrigan 4:14,15 hearing 1:7 2:4,7 2:9,9 3:21 4:13 4:16,18 5:1,4,9 hearings 4:2,3 Hello 3:9 H-A-R-N-E-S-S 3:15</p>	<p>N</p> <p>name 2:4 3:24 names 4:8 new 2:11,19 3:5 nobody 5:3 nonattainment 2:13 Notary 1:9 notes 6:11 Nox 2:17</p>	<p>O</p> <p>OAC 1:3 2:12 obtain 2:10 obtained 2:25 off 4:17 offer 4:3 Office 2:25 Officer 1:7 2:4 4:13,16 5:1 official 3:7,11,21 4:4 Ohio 1:1,7,10,12 1:14 2:5,9,11 2:24 3:1,8,12 4:2,2 6:3,9 Okay 4:16 opportunity 4:3 oral 3:4,6,18,22 order 3:23 over 2:6</p>	<p>T</p> <p>T 6:1,1 taken 1:6,8 4:19 taking 2:8 testify 5:3 testimony 3:18 3:22,25 Thank 2:8 5:6 through 1:4 2:12 time 2:8 3:20 5:2 5:3 today 2:7,10 3:13 3:14,18,19 5:6 Town 1:12 transcribed 6:11 transcript 1:6 6:8 true 6:8 turned 5:5</p>
<p>C</p> <p>C 6:1,1 call 3:24 4:8 calling 3:23 Center 2:6 Central 2:24 certify 6:7 circumstances 3:20 citizens 4:3 clarifying 4:6 Cleveland/Akron 2:14 close 3:13 5:4 Columbus 1:13 combustion 2:18 coming 5:6 commencing 1:10 comment 4:10 commenter 4:6 comments 2:10 3:5,6,12,13,17</p>	<p>E</p> <p>E 6:1,1 eight 2:13 emissions 2:17 end 5:5 ensure 4:6 entitled 3:3 Environmental 1:1,7,12 6:10 EPA 2:9 3:8,12 4:2,2 EPA's 2:6,11,24 3:1 existing 2:18 e-mailed 3:14</p>	<p>I</p> <p>included 3:11 install 2:20 Interest 2:6 interested 2:10 3:3 involvement 2:5 issued 2:20</p>	<p>O</p> <p>OAC 1:3 2:12 obtain 2:10 obtained 2:25 off 4:17 offer 4:3 Office 2:25 Officer 1:7 2:4 4:13,16 5:1 official 3:7,11,21 4:4 Ohio 1:1,7,10,12 1:14 2:5,9,11 2:24 3:1,8,12 4:2,2 6:3,9 Okay 4:16 opportunity 4:3 oral 3:4,6,18,22 order 3:23 over 2:6</p>	<p>R</p> <p>R 6:1 RE 1:3 receive 3:17 received 3:6,12 Recess 4:19 record 3:7,11,17 3:21 4:4,7,17 5:2 regarding 2:11 registered 1:9 4:9 6:6 registration 3:24 regulate 2:17 remind 5:4 reported 6:10 Reporter 1:9 6:7 representatives 4:2 represented 3:4 review 2:23,24 Room 1:13 RPR 6:15 Rule 2:23 rules 1:3 2:11,12 2:19,22,23 3:5</p>	<p>U</p> <p>until 4:17</p> <p>W</p> <p>want 3:9 4:9 5:4 West 1:12 we'll 5:1,3 wish 3:22,25 written 3:4,6,12 3:17,19 5:5</p>
	<p>F</p> <p>F 6:1 filed 2:22 3:14 final 3:8 Floor 1:13 folks 3:23 4:8 5:4 foregoing 6:7 Fouche 4:11,12 FRANKLIN 6:4 Friday 2:1 5:8 from 2:10,17 6:11</p>	<p>J</p> <p>January 2:21 Joint 2:22 June 1:11 2:1 3:13 5:8 6:13 just 3:10</p>	<p>P</p> <p>part 3:6,21 pass 3:25 4:10,12 4:15 permit 2:20 3:20 person 2:10 persons 3:3 Pollution 3:1 Portage 2:16 possible 4:7 present 3:4,22 presiding 2:6 proceedings 1:6 6:9 Professional 1:9 6:6 proposed 1:3 2:11,11 3:5 Protection 1:1,8 1:12 6:10</p>	<p>S</p> <p>same 3:18 Sarah 4:13 see 4:17 Session 2:1 sheet 3:24 sign 3:9 signed 3:23 Sixth 1:13 source 2:20 sources 2:18 speakers 4:1 specifically 2:14 SS 6:3 State 1:10 6:3 statements 3:19 statewide 2:19 stationary 2:18 stenographic 6:11 stereotype 6:11 Street 1:13</p>	<p>I</p> <p>1 2:21 10:01 1:11 2:2 10:30 4:17 10:31 5:2,8</p> <p>2</p> <p>2007 1:11 2:1,21 3:13 5:9 6:13 22nd 6:13</p> <p>3</p> <p>3745-110-01 1:3 2:12 3745-110-05 1:4 2:12</p> <p>5</p> <p>50 1:12</p> <p>6</p> <p>614)644-4838 3:2</p> <p>8</p>

8 2:1 3:13 5:8 8th 1:11					
----------------------------	--	--	--	--	--

Article VI

Response to Comments



Division of Air Pollution Control

**Chapter 3745- 110 (NOx RACT) Interested Parties Rule Package
Summary of Responses**

Commenters

1	The Medical Center Company
2	Sunoco Inc. Toledo Refinery
3	Honda of America Mfg., Inc.
4	The Ohio Steel Group
5	The Ohio Environmental Council
6	The Ohio Technology Council, The Ohio Chamber of Commerce, and The Ohio Manufacturers' Association.
7	Chester Willcox & Saxbe LLP on behalf of its clients, the Shelly Company, Shelly Materials and Allied Corporation (collectively "Shelly").
8	Chester Willcox & Saxbe LLP on behalf of its clients, American Municipal Power-Ohio, Inc. ("AMP-Ohio") and AMP-Ohio's affected member communities and projects.
9	First Energy
10	Cleveland Thermal, LLC

1. Commenter: The Medical Center Company, 2250 Circle drive, Cleveland, Ohio

The Medical Center Company (MCCo) operates two (2) mid-size and two (2) large natural gas-only wall-fired boilers. These boilers employ low-NOx burners and have existing permit conditions that limit the NOx emission rate to 0.0375 lb/mmBtu. These boilers currently meet the proposed NOx RACT emission limit of 0.10 lb/mmBtu for gas-only wall-fired boilers.

MCCo also operates two (2) large, 140 mmBtu/hr coal-fired stoker boilers. The applicable emission limit contained in the draft NOx RACT rules for these units is 0.15 lb/mmBtu and the presumptive control technology to achieve this emission limit is Selective Catalytic Reduction (SCR). The Medical Center Company believes that the applicable emission limit and the presumptive application of SCR is an inappropriate definition of RACT for these two coal-fired boilers for the following reasons:

Whereas, the optimal temperature range for SCR operation is 675-840 degrees F and the minimum operating temperature is 450 degrees F, the normal operating temperature at the coal-fired boilers' outlet is 500-625 degrees F and the flue gas temperature at the economizer outlets is reduced by yet another 150 degrees F. The resulting flue gas temperature of 350-475 degrees F makes the performance of an SCR system questionable. MCCo is currently in the process of installing Duct Sorbent Injection (DSI) to control HCl and mercury emissions in order to comply with the applicable 40 CFR Part 63 Subpart DDDDD MACT emission limits. This control technology must be installed upstream of the existing baghouse and requires that the flue gas be cooled to approximately 300 degrees F to provide effective reduction of HCl and mercury emissions. MCCo could not install retrofit SCR control technology at either the economizer outlet or the baghouse outlet without also installing natural gas-fired duct burners or air preheaters to raise the flue gas temperature to the acceptable operating range for SCR. Installation of an SCR system upstream of the DSI system might reduce requirements for flue gas pre-heating but the high-dust environment at that location may lead to increased catalyst plugging and associated SCR malfunction/downtime.

MCCo burns medium to high-sulfur Ohio coal. It has been shown that higher SO₂ concentrations in flue gas typically require higher minimum operating temperatures for SCR systems, since lower temperatures will lead to the formation of ammonium sulfate salts in the catalyst bed and reduce control efficiency.

MCCo's stoker boilers are load-following units that experience dynamic load swings during the course of operation. These boilers are operated differently than large utility units or even smaller industrial units that employ SCR controls

under base-load conditions. It is reasonable to expect that SCR controls on a load-following boiler may produce a higher incidence of ammonia slip than is experienced with base-load units. This is a particular concern at the MCCo where the distance from our stack to sensitive receptors is very short.

SCR control systems require storage and handling of large quantities of anhydrous or aqueous ammonia or urea. The MCCo plant site does not have the space required for installation of the less hazardous urea system. Although section 112(R) of the Clean Air Act requires risk management planning for storage and handling activities involving hazardous chemicals over a certain threshold volume, MCCo believes that storage and handling of large quantities of highly toxic ammonia on a densely populated college campus and adjacent to a large, high-traffic hospital complex poses significant technical problems.

The MCCo Steam Plant is bordered on all sides by heavily-traveled urban streets and driveways. Due to site property constraints, an SCR system would likely necessitate installation on the roof of the existing plant. This would entail significant additional expense for structural steel supports and associated construction activities which may not be included in Ohio EPA's retrofit cost factor. The technical feasibility of construction is a legitimate concern for an SCR retrofit project at this location.

The coal-fired boilers at the MCCo are nearly forty years old. The cost-effectiveness associated with the addition of an SCR control system on these units must consider the relatively short remaining useful life of the units. Ohio EPA should not impose NOx RACT requirements on units which have a limited remaining life. A provision should be included in the rules to allow any unit that will be shut down by a certain date to be exempted from the RACT requirements.

MCCo urges Ohio EPA to develop a NOx RACT control strategy for the Cleveland area which takes into account the actual impact sources have on ozone formation. The cost effectiveness of controls based on a unit's capacity factor during the ozone season should be considered. MCCo's coal-fired boilers operate at a high capacity factor only during the winter months. This is typical of many industrial, commercial and institutional boilers that produce steam primarily for space heating. By contrast, during the period from May 1 - September 30 when the contribution of NOx emissions to ozone formation is of primary concern, MCCo's coal-fired boilers typically are operated at less than 50% capacity factor. Both coal-fired boilers at the MCCo are normally off-line for a full month during the summer for routine annual maintenance. The limited use of these boilers during the summer months further reduces the cost-effectiveness of a retrofit SCR control strategy.

MCCo believes that the final rule adopted by Ohio EPA should include provisions for demonstrating compliance with the RACT emissions limits on a plant-wide average basis during the period such limits are needed as part of the overall ozone control strategy. The final rules should include a specific authorization to establish a NOx RACT PAL (plant-wide applicable limit) that is only applicable

during the summer ozone season.

In conclusion, MCCo does not feel that Ohio EPA was able to consider during the development of the draft NOx RACT rules the significant balance-of-plant requirements that would be involved in an SCR retrofit at the MCCo Steam Plant.

The existing duct work would need to undergo major modification to carry flue gas to an SCR located on the roof and then back to the existing baghouse located adjacent to the coal-fired boilers. MCCo would be required to install natural gas duct burner(s) and/or air preheaters to achieve minimum operating temperatures for the system, adding significant capital and operating cost to the project. MCCo would also be required to install one or more new ID fans to account for the additional pressure drop across the SCR reactor and significantly longer duct run.

For the reasons presented above, the Medical Center Company believes that the proposed RACT emission limit of 0.15 lb/mmBtu and presumptive control using SCR is inappropriate for the MCCo Steam Plant. MCCo appreciates the opportunity to comment on the draft NOx RACT rules and would be pleased to provide any additional information that Ohio EPA may find useful. Please contact me at 216-368-4256 (ext.15) if you have any questions regarding these comments.

Ohio EPA Response:

The presumptive NOx emission control of employing an SCR is just an example of a emission control methodology that may be used. Any NOx emission control or combination of controls may be employed to achieve the applicable NOx emission limitation. Ohio EPA also realizes that the initial NOx emission standards, while restrictive, are achievable. Certainly older emission units cannot achieve the same level of performance that new emission units can achieve.

To this end, Ohio EPA is revising some of the presumptive NOx emission limits for boilers and combustion turbines to a figure that is more representative of a RACT standard. In addition, emissions averaging will be included in the revised version of this rule as an option for compliance with the presumptive NOx emission limits.

In summary, Ohio EPA realizes that there may be technical and economic feasibility issues with some of these units. In accordance with proposed OAC rule 3745-110-03(H), an affected facility will have the option of conducting a RACT study to determine if the applicable limit is technically feasible and/or economically unreasonable (i.e., not cost effective).

2. Commenter: Sunoco Inc. Toledo Refinery**Comment****Applicability of Rule to All Affected Sources in Ohio Under Proposed OAC 3745- 10-02.**

Sunoco does not believe this rule should be applied to all new affected sources in Ohio, regardless of location. Since this rule is being specifically implemented in order to bring the Cleveland/Akron moderate ozone nonattainment area into attainment, Sunoco believes the requirements should be limited to only sources located in the nonattainment area. As a practical matter, new/modified sources will be required to meet the applicable NSPS and/or BAT standard for the affected category anyway, so Sunoco feels this additional requirement is redundant and is not protective of human health and the environment. Rather, it is just duplicate regulation for no additional protection.

Ohio EPA Response:

The Ohio EPA believes that any new source operating in the state of Ohio should meet, at a minimum, the applicable NOx emission standards as required by existing sources operating in the 8-county non-attainment area.

Comment**CO boilers should be excluded under proposed OAC rule 3745-110-03(I).**

Under proposed OAC 3745-110-03(I), Ohio EPA has listed sources where the requirements of OAC 3745-110 do not apply. Sunoco believes CO boilers should be added to the list. In the past, Ohio EPA has recognized that CO boilers are not like ordinary industrial boilers is that the primary purpose is to combust CO gas produced in FCC regenerators, as opposed to only producing process steam. For that reason, Ohio EPA has specifically excluded CO boilers from regulation under the NOx Budget Program found at OAC 3745-14. Sunoco recommends that Ohio EPA simply exclude CO boilers from this rule as well. As an alternative to listing CO boilers as an exemption under OAC 3745-110-03(I), Ohio EPA could exclude CO boilers from the definition of "industrial boiler" found in proposed OAC 3745-110-01(B)(15).

Ohio EPA Response:

The Ohio EPA agrees. OAC rule 3745-110-03(I) will be amended to include CO boilers.

3. Commenter: Honda of America Mfg., Inc.

Comment:

3745-110-01:

(B)(1): Honda wonders if it would be easier to remove the following "definitional" language from 110-02(A)(1)(b) and (A)(2)(b) and simply include it in the definition of "affected facility":

"a facility that emits or has the potential to emit a total of more than 100 TPY of NOx from all sources at the facility, including all sources that are exempt under 3745-110-03 of the Administrative Code."

(B)(2): There is no "paragraph (K)" in 110-03.

Ohio EPA Response:

The Ohio EPA acknowledges Honda's initial comment; however, the Ohio EPA will maintain the current language as written.

Reference to paragraphs (J) and (K) will be corrected to reflect paragraphs (I) and (J) respectively.

Comment:

3745-110-02:

(A): Revise and add: **"Unless exempted in paragraph I of this Rule, the requirements of this chapter shall apply ...**

(A)(1)(b): For clarity's sake, Honda recommends the paragraph be reconfigured as follows:

(a) ... ; and

(i) The ~~stationary~~ source is ... internal combustion engines; or

(ii) **The source is located at an affected facility.**

(A)(2): For clarity's sake, Honda recommends the paragraph be reconfigured as follows:

(a) **The source is a new or modified source for which a PTI is obtained after**

1/1/07; and

- (i) The stationary source is ... internal combustion engines; or
- (ii) **The source is located at an affected facility.**

Ohio EPA Response:

The Ohio EPA will make the suggested amendment of including the phrase "Unless exempted in paragraph J of this rule". Paragraph "J" will be cited in lieu of paragraph "I" due to other revisions to the proposed rule that subsequently required renumbering. The Ohio EPA acknowledges the remaining suggestions, but will keep the current language in the proposed rules as written.

Comment:

3745-110-03:

(B): There are no "paragraphs (J) and (K)" in 110-03.

Ohio EPA Response:

Agree. Reference to paragraphs (J) and (K) will be corrected.

4. Commenter: The Ohio Steel Group

Comment

The Proposed Rule Does Not Account for Boilers That Burn Multiple Fuels.

The proposed rule establishes boiler emissions limits that depend on the type of fuel burned. Specifically, it establishes categories for boilers that burn "Gas Only," "Distillate Oil," "Residual Oil" and "Coal" and sets varied limits accordingly. While these limits may be clear when applied to boilers that burn only one fuel, they are inadequate in more complex operational scenarios. Many industrial boilers burn one primary fuel type, but use another in response to availability, cost and process needs. For example, a boiler might primarily burn distillate oil, but rely on coal when oil supplies run low (or vice versa). Under the current standards, it would be difficult to identify the proper standard since both the 0.12 lb/MMBtu standard for "distillate oil" and the 0.15 lb/MMBtu standard for "coal" appear to be applicable.

Nor can this problem be solved by deeming each standard to apply when its respective fuel-type is in use. Many boilers fire mixed fuels to achieve desired operating results. For example, a boiler might fire a combination of fuel types in different amounts. The proposed rule cannot be cleanly applied to such real-world

operations. Perhaps the most significant problems would arise when conducting performance testing to confirm compliance. The proposed rule simply provides that owners “shall demonstrate compliance” “by performing emissions tests....” OAC § 3745-10-05(A)(1). If varied operating modes exist, the parameters for such tests are unclear. For example, what fuel mix would be used during the test runs? What compliance standard would apply?

The most efficient solution is to simplify the proposed emissions limits into one, unified standard. The Ohio Steel Group proposes a uniform emissions standard of 0.15 lb/MMBtu for all boilers regardless of fuel type used. This approach is consistent with the acknowledgement in OAC § 3745-110-03(H)(1)(h)(xvi) that “fuel switching” is an appropriate RACT alternative. As the rules now stand, they strongly discourage switching to lower NO_x fuels because such changes would trigger more stringent limitations and, therefore, functionally discourage fuel-switching as a compliance option. For example, operators would have no incentive to switch from burning residual oil to distillate oil because the applicable limit would decrease, offsetting any regulatory benefit for the NO_x reductions achieved. In contrast, a uniform 0.15 lb/MMBtu standard for all boilers will enable entities to make economically prudent fuel switching decisions as part of their NO_x RACT compliance strategy. Steel mills would be encouraged to maximize use of blast furnace gas, which contains little or no nitrogen, and thus result in lower NO_x emissions as a way to achieve compliance.

Further, the rule should be clarified to confirm that performance testing will be conducted under conditions and using a fuel mix that is representative of the “most typical operating mode.” Sources should not be required to conduct tests with alternate fuels that are not currently used and where no immediate plans for such use exist. This approach will ensure that test results better replicate real-world conditions and more accurately assess compliance.

Ohio EPA Response:

Ohio EPA acknowledges that a boiler may use multiple fuels and/or mixed fuels (i.e., oil and coal) during its operation. The propose rule specifies a presumptive NO_x emission limitation for a given fuel type and boiler type. In cases where mixed fuels are employed the NO_x emission limit for the least stringent fuel within the mix would apply.

In addition, revisions to OAC rule 3745-110-05 (compliance methods) have been revised to more clearly specify the conditions for compliance demonstrations.

COMMENT**SOURCES WITH MULTIPLE RACT UNITS SHOULD BE PERMITTED TO AVERAGE EMISSIONS.**

Ohio EPA should provide the maximum degree of flexibility to owners who must meet NOx RACT obligations for multiple units. One valuable tool is emissions averaging, which promises to retain the full environmental benefit of the proposed rule while reducing compliance costs. Essentially, averaging allows large facilities to substantially reduce emissions at one, or a few, sources rather than making smaller changes at many sources. For example, one SCR project – although not economically viable as RACT – might be an efficient way to achieve emissions reductions sufficient to offset the application of RACT controls at several sources. The adoption of similar approaches in recent federal regulations (e.g., the Boiler MACT rules) confirms that emissions averaging will not erode the environmental benefit of the proposed rule. Rather, facilities with multiple NOx RACT sources would emit (at most) the same amount of NOx that is permissible under their individual RACT limits. The only distinction is that the individual sources would be able to internally allocate NOx emission reductions in a more cost-effective manner.

Such an averaging program can be efficiently implemented by multiplying the NOx RACT emissions limit for each source by source heat input and then dividing by total heat input to establish a facility-wide average RACT emissions limit. For example, assume a facility with the following three sources:

Source	RACT Limit	MMBtu / hr
Distillate Oil Boiler	0.12	250
Coal Boiler	0.15	300
Reheat Furnace	0.14 (from RACT Engineering Study)	550

The net average NOx emissions rate for these sources would be calculated as follows:

$$\frac{(0.12 * 250) + (0.15 * 300) + (0.14 * 550)}{1100} = 0.132 \text{ lb/ MMBtu}$$

The facility could then measure compliance by conducting a performance test of each of the three sources and using an identical calculation to confirm that net average emissions remain below that ratio.

Ohio EPA Response:

Ohio EPA agrees. The proposed NOx RACT rules have been revised to include a NOx emissions averaging plan.

COMMENT**NOX LIMITS SHOULD ONLY APPLY DURING THE OZONE SEASON**

The emissions limits established in the proposed rule should only apply during the ozone season. Multiple other regulatory programs (e.g. NOx SIP call, CAIR Ozone Season) recognize that ozone formation requires the presence of sunlight and heat at levels that only exist during the period between May 1st and September 30th. There is no legal or practical justification for ozone nonattainment NOx regulation at other times of the year, and no reason to require that sources meet year-round limits under this program.

Ohio EPA Response:

The NOx RACT rules are intended to apply year round (annually). This is needed not only to reduce ozone formation, but aid in reducing particulate matter with a diameter of 2.5 microns and less (i.e., PM 2.5 emissions).

COMMENT**RACT ENGINEERING STUDY REFINEMENTS.**

Ohio Steel Group strongly supports Ohio EPA's decision to permit owners to conduct a RACT engineering study where the owner believes that existing limits are either infeasible or economically unreasonable. OAC § 3745-110-03(H). This provision properly recognizes the potential for operational differences within similar categories of sources.

While the option to conduct a RACT engineering study option is beneficial, the proposed engineering study process still requires refinement. As currently written, sources must prepare "a detailed discussion of the technical feasibility of employing each" of **nineteen** alternate RACT control measures. Only those measures that are expressly "not applicable" are excluded. This approach would greatly slow the ability to prepare RACT studies and would impose significant, analytical costs. Instead of being able to focus on the measures most likely to cause significant, cost-effective emissions reductions, sources will also be required to divert resources to analyze measures that are technically "applicable" but either plainly insufficient or inefficient. To resolve this problem, Ohio Steel Group proposes a "preliminary ranking" of potential RACT control measures followed by a "detailed" feasibility

discussion of the five most promising alternatives. Those alternatives deemed “feasible” after such study would then be assessed for control efficiency and cost-effectiveness. Adoption of this narrower approach would allow operators to better focus on realistic alternatives while accelerating the RACT study process.

Additionally, the proposed rule should allow sources to assess RACT control measures that are not on the current list. Operators of complex facilities typically have substantial expertise that may lead to new potential control options or unique adaptations of existing options. Where such alternatives exist, it would be counterproductive to limit RACT assessment to a closed list. The rule should be flexible enough to take advantage of the regulated community’s expertise by allowing the assessment of “such other RACT alternatives as are proposed by the owner or operator.”

Finally, the emissions data requirements in OAC § 3745-110-03(H)(1)(g) require both clarification and adjustment. As an initial matter, it is unclear what data is requested. For instance, subsection (g)(1) requests: “Average daily NOx emissions (pounds per day of operation) based upon the highest average daily production rate for each of the three full calendar years preceding the effective date of this rule....” It is unclear whether this rule requires: (1) the submission of one daily average number based upon 1095 days of operation, (2) the submission of three one-day averages based on independent 365-day periods, or (3) the submission of a single peak NOx emissions estimate based on the single day of “highest” “production rate during the past three years.” Also, the phrase “highest average daily production rate” is ambiguous since averages constitute a combination of both high and low production periods. We suggest the inclusion of model submissions for each subsection of OAC § 3745-110-03(H)(1)(g) to avoid confusion.

Presuming appropriate clarification, the emissions measures chosen are still inappropriate for application to steel mills. Each measure is derived from either “daily production rate” or “annual production rate.” However, NOx emissions are only indirectly related to steel production. In most instances, NOx emissions are much more closely linked to fuel use; this is particularly true when multiple fuels may be used at a single unit. While steel production and fuel use are positively correlated, they are not inseparable. Mills strive to use consistently less fuel while more efficiently producing ever-larger amounts of steel. As a result, any extrapolation of historic production data to current, more efficient operations promises to overestimate NOx emissions. This bias can be dramatically reduced by linking the emissions data submissions to the much more direct NOx surrogate of actual fuel use.

Ohio EPA Response:

The Ohio EPA agrees that the RACT study requirement should be flexible to allow “such other RACT studies as are proposed by the owner or operator” and, as such,

will revise the proposed rule to include this option.

As for the proposal to develop a preliminary ranking of potential RACT control alternatives (i.e., the five most promising alternatives), the Ohio EPA feels the parameters as specified in the proposed rule language are needed in order to fulfill the NOx RACT study.

Regarding clarification for the emissions data required in OAC rule 3745-110-03(I)(1)(g) (i.e., the average daily NOx emissions, in lbs/day). This section of the rule requests the average daily NOx emissions for a particular calendar year and, what the maximum NOx emissions were for a single day of that same calendar year. This information is needed for a 3-year period.

COMMENT

EXPANSION OF THE 25 TPY EXCLUSION.

While the exemption of small sources is critical to successful implementation of this rule, the proposed exclusion threshold is too stringent to strike an efficient balance. The proposed rule exempts “any source other than an asphalt plant, boiler, gas turbine or internal combustion engine that has the potential to emit less than twenty-five tons per year of NOx.” OAC § 3745-110-03(I)(14). Two revisions are warranted. First, the exclusion should be linked to actual, rather than potential, emissions in order to prevent uneven results and unnecessary administrative expense. Many sources have the potential to emit greater than 25 tons per year of NOx, but have never and will never approach that potential. For example, batch processing operations may emit relatively high levels of NOx for a short period, but remain unable to sustain those levels because downtime between batches is necessary. For purposes of “potential to emit” calculations, facilities should not be required to use the default assumption of 8760 hours/year when that assumption is unrealistic. Using the proposed standard, some sources that actually emit relatively little NOx would be needlessly scrutinized while others with much greater actual emissions would not. Tying the exemption to actual emissions will eliminate the need to assess and install costly controls at sources with nominal emissions while establishing a clear link between real-world emissions and regulatory scrutiny.¹

Second, regardless of whether the exemption is driven by potential to emit or actual emissions, there is no reason to automatically prevent “asphalt plants, boilers, gas turbines or internal combustion engines” from qualifying. The 25 TPY threshold exemption should be an exemption without any limit based on type of source. The NOx emitted from the specified sources is no different than NOx emitted from other

¹ Alternately, if the potential to emit metric is retained, then a significantly higher limit should be adopted to lessen the administrative burden of compliance and prevent the rule from applying to sources that only emit trivial amounts of NOx.

sources, and will have no different environmental impact. Rather, the establishment of a threshold exemption for NOx RACT controls reflects the practical conclusion that sources with emissions below a certain magnitude do not warrant the effort and expense of RACT controls. This rationale is equally applicable for all source types and should be consistently applied whether or not a source fits within "asphalt plants, boilers, gas turbines or internal combustion engines."

Ohio EPA Response:

The Ohio EPA recognizes there are emissions units that possess certain "physical" limitations where the assumption of applying 8,760 hours/year for determining potential to emit would not apply. The proposed NOx RACT rules are intended to regulate major sources of NOx emissions (i.e., boilers, stationary internal combustion engines, and stationary combustion turbines). The Ohio EPA recognizes emissions of NOx from small sources, but their contribution to the overall reduction of NOx emissions would be minimal, and NOx emission controls for these small sources are not considered to be cost effective to warrant their regulation.

COMMENT

TIMING CONCERNS.

Ohio Steel Group members are extremely concerned about the timeframes proposed in the draft rule. Section 3745-110-05(A)(1) would require either certification of compliance or application for a permit modification "by not later than December 1, 2006...." Even if this rule were finalized today, that would leave insufficient time for large, complex facilities (like steel mills) to: (1) make the threshold determination of whether each source is subject to NOx RACT requirements, (2) establish a NOx emissions profile comparing emissions to proposed RACT obligations, and (3) develop the requisite "program" to "bring [each] source into compliance." Complex sources need one year for an appropriate analysis threshold, the preparation of amendment applications and the submission of compliance programs. Accordingly, we request that this section be changed to require certification or submission "by no later than twelve months after the effective date of this rule For complex sources with multiple RACT-affected units"

Also, six months is insufficient to allow for the submission of "complete RACT engineering studies" pursuant to Section 3745-110-04(A)(2). That deadline is particularly problematic for large sources where multiple units are likely to trigger RACT study obligations. The proposed rule recognizes the need for additional time and permits the Director to establish alternate schedules on a case-by-case basis. While that flexibility is important and should remain available, without further revision the proposed rule will guarantee needless administrative effort as every complex source seeks an individual extension. To prevent the inevitable flood of extension requests, the Ohio Steel Group proposes that the rule provide an automatic six-

month extension to any source with more than one unit subject to the RACT engineering study requirement.

The timing provision in OAC § 3745-110-04(A)(1)(b) is circular. It requires that applications for permit amendments be submitted “as expeditiously as practicable, but in no event later than the date specified in paragraph (A)(1)(b) of this rule.” In other words, the provision cross-references **itself** for the relevant deadline, and never sets a final compliance date.

Finally, similar to existing MACT and Title V obligations, the proposed rule should allow compliance testing to be scheduled within six months after the final compliance date to install control equipment. This additional period is necessary to properly schedule stack testing events for sources with multiple NO_x RACT units.

Ohio EPA Response:

Regarding the proposed certification for compliance date of December 1, 2006, the Ohio EPA agrees this date is too early considering the current draft stage of the proposed rule. Thus, Ohio EPA will revise the compliance certification date to January 1, 2008.

With regard to the request for a “six-month extension” to any source with more than one unit subject to a RACT study, the Ohio EPA feels the proposed six month time period is sufficient to complete a RACT study for multiple units.

With regard to proposed OAC rule 3745-110-04, the citation will be corrected to reference OAC rule 3745-110-04(B) and not (A)(1)(b).

With regard for “compliance testing to be scheduled with six months after the final compliance date” a facility will have the next two years to (assuming the NO_x RACT rules are issued final by May 1, 2007) to install any necessary control equipment and schedule stack testing for emission sources.

COMMENT

RACT CANNOT APPLY BEYOND THE DESIGNATED NONATTAINMENT AREA.

The Ohio Steel Group seeks clarification that the proposed rule is not intended to apply beyond the eight-county Cleveland-Akron nonattainment area. Section 3745-110-02(A)(1) clearly applies only to sources within the nonattainment counties. However, Section 3745-110-02(A)(2) does not contain an express geographic restriction and suggests applicability “for any new or modified source issued a Permit to Install after January 1, 2007.” The Clean Air Act directly links the use of RACT controls to nonattainment areas (see CAA § 172(c)(1)), and does not grant the authority to establish RACT controls beyond such areas. The expansion of this

nonattainment-area rule from eight to eighty-eight counties would also cause substantial administrative, implementation and budgeting problems for Ohio EPA, which would only be exacerbated by the very short timeframes proposed. Similarly, sources statewide would suffer from assessment and control costs that bear no direct link to achieving attainment status in northeast Ohio. To ensure compliance with the Clean Air Act and to avoid imposing unwarranted costs and administrative burdens, an express geographic limit should be inserted into Section 3745-110-02(A)(2).

Ohio EPA Response:

The proposed rule is intended to establish RACT for existing sources in the eight-county Cleveland-Akron non-attainment area and statewide for all new sources. Any new or modified source should be able to meet, at a minimum, the same performance levels as an existing emission source. Also, statewide applicability is needed to establish a floor for best available technology (BAT) pursuant to Senate Bill 265.

COMMENT

REQUEST FOR MODELING AND COST INFORMATION

The Ohio Steel Group requests that Ohio EPA disclose: (1) any assessment of what it believes to constitute the threshold for “cost-effective” NO_x reductions in RACT decision-making, and (2) all modeling used to evaluate the anticipated ozone-level impacts of the proposed rule. The information made available to date indicates that only minimal ambient ozone reductions will occur, which reductions appear insufficient to justify the imposition of any substantial cost in installing RACT controls. The requested information will allow the regulated community to further assess whether any RACT control can be deemed “cost-effective” in the existing environmental context.

Ohio EPA Response:

Employment of “reasonably available control technology” (RACT) is required by the Clean Air Act (CAA) for areas classified as non-attainment for the eight-hour ozone standard. As such, Ohio EPA is drafting rules to regulate major stationary sources of NO_x emissions. The Ohio EPA researched several technical documents, including Lake Michigan Air Directors Consortium (LADCO) white papers and best available retrofit technology (BART) engineering analysis in determining feasibility of NO_x emission controls and their associated cost-effectiveness values. These documents are public records for your viewing and, in addition, are available via the World Wide Web.

5. Commenter: The Ohio Environmental Council

COMMENT

§3745-110-03

OEC recognizes a possible typographical error in paragraphs (B), (C), and (D) that refer to paragraphs (J) and (K) of the rule. The rule package obtained through the Agency website does not contain a paragraph (K) nor (J) for this rule or any other rule under the proposed chapter.

OEC supports the requirement in paragraph (H) that provides that operators who claim the controls are not applicable or feasible must provide detailed RACT studies. However, there is issue with the fact that determination of whether a source would then qualify after such demonstration is left to the discretion of the Director. Will this be in the Director's complete discretion or will there be guidance documents available as to the analysis of this decision.

With concern to paragraph (H)(3) when a definition of RACT for a source is approved and is therefore no longer subject to the emissions limits of 3745-110-03, when will such a definition be presented in some fashion to the public or interested parties? Would this occur before presentation to USEPA?

Also, as for the list of sources in paragraph (I) that these rules do not apply, will there be rules for such sources, or if not, what is the justification for the exemption.

Generally speaking, OEC would also recommend providing language stating that if an owner/operator violates any part of this rule, that the enforcement provisions under Ohio Revised Code §3704.06 apply and shall be enforced.

Ohio EPA Response:

Regarding reference to paragraphs (J) and (K) the Ohio EPA agrees. Reference to paragraphs (J) and (K) will be corrected to reflect paragraphs (I) and (J) respectively.

Approval of RACT studies will be at the Director's discretion and involve evaluating the RACT application for completeness and technical adequacy. Final analysis will be based on sound engineering judgment.

Any approval of a RACT study by Ohio EPA will be submitted to U.S. EPA as a revision to the current SIP. If approved by U.S. EPA, then the revision will be incorporated (as a draft action) into the Federal Registrar for public comment.

The proposed NOx RACT rules are intended to target major sources of NOx emissions. Those NOx emission sources that are exempt from the proposed NOx RACT rules consist of smaller NOx emitters and any add-on emission controls would not be cost-effective.

COMMENT

§3745-110-05

OEC would like clarification of whether the compliance demonstration documents under this section will be made available for the community.

Ohio EPA Response:

Yes. This documentation is a public record that can be requested from the Agency's legal section.

6. Commenter: The Ohio Chemistry Technology Council, The Ohio Chamber of Commerce, and The Ohio Manufacturers' Association

COMMENT

Need for Operational Flexibility

The NOx RACT rules, as proposed, will affect a large segment of Ohio industry. As a result, it is vital that the rules provide operational flexibility and that they do not unreasonably seek to impose one-size-fits-all requirements on the diverse array of sources that will be subject to these rules.

RACT is not defined in the Ohio Air Pollution Control Act or in Ohio's Administrative Code. US EPA defines RACT in 40 CFR 51.100(o) as:

devices, systems, process modifications, or other apparatus or techniques that are reasonably available taking into account:

- (1) The necessity of imposing such controls in order to attain and maintain a national ambient air quality standard;
- (2) The social, environmental, and economic impact of such controls; and
- (3) Alternative means of providing for attainment and maintenance of such standard. (This provision defines RACT for the purposes of

§ 51.341(b) only.) [40 CFR 51.341(b) addresses requests for 18-month extensions, which must show that attainment of the secondary standards will require emission reductions exceeding those which can be achieved through the application of reasonably available control technology.]

There is nothing in the definition of RACT that precludes a flexible, multi-unit approach to establishing RACT. Such an approach would be consistent with the intent of the federal Clean Air Act and the amendments to Ohio's Air Pollution Control Act made by Sub. S.B. 153 (1993), which encourage operational flexibility and economic efficiency in achieving air quality goals. See, e.g., ORC § 3704.03(V) (giving the Director authority to "provide for emissions trading, marketable permits, auctions of emission rights, and economic incentives that would reduce the cost or increase the efficiency of achieving a specified level of environmental protection."); see also ORC § 3704.036(H) and (K) and ORC § 3704.18.

Source owner/operators should be provided the option of achieving targeted NOx RACT emission reductions in the most cost-effective manner, such as averaging of NOx emissions from two or more emission units at a facility, rather than being required to meet unit-by-unit control obligations when equivalent emission reductions can be achieved at a lower cost. See, for example, US EPA's approval of Ohio EPA's multi-unit emissions averaging approach to meet PM RACT requirements, 48 Fed. Reg. 50530 (Nov. 2, 1983).

Ohio EPA Response:

The Ohio EPA agrees the rules need to be both technically and economically feasible for the regulated community and should provide operational flexibility in order to demonstrate compliance with the rules. To this end, the Ohio EPA will amend the proposed rules, in part, by including an emissions averaging plan as an option for compliance.

COMMENT

Definitions – OAC 3745-110-01

The definition of "potential to emit" in OAC 3745-110-01(B)(3) appears to have been mis-drafted. It states that potential to emit is "the maximum capacity of a facility or stationary source to emit an organic compound or VOC..." (Emphasis added). The definition also goes on to reference what limitations can be taken into account in establishing PTE, noting that federally enforceable and legally and practically enforceable state limits can be taken into consideration "except as otherwise provided in rule 3745-21-11." There is no reason for referring to OC or VOC emissions or OAC Chapter 3745-21 for purposes of a PTE definition for

NOx RACT rules. We suggest that Ohio EPA replace the references to “OC,” “VOC,” and “OAC Chapter 3745-21” with references to “NOx,” as necessary, in order that this definition make sense as used in proposed OAC Chapter 3745-110.

Ohio EPA Response

Agree. For the purpose of this proposed rule the definition of “potential to emit” will be revised to reflect NOx and not VOC.

COMMENT

Applicability – OAC 3745-110-02

The rule synopsis that accompanied this proposal explains that the proposed rules are intended to “have specific NOx emission limitation for boilers, combustion turbines, and stationary internal combustion engines. In addition, the owner/operators of significant sources that are not included in one of the aforementioned categories will be required to submit a reasonably available control technology (RACT) study for such sources...” (Emphasis added). Thus, the synopsis implies that the rule will only apply to boilers and other combustion sources and to “significant” other sources of NOx. However, the proposed rule does not define what is a “significant source” that is not a boiler or combustion source and establishes very broad applicability.

According to OAC 3745-110-02, the proposed rules apply to boilers, combustion turbines and stationary internal combustion engines, as well as any “source that is located at a facility that emits or has the potential to emit a total of more than one hundred tons per year of NOx from all sources at that facility, including all sources that are exempt under rule 3745-110-03 of the Administrative Code.” Given Ohio’s definition of “air contaminant source” which is similar to US EPA’s definition of an “emissions unit” but very dissimilar from US EPA’s definition of “stationary source,” and considering the synopsis statement about NOx RACT applying to “significant sources,” it is not entirely clear whether Ohio EPA intends to regulate all NOx emissions units at facilities with NOx PTE of 100 tons or more, or whether the intent is to regulate only emissions units that themselves have the potential to emit more than 100 tons of NOx. Assuming the former, when the exemptions in OAC 3745-110-03(I) are taken into account, the practical effect of this rule is that virtually all emissions units with greater than 25 tons per year of potential NOx emissions are subject to NOx RACT when located at facilities with the potential to emit more than 100 tons per year of NOx. Commenters question why NOx RACT should apply to a 26 ton NOx emission unit located at a 100-ton NOx facility, but not to similarly-sized or larger units at smaller facilities, or to stand-alone units that emit NOx. Also, Commenters question the rationale for establishing the NOx RACT applicability threshold at 25

tons of NOx and not some higher number.

In addition, the Commenters question the expansion of NOx RACT requirements beyond the Cleveland-Akron ozone non-attainment area to all new or modified sources statewide. New major sources and major modifications will be subject to best available control technology ("BACT") or lowest achievable emission rate ("LAER") requirements as a result of PSD or nonattainment new source review, making NOx RACT unnecessary for these sources of primary concern.

In light of the foregoing, Commenters believe that the proposal and the accompanying synopsis have not demonstrated that Ohio EPA has evaluated "[t]he necessity of imposing such controls in order to attain and maintain a national ambient air quality standard;" or "[t]he social, environmental, and economic impact of such controls," as the definition of RACT requires.

Ohio EPA Response

The proposed NOx RACT rules are intended to target major sources of NOx emissions. Those NOx emission sources that are exempt from the proposed NOx RACT rules consist of smaller NOx emitters and any add-on emission controls for these sources would not be cost-effective.

State-wide applicability for new or modified sources is included because these sources should be able, at a minimum, meet or exceed the performance standards expected for existing units.

COMMENT

RACT requirements and emission limits – OAC 3745-110-03

Mid-size, Large and Very Large Boilers

The proposed rule establishes numerical emission limits for five fuels and five types of mid-size, large and very large boilers, as well as for stationary combustion turbines and stationary internal combustion engines. The proposed emission limits for each fuel and boiler type combination are the same for the mid-size, large and very large boilers. Commenters maintain that it is unreasonable to subject such different boilers to the same emission limits and technology requirement. We question the rationale for defining and establishing separate categories if, ultimately, each category is subject to identical emission limits.

Ohio EPA Response:

The Ohio EPA recognizes your concern over the boiler classification format.

However, the agency believes this format to be the appropriate format in drafting this rule.

COMMENT

Startup, Shutdown, Malfunction and Low Load

Proposed OAC 3745-110-03 establishes emission limits for a variety of source categories and states that compliance with those emission limits shall be based on either a periodic, representative one-hour average of three Reference Method stack test runs or a twenty-four hour calendar day average of CEM data. However, the proposed emission limits and compliance demonstration methods fail to give consideration to the inherent variability in NO_x emissions, which depend on a variety of factors, including the conditions under which an emissions unit and its associated control equipment operate. An emissions unit that operates at high load under steady-state conditions will perform differently than a unit during startup, shutdown, malfunction or low load conditions, or a unit that experiences frequent load swings. At a minimum, the proposed rules should exclude periods of startup, shutdown, malfunction or low load from the conditions under which the NO_x RACT emission limits are applicable.

US EPA has previously recognized that it is unreasonable to require compliance with NO_x limits during such periods. In fact, US EPA amended its NSPS regulations to explicitly preclude applicability during such periods. In so doing, US EPA stated, “[d]emonstration of compliance during periods of startup and shutdown is not appropriate when using the short-term 3-hour [stack] test.” See 54 Fed. Reg. 51820 (Dec. 18, 1989). The same concerns U.S. EPA has articulated for startup, shutdown, and malfunction conditions in the context of periodic Reference Method stack tests apply equally to CEM data, especially when linked to short compliance averaging times such as 24 hours. Consequently, we encourage Ohio EPA to expressly exclude periods of startup, shutdown, malfunction and low load from the circumstances or operating conditions under which the NO_x RACT emission limits are applicable.

Commenters also question the use of a such a short (24-hour calendar day) averaging period for CEM data compliance evaluations. First, we do not believe that the proposed rule defines with sufficient clarity how such a 24-hour calendar day average is to be computed. Second, a 24-hour averaging period is too short to account for the inherent variability in well-designed and maintained NO_x control equipment. Commenters point out that NO_x limits in NSPS rules applicable to the same source categories as these proposed rules provide for a 30-day rolling average for determining compliance with the NO_x emission limits and encourage Ohio EPA to adopt a similar averaging time for use of CEMs. See 40 CFR 60.44a and 60.44b

Ohio EPA Response

The Ohio EPA acknowledges that there are operating conditions that are not representative of the normal operating conditions for boilers and, as such, compliance testing should exclude. Therefore, Ohio EPA will revise the proposed OAC rule 3745-110-05(B) to exclude, for the purpose of compliance demonstrations, periods of startup, shutdown, malfunction or low load conditions.

In addition, the Ohio EPA is revising the proposed rule to allow a compliance demonstration with the NOx emission limitations to be based on a 30-day rolling average, during the non-ozon season (i.e., October 1 to April 30).

COMMENT

Selective Catalytic Reduction

While the proposed rules do not dictate how emission limits are to be met, the synopsis that accompanies the rules identifies how the proposed emission limits were established. For many of the limits, the only control technology identified as being capable of meeting the proposed numerical emission limits is selective catalytic reduction, or SCR. However, SCR is not an appropriate technology for many combustion sources and its use carries a number of inherent risks.

First, we do not believe that SCR is an appropriate technology for mid-size and large boilers, or for non-utility boilers, where reduced or variable loads and lower capacity factors can affect the performance and efficacy of SCR. Because most industrial boilers do not operate at base load conditions and must swing load to meet process steam requirements on an ongoing basis, SCR is not an effective control option. In order to be effective, SCR requires operation within a specific temperature range and must be located at a fixed point in the stack. Because steam demand and corresponding boiler load fluctuate, it is generally not possible to find a stack location where the catalyst can operate effectively across the range of operating conditions. Retrofit SCR installations are even more complex because economizers placed in exhaust ducts to recover heat may need to be moved or installed to get flue gas temperatures to the proper range for SCR. Space availability, costs to build economizers, increased pressure drops and other issues that can arise make SCR retrofits complicated and unreasonable as RACT.

The issue of SCR was discussed in US EPA's recent NSPS Subpart Da, Db and Dc rule revisions. There, commenters had argued that US EPA's proposed NOx limits for various combustion sources were not sufficiently stringent, noting that the NOx emission limits in the proposed rule were above the levels being achieved by recent SCR installations. US EPA responded by saying:

EPA disagrees that the amended NSPS are inappropriate. EPA acknowledges that boiler types and control configurations are technically capable of achieving lower NO_x emissions. EPA has concluded that with advanced combustion controls, coal-fired electric utility steam-generating units are able to achieve a NO_x emissions rate of 1.0 lb/MWh (0.11 lb/MMBtu). The incremental cost of requiring SCR for reduction to 0.7 lb/MWh (0.08 lb/MMBtu) is approximately \$ 5,000 per ton. The final NO_x standard is based on the best demonstrated technology taking into account costs, other environmental impacts, and additional energy requirements. Requiring SCR in addition to advanced combustion controls not only increases costs and decreases the net efficiency of the unit, but leads to ammonia emissions and catalyst disposal concerns. States and BACT permitting process are still capable of requiring additional controls as appropriate.

71 Fed. Reg. 9866, 9869-9870 (Feb. 27, 2006) (Emphasis added).

Thus, only a few months ago, US EPA acknowledged that, while SCR can be used to achieve lower NO_x emission rates, the costs of SCR and its resulting environmental concerns made SCR unreasonable as “best demonstrated technology” for NSPS purposes. SCR is often rejected as best available control technology, or BACT, for these same reasons. Where SCR is not widely accepted as best available control technology, it is inherently unreasonable to require SCR as reasonably available control technology – a lesser technology standard.

Additionally, as US EPA noted in the NSPS rulemaking cited above, the use of SCR typically requires the use of ammonia, which raises safety concerns and may result in releases of ammonia to the atmosphere. The fact that most industrial boiler applications are located within or close to population centers is further reason for avoiding unnecessary mandates to use large amounts of ammonia in urban areas.

Conclusion

In conclusion, Commenters urge Ohio EPA to recognize that the size of an emissions unit and its duty cycle should be considered in prescribing NO_x RACT requirements. Ohio EPA’s proposed NO_x RACT emission limits have not been adequately justified and do not comport with the definition of RACT, which requires consideration of the need for controls and the social, economic and environmental impact of such controls. We encourage Ohio EPA to adopt a more reasonable and more flexible approach to imposing NO_x RACT requirements, and to reconsider the proposal to extend NO_x RACT to new sources outside the Cleveland-Akron nonattainment area. The rules should not

dictate the installation of one-size-fits-all control technology but should allow emissions averaging and other operational flexibility mechanisms, which will allow facilities to achieve the same, if not greater, NOx emission reductions than this proposal seeks in a more cost-effective manner.

Ohio EPA Response:

The presumptive control of employing an SCR is just an example of one type of a NOx emission control that may be employed. Any NOx emission control or combination of controls may be employed at the facilities discretion in or to achieve the applicable NOx emission limit.

To this end, Ohio EPA is revising some of the presumptive NOx emission limits for boilers and combustion turbines to a figure that is more representative of a RACT standard. In addition, emissions averaging will be included in the revised version of this rule as an option for compliance with the presumptive NOx emission limits.

Ohio EPA realizes that there may be technical and economic feasibility issues with some of these units. This is why, in accordance with proposed OAC rule 3745-110-03(H), an affected facility will have the option of conducting a RACT study to determine if the applicable limit is technically feasible and/or economically unreasonable (i.e., not cost effective).

7. **Commenter: Chester Willcox & Saxbe LLP on behalf of its client, American Municipal Power-Ohio, Inc. ("AMP-Ohio") and AMP-Ohio's affected member communities and projects.**

Comment

The draft NOx RACT Rules contain requirements that unfairly burden public entities like AMP-Ohio's members. Unlike private industry, public entities must make all significant decisions via a public process which may include a recommendation process, cost justification, public meetings, and votes. At the end of any such process, the citizens of each community must bear the cost of any proposed actions.

The draft NOx RACT Rules will require AMP-Ohio and its member communities to commit significant financial resources in order to meet the mandates of the rules. Since AMP-Ohio and its member communities are responsible for only a slight fraction of overall NOx emissions in Northern Ohio, the compliance costs to the public entities are not reasonable and will do little to assist Ohio EPA met its regional reduction goals.

Ohio EPA Response:

The proposed NOx RACT rules are intended, in part, to regulate NOx emissions from existing stationary sources of NOx emissions located in the eight-county non-attainment area of Cleveland/Akron, Ohio. Specifically, these eight counties have been designated "moderate non-attainment" for ozone by U.S. EPA, and thus, RACT implementation is required. The cost effectiveness of several NOx emission control technologies was evaluated. To this end, the proposed NOx emission limits may be achieved with control technologies that are considered to be both technologically and economically feasible by this rule.

Comment

The emission limits set forth in draft O.A.C. 3745-110-03 are too stringent and do not fully consider the costs and feasibility of reaching such limits at existing sources. In addition, Ohio EPA has not provided a technical basis to demonstrate that such stringent limits are necessary to meet federal NOx standards.

Ohio EPA Response:

Cost analysis of NOx emission controls were evaluated for several optional NOx emission controls. Ohio EPA also realizes that the initial NOx emission standards, while restrictive, are achievable. Certainly older emission units cannot achieve the same level of performance that new emission units can achieve.

To this end, Ohio EPA is revising some of the presumptive NOx emission limits for boilers and combustion turbines to a figure that is more representative of a RACT standard. In addition, emissions averaging will be included in the revised version of this rule as an option for compliance with the presumptive NOx emission limits.

In summary, Ohio EPA realizes that there may be technical and economic feasibility issues with some of these units. This is why, in accordance with proposed OAC rule 3745-110-03(H), an affected facility will have the option of conducting a RACT study to determine if the applicable limit is technically feasible and/or economically unreasonable (i.e., not cost effective).

Comment

Draft O.A.C. 3745-110-04 requires a compliance timeframe that is unreasonable.

Specifically, the rule requires sources to certify compliance by December 1, 2006 or submit a Permit to Operate application by that date. In addition, any required RACT engineering study must be completed no later than six months after the effectiveness date of the final NOx RACT Rules. Final compliance must

be achieved by the end of 2008. If add-on control equipment becomes necessary, this timeframe is not sufficient to turnaround such a significant project, especially for public entities.

Ohio EPA Response:

The compliance certification date will be revised from December 1, 2006 to January 1, 2008. RACT studies are to be completed no later than six months after the effective date of this rule, which should be sufficient time to complete a RACT study. This would allow a facility over a year to implement the approved RACT in order to meet the compliance date of January 1, 2009.

8. **Commenter: Chester Willcox & Saxbe LLP on behalf of its clients, the Shelly Company, Shelly Materials and Allied Corporation (collectively "Shelly")**

Comment

The definition of an "affected source" in draft O.A.C. 3745-110-01 cross references draft O.A.C. 3745-110-03(K). This cross reference is in error, and Shelly submits that the correct reference should be to draft O.A.C. 3745-110-03(I).

Ohio EPA Response:

The Ohio EPA agrees. The correction will be made.

Comment

The definition of "potential to emit" in draft O.A.C. 3745-110-01 addresses the emissions of organic compounds and VOC. Since this proposed rulemaking is for NOx emissions control. Shelly submits that this potential to emit definition should reference NOx emission rather than organic compounds and VOC.

Ohio EPA Response:

The Ohio EPA agrees. The definition will be amended to specify reference to NOx emissions.

9. **Commenter: First Energy**

Comment

Peaking Unit: FE believes the definition of "Peaking unit" at 3745-110-01 (B)(29) is too restrictive by limiting the term to electric generating units operating at a capacity factor during a generation period which includes our highest electrical demand (April through September) of less than 10%. We are currently evaluating the impact of such a restrictive value and will propose a different approach during the formal rulemaking process. FE does believe however that the regulated community needs a 3-year average to avoid triggering NOx RACT due to an unusual year where demand is unusually high or other units are unexpectedly off-line.

Ohio EPA Response:

The Ohio EPA acknowledges First Energy's concern and understands that specific comments regarding this matter will be submitted by First Energy to Ohio EPA during the proposed rule public comment period.

Comment

Applicability: "Electric Generating Units" are specifically excluded from the definition of "Industrial boilers" found under 3745-110-01; however, the portion of applicability following the word "or" in both (a) and (b) of 3745-110-02(A)(1) appears to include all sources at facilities "that emit or has the potential to emit a total of more than one hundred tons per year of NOx... ". FE requests the regulation clearly exclude EGUs that will be regulated under additional regulations implementing CAIR in Ohio.

Ohio EPA Response:

The NOx RACT rules are not intended to regulate electrical generating units (EGU's). This category of boilers will be regulated by the Clean Air Interstate Rules (CAIR).

So there is no confusion with this issue, Ohio EPA will revise the proposed NOx RACT rules to specifically exclude electrical generating units (EGU's) from the requirements of this rule. However, this will not preclude the Ohio EPA from amending this exclusion in any future rulemaking.

Comment

Applicability: 3745-110-02 (A)(2) as drafted would apply statewide; but, it would appear that the regulation of new sources should cover the same geographic area as 3745-110-02 (A)(1). New sources in Ohio are well controlled by already existing regulatory programs.

Ohio EPA Response:

The regulation of new sources will apply statewide. Any new source should meet, at a minimum, the same performance standards as an existing source located in the non-attainment areas.

Comment

Boiler Emission Limitations: The emission limitations established for existing midsize, large and very large boilers combusting oil and coal fuel types are overly stringent. Owners and operators will be faced with having to retrofit Selective Catalytic Reduction (SCR) technologies or fuel switch to natural gas in order to meet these requirements. SCR technologies have not been widely demonstrated for industrial boilers in these three classes. In addition the price of natural gas remains high and the future availability of natural gas is uncertain and may not be a compliance alternative.

Ohio EPA Response:

The presumptive control of employing an SCR is just an example of one type of a NOx emission control that may be employed. Any NOx emission control or combination of controls may be employed at the facilities discretion in order to achieve the applicable NOx emission limit.

Ohio EPA also realizes that the initial NOx emission standards, while restrictive, are achievable. Certainly older emission units cannot achieve the same level of performance that new emission units can achieve.

To this end, Ohio EPA is revising some of the presumptive NOx emission limits for boilers and combustion turbines to a figure that is more representative of a RACT standard. In addition, emissions averaging will be included in the revised version of this rule as an option for compliance with the presumptive NOx emission limits.

In summary, Ohio EPA realizes that there may be technical and economic feasibility issues with some of these units. In accordance with proposed OAC rule 3745-110-03(H), an affected facility will have the option of conducting a RACT study to determine if the applicable limit is technically feasible and/or economically unreasonable (i.e., not cost effective).

Comment

Stationary Combustion Turbines: The new NSPS (40 CFR 60 Subpart KKKK) promulgated by U.S. EPA on July 6, 2006, imposes a 15 ppm limit averaged over a 4 hour period on new stationary combustion turbines. Therefore, we suggest

the 9.0 ppm in the proposed rule be changed to match the 15 ppm in the new NSPS. When operating on CEMs, a start-up/shut-down provision should be included along with a minimum of four non-start-up and shut-down hours for the 24-hour calendar day to be a valid period since combustion turbines often operate at much less than the 24-hour calendar averaging time mentioned in the rule at 3745-110-03 (G).

Ohio EPA Response:

The NOx emission limits for this source category will be revised. The intent here will be to have any new source comply with the NSPS as promulgated on July 6, 2006 and existing sources located in the eight-county non-attainment area comply with the presumptive NOx emission limitations, which have been revised, or, in the alternative, conduct a RACT study.

Comment

RACT Study Information Dates: FE would like some confirmation of the years for which information is required. In several locations, such as 3745-110-03 (H)(1)(g)(i), the request is for information from the three years preceding the effective date of the rule. However, 3745-110-03 (H)(1)(g)(iii) asks for information from three specific years, 1990-1992.

Ohio EPA Response:

This section of the rule will be revised to be consistent with OAC rule 3745-110-03(H)(1)(g)(i). That is to say the reference to years 1990 thru 1992 will be deleted and replace with the language "three years preceding the effective date of the rule."

Comment

Compliance Deadlines: FE believes there is a typo at 3745-110-04 (A) (1) (b) where the regulation states a unit will come into compliance no later than "the date specified in paragraph (A)(l)(b) of this rule" as there are no dates in the paragraph.

Compliance Deadlines: FE is concerned that permit applications must be submitted by December 1, 2006 and that the application must include a compliance plan designed to bring one's units into compliance by January 1, 2009. As of today there is less than four months time to submit the package, there will be even less available time when the rules are finally promulgated. First Energy Corp. believes there should be at least a six-month period from the promulgation of the final rules before the packages are due.

Ohio EPA Response:

Agree. The reference will be corrected and correctly cite paragraph (B) of this rule (i.e., January 1, 2009). In addition, Ohio EPA will revise the permit application submittal date of December 1, 2006 to a new proposed date of January 1, 2008.

10. Commenter: Cleveland Thermal, LLC**Technical Feasibility/Reasonability Issues**

Post-combustion control via selective catalytic reduction (SCR) and similar technology for industrial boilers is not a fully “proven” technology, meaning that a process design is not currently in place that effectively reduces emissions for industrial boilers and their typical operating platform. SCR technology has been proven successful in predictably reducing emissions from base load power stations where pulverized coal combustion in larger boilers is utilized and where flue gas temperature in the exhaust can be maintained at a steady state and above the minimum threshold where catalytic reaction can be sustained. However, taking the same emissions control device in SCR and applying it to industrial stoker-fired boilers is not suitable for the following technical reasons:

1) Dynamic Load Changes and Combustion Control

Cleveland Thermal boilers fluctuate heat input based on the thermal demands of customers that draw directly from the boiler output at the plant. Steam demand is cyclical on a seasonal basis where the difference between Winter and Summer can be as much as a 5 to 1 ratio. In addition, steam demand is cyclical on a daily/hourly basis where loads can swing up or down as much a 3 to 1 ratio. As a result, combustion control is also variant and exhaust gas temperature is far from constant.

As documented by many sources, emissions control within stoker-fired boilers is highly influenced by the amount of excess oxygen present and amount of heat released from the stoker bed. NO_x control in stoker boilers has historically been best accomplished through elimination of air in-leakage sources, over-fire air addition, flue gas recirculation, and natural gas co-firing. Application of post-combustion controls, such as selective catalytic reduction (SCR) and selective non-catalytic reduction (SNCR), has been quite limited and an insignificant amount of literature and test results exist to validate its application.

2) Suitability of SCR and NO_x Control Level

There are many technical requirements associated with satisfactory performance of SCR systems, aside from their use on stoker-fired boilers. Such requirements include the necessity to maintain an exhaust gas temperature greater than the dead-band associated with the catalyst reaction, concerns with catalyst ash plugging, and influence of load changes (and exhaust gas volumes and constituency). Given the CT system configuration and operating platform, SCR is not believed to be a prudent control technology. In addition, the level of emissions of 0.15 lb/MMBtu is not technically viable to mandate on cycling load stoker boilers.

3) Ammonia Storage and Handling

An SCR designed for several hundred thousand CFM will require the storage of significant quantities of ammonia (aqueous, anhydrous or urea-based). While there is an established protocol regarding risk management for storage of this substance, a significant part of downtown Cleveland would have to be involved in the evacuation planning and response in the event of a large scale release. The likely litmus test is whether the incremental benefit of SCR control technology over conventional NOx control technologies noted earlier outweigh the potential concerns caused by implementation of public notification and evacuation procedures. In addition, addition of large quantities of toxic substance near a large population may also introduce mandatory security measures from the Department of Homeland Security.

4) Effect of Drift Excursions on Public Health Concerns and Downtown Air Intakes

As noted in Item #2, and regardless of the efficiency of any SCR, there will nearly always be ammonia "slip" or discharge stream that will be present in the overall stack exhaust gas and which may turn into ground level ammonia concentrations in neighboring urban areas. This slip is difficult to control even with state of the art controls particularly when the boiler exhaust gas flow rate varies. The gas would then permeate the air in the surrounding area leading to a reasonable concerns regarding public health in downtown Cleveland. This is significantly different situation due to the location of our plant then is faced by a large power plant employing SCR technology.

Economic Reasonability Issues

Even if SCR technology was a more proven and technically feasible pollution control device, there are significant economic issues that make the application of this technology at Cleveland Thermal unreasonable. During the development of the draft RACT standards, industry benchmarking was utilized to address the economic reasonability of implementing new standards. However, Cleveland Thermal believes that benchmarking does not sufficiently address the significant additional capital expense to install an SCR on our particular site. We are providing the following issues as reasoning behind our statement that SCR technology would exceed the economic reasonability standard for Cleveland Thermal:

1) No Gas Infrastructure to Plant

Currently, the Canal Road Plant does not have a natural gas infrastructure so conversion of boilers to gas firing or implementation of combustion control technologies such as natural gas co-firing is not currently possible without first installing a new medium pressure gas main. In addition, the price for natural gas as a fuel source has increased significantly in the last year and is projected to remain significantly higher than Coal on a cost per MMBTU basis. (see Item 2 below).

2) Competitiveness of Business / Net Impact on Air Quality

The acquisition of significant post-combustion pollution control equipment, its associated operations and maintenance costs, and impacts on unit efficiency are all economic barriers which would reduce the competitiveness of CT in the marketplace. The scale effects of such costs on CT, as opposed to similar RACT additions on larger power/steam generators, would make a more energy efficient energy provider less competitive in the marketplace. This additional economic impairment to CT cost of production that would, in effect, displace additional emissions to another local source. This scenario would be a net loss to the environment, the community and causing further deterioration of the Cleveland airshed.

Maintaining CT as a viable business affords point source NO_x control, whereas an economically disadvantaged district energy provider will be displaced by individual boilers that will not be tested for NO_x emissions nor operated by a highly trained operational staff.

3) Space for SCR and Related Equipment

The Canal Street Plant is landlocked by the railroad, public right of way and an active electrical substation. According to our engineering firm, the SCR and related equipment (tanks, additional fans, ductwork, processing skid and electrical equipment) will take more space than is currently available on the site. As a result, any such addition would likely require CT to make physical changes to the current plant configuration at a prohibitive capital cost

Additional RACT Comments

- The operational limit for emergency units should be modified to a cap of total run hours for a facility times the number of qualifying emissions units. This rule change will encourage the more efficient units to run on an emergency/peaking basis instead of a cap on individual units regardless of emissions performance. The classification of unit status (peaking/emergency) should not require a permit modification if the units are maintained at the set operating standards. This maintains operating flexibility for the business yet still assures compliance.
- Mandating unilateral implementation of selective catalytic reduction on all stoker-fired boilers is simply not practical technically for NO_x reduction, let alone for economic reasons. Even if such were practical, and for implementation of any major modifications, having such requirements fully implemented by January 1, 2009 would be difficult in today's capital equipment purchase marketplace.

Cleveland Thermal has been making capital investments to improve the ambient air quality, however the proposed RACT rules would impose requirements that are both technically and economically infeasible for Cleveland Thermal. CT will collect current NOx emissions data and will alternatively consider proven improvements to reduce NOx (such as through a BACT study of control technologies and operational procedures to lower NOx output from our stoker-fired boilers).

Ohio EPA Response:

The presumptive control of employing an SCR is just an example of one type of a NOx emission control that may be employed. Any NOx emission control or combination of controls may be employed at the facilities discretion to achieve the applicable NOx emission limit.

Ohio EPA also realizes that the initial NOx emission standards, while restrictive, are achievable. Certainly older emission units cannot achieve the same level of performance that new emission units can achieve.

To this end, Ohio EPA is revising some of the presumptive NOx emission limits for boilers and combustion turbines to a figure that is more representative of a RACT standard. In addition, emissions averaging will be included in the revised version of this rule as an option for compliance with the presumptive NOx emission limits.

In summary, Ohio EPA realizes that there may be technical and economic feasibility issues with some of these units. In accordance with proposed OAC rule 3745-110-03(H), an affected facility will have the option of conducting a RACT study to determine if the applicable limit is technically feasible and/or economically unreasonable (i.e., not cost effective).

OhioEPA

Division of Air Pollution Control

Response to Comments Proposed Rule Language Comment Period

Rule: OAC rules 3745-110-01, 110-02, 110-03, 110-04, and 110-05; NOx RACT

Agency Contact for this Package

Division Contact: Alan Harness, DAPC, 644-4838, alan.hararness@epa.state.oh.us

Ohio EPA provided a 30-day comment period which ended on June 8, 2007 and held a public hearing on June 8, 2007. This document summarizes the comments and questions received at the public hearing and/or during the associated comment period.

Ohio EPA reviewed and considered all comments received during the public comment period. By law, Ohio EPA has authority to consider specific issues related to protection of the environment and public health.

In an effort to help you review this document, the questions are grouped by topic and organized in a consistent format. The name of the commenter follows the comment in parentheses.

General/Overall Concerns

Comment 1:

NOx RACT Should Be Implemented In Phases, and Only As Necessary to Reach Attainment.

NOx RACT should not be implemented if the Northeast Ohio area can model attainment without these NOx reductions. Ohio EPA and LADCO are completing an upgrade to the regional emissions inventory being used in the modeling of ozone concentrations in each non-attainment area in the State of Ohio and throughout the LADCO region using 2005 as the Base Year (Base M) and 2009 as the Projection Year (Round 5). Ohio EPA is also changing the Base Year for the Ozone Monitored Design Concentrations from 2002 to 2005 to reflect the reductions in ozone concentrations that have occurred throughout the state since 2000.

These are major changes from the original data used in the ozone modeling results for Ohio's State Implementation Plan for the 8-hour ozone standard and the pending changes are expected to provide an updated understanding of what

additional changes may be needed (if any) to bring Northeast Ohio into attainment with the ozone National Ambient Air Quality Standard.

While we recognize that Ohio EPA is obligated to submit its SIP and the NOx RACT rules to U.S. EPA this summer, the rules should anticipate the revised modeling results and continuing improvement in ambient air quality trends by implementing the NOx RACT rule in phases that may be suspended if the modeling or 3-year ambient air monitoring data demonstrates that further control is unnecessary to attain the applicable standard. Phase I should focus on the boilers, combustion turbines and engines subject to OAC rule 3745-110-03 subparts (A) to (F), subject to the expanded exemptions discussed below. The other affected sources subject to Subpart (I) should be implemented as Phase II, but only if needed to achieve attainment. Phase II are the affected sources that must submit a NOx RACT Study to determine if any NOx controls are cost-effective. If the new modeling results indicate that additional NOx controls are not required to achieve attainment, then Phase II could be suspended to avoid the cost burden associated with the NOx RACT Studies and controls. To facilitate this phased approach, Ohio EPA should set later deadlines in the rule for the NOx RACT Studies (e.g., January 1, 2010), with compliance due by May 1, 2011 (the latest date for compliance currently in the rule). Then, if the updated inventory, revised ozone modeling, or the 3-year ambient air quality data indicate that Phase II NOx RACT is not required, Ohio EPA will be able to suspend the program before sources have invested significantly in the NOx RACT Engineering Studies or controls. This phased approach is encouraged and is consistent with U.S. EPA's Clean Data Policy which enables reduced regulatory requirements for areas that attain the standards, but have not yet been redesignated as attainment. **(Douglas A. McWilliams, Squire Sanders & Dempsey L.L.P. on behalf of The Ohio Steel Group)**

Response 1:

Clean Air Act, Section 182(f) requires the implementation of reasonably available control technology for major sources of oxides of nitrogen in Subpart 2 nonattainment areas classified moderate or above unless a showing that the absence of such controls would result in greater air quality benefit. All air quality modeling to date indicates that oxides of nitrogen do contribute significantly to elevated ozone in the Cleveland-Akron nonattainment area and that the control of oxides of nitrogen would be beneficial.

Both air quality monitoring and modeling continue to indicate that additional controls will be necessary to attain the eight-hour ozone standard in this area. In addition, states are required to implement such measures that are reasonable to attain the standard as expeditiously as practicable, which includes the implementation of all required RACT controls plus any additional controls deemed to be reasonable. Ohio EPA believes that the proposed emission limitations are required, reasonable and necessary.

Comment 2:

The NOx RACT Rules Should Only Apply During Ozone Season.

In interested-party comments, OSG requested that the Proposed Rule's emissions limits only apply during the ozone season, consistent with numerous other NOx regulatory programs designed to address ozone non-attainment. Ohio EPA responded that annual application was needed to "aid in reducing particulate matter with a diameter of 2.5 microns and less." While we appreciate the clarification of Ohio EPA's reasoning, we still believe that it is premature to restrict annual NOx emissions during RACT rulemaking in order to prospectively address distinct PM_{2.5} concerns.

Monitored PM_{2.5} levels have been steadily decreasing in Northeast Ohio during the last six years. The annual average ambient PM_{2.5} air data for 2006 for Cleveland Area Sites meet the 15 ug/m³ ambient air quality standard, recognizing that attainment is based on a three-year annual average. This is before implementation of the Clean Air Interstate Rule. First Energy reports that NOx and SO₂ emissions from its Ohio and Pennsylvania facilities will be reduced by 50% from 2005 levels to comply with CAIR. This includes selective non-catalytic reduction (SNCR) NOx control on its Eastlake power plant, which will significantly reduce a primary source of ambient PM_{2.5}. Also, Ford has announced the closing of the Ford Casting Plant in 2009, which will eliminate over 1,000 tons per year of PM_{2.5} precursors from the regional inventory. Given these local developments and the implementation of new emissions standards for mobile sources, we expect to meet ambient fine particulate levels in this region without NOx RACT.

If annualizing NOx RACT is not necessary to meet PM_{2.5} ambient air quality standards, then Ohio EPA should recalculate whether it has the authority to impose the additional economic burdens associated with NOx RACT rules. Including annual NOx limits in the face of changing monitoring data would unnecessarily limit Ohio EPA's flexibility to propose and adopt rules that properly reflect current PM_{2.5} conditions. In contrast, it would take only minimal effort to expand an ozone-season NOx RACT program to apply annually should the Agency later decide that year-round NOx controls are temporarily needed for PM_{2.5} attainment. That shift could be achieved by simply providing (in a single sentence) that NOx RACT sources in PM_{2.5} nonattainment areas are subject to annual limitations. Such a separate approach would also have the benefit of simplifying a return to appropriate seasonal NOx RACT controls after PM_{2.5} attainment has been achieved. **(Douglas A. McWilliams, Squire Sanders & Dempsey LLP on behalf of The Ohio Steel Group)**

Response 2:

The Cleveland-Akron area is considered to be in nonattainment for both PM_{2.5} and the eight-hour ozone. The attainment date for both pollutants is 2010. Modeling analyses in support of the state implementation plan must demonstrate that required controls can achieve attainment air quality by 2009 in order to claim that the standards will be achieved by April (PM_{2.5}) and June (ozone) 2010.

The current monitored design value for PM_{2.5} (2004-2006 air quality data) is 17.07 ug/m³. The current monitored design value for ozone (2005-2007, so far) is 86 ppb. Current photochemical modeling which evaluates both ozone and PM_{2.5} together in a 'one atmosphere' approach indicates that additional controls will be necessary to achieve both standards by the attainment dates. NO_x RACT is currently being assumed as a required year-round control in the regional photochemical modeling.

The emission limits being proposed differ significantly from those originally included in the draft rules released for interested party review. The identified levels of control are based on emission rates consistent with combustion controls which are anticipated to be continuous reductions. It is not anticipated that post combustion control options with seasonal control (e.g., SCR, SNCR) will be required to achieve compliance with the proposed emission limits.

Comment 3:

RACT is a non-attainment area requirement and does not apply to attainment areas.

Commenters continue to object to Ohio EPA's inclusion of NO_x RACT requirements for new sources statewide, without regard to the attainment status of the area in which the source is located. NO_x RACT is a requirement of Section 172(c)(1) of the Clean Air Act applicable to major sources and certain other sources located in non-attainment areas. There is no legal basis under the Clean Air Act for applying NO_x RACT requirements to sources in attainment areas. If Ohio EPA wishes to impose these limits as generally applicable NO_x limits, we believe OAC Chapter 3745-14 would be a more appropriate location for such limits. Indeed, in response to comments on the interested party draft of this rule, Ohio EPA indicated that "statewide applicability is needed to establish a floor for best available technology (BAT) pursuant to Senate Bill 265." This further illustrates that the proposed statewide emission limit for new sources is not being imposed as RACT but for other purposes. Accordingly, we request that Ohio EPA reconsider the proposal to impose the NO_x RACT limits for new sources on a statewide basis.

(Kathy Milenkovski; on behalf of the Ohio Chamber of commerce, the Ohio Chemistry Technology Council, and the Ohio Manufacturer's Association)

Response 3:

The Ohio EPA acknowledges your concern. However, Ohio EPA maintains its position to implement RACT as best available technology (BAT) on a statewide basis in both non-attainment and attainment areas. As reiterated in the interested party comment response:

The proposed rule is intended to establish RACT for existing sources in the eight-county Cleveland-Akron non-attainment area and statewide for all new sources. Any new or modified source should be able to meet, at a minimum, the same performance levels as an existing emission source. Also, statewide applicability is needed to establish a floor for BAT pursuant to Senate Bill 265 of the 126th legislature.

Comment 4:

OSG Supports Several Changes Made to the Proposed Rule.

Finally, the OSG offers its strong support for four important changes made by Ohio EPA in response to interested-party comments: (1) creation of an emissions averaging program, (2) establishment of new numeric NOx RACT limits that are much more reasonable than those initially proposed, (3) confirmation that sources burning mixed fuels will be subject to the "NOx emission limit for the least stringent fuel within the mix," and (4) the increased RACT Study flexibility created by allowing the proposal of other alternatives. These changes are critically important steps toward ensuring that the Proposed Rule achieves the intended environmental benefits at the minimum necessary cost and with a minimum of administrative effort.

(Douglas A. McWilliams, Squire Sanders & Dempsey LLP; on behalf of the Ohio Steel Group)

Response 4:

The Ohio EPA acknowledges and thanks you for your comment.

Comment 5:

Summary of CIBO concerns with the proposed rule

CIBO considers it very important to comment on Ohio EPA's draft NO_x RACT rules for the Cleveland/Akron metropolitan area, because the rule as drafted will adversely affect CIBO's Cleveland-area members and could set a far-reaching precedent affecting CIBO members nationwide. The proposed rule establishes NO_x emission limits that are likely beyond the achievement capability of some midsize boilers, large boilers and very large boilers (as defined by the draft rules) that burn solid fuel (and in some cases, other fuels as well). The proposed NO_x standards are not achievable by cost-effective post-combustion NO_x controls and should be excluded from consideration under any Reasonably Available Control Technology (RACT) rulemaking. In addition, the rule imposes undue costs (both in time and money) on facilities to conduct required engineering analyses to demonstrate that the emission limits are not achievable through specified combustion-related and post-combustion technologies. This adds to the cost burden imposed on affected companies by this rulemaking.

The proposed schedule for rebuttal activities should also be closely examined. For sources unable to achieve the target emission rate, the draft rule imposes a six-month deadline to submit a complete engineering analysis. This analysis must evaluate the technical feasibility of a list of specific NO_x reduction technologies -- combustion-related and post-combustion. Many of CIBO's members have undertaken similar studies to evaluate the control technology options available for compliance with the provisions of the Industrial Boiler MACT (40 CFR 63, Subpart DDDDD). In practice, these studies have taken from six to twelve months to fully evaluate the range of technologically feasible options, with the cost of the engineering studies often in excess of \$250,000.

Both the timeframe and additional cost to facilities of this provision in the rule impose additional unjustifiable burdens on sources.

(Robert D. Bessette, Council of Industrial Boilers (CIBO))

Response 5:

In summary, Ohio EPA realizes that there may be technical and economic feasibility issues with some of these units. In accordance with proposed OAC rule 3745-110-03(H), an affected facility will have the option of conducting a RACT study to determine if the applicable limit is technically feasible and/or economically unreasonable (i.e., not cost-effective).

The emission limits being proposed differ significantly from those originally included in the draft rules released for interested party review. The identified levels of control are based on emission rates consistent with combustion controls which are anticipated to be continuous reductions. It is not anticipated that post combustion control options with seasonal control (e.g., SCR, SNCR) will be

required to achieve compliance with the proposed emission limits. In addition, an emission averaging protocol is included as an option for compliance with the presumptive NO_x emission limits.

RACT submittal deadlines and compliance deadlines have also been revised to reflect a more feasible schedule.

Comment 6:

Recommendations

The emission limits proposed in the NO_x RACT Rules for the Cleveland/Akron, Ohio Metropolitan Area do not implement the purpose of RACT, satisfy the criteria for determining RACT, and cannot be economically or technically justified as RACT for the ICI Sector. In addition, compliance requirements should be limited to annual tune-ups for small and medium size boilers, regardless of fuel type.

CIBO developed a NO_x RACT Guidance Document illustrating many of the issues discussed in these comments, including boiler and fuel diversity (see Attachment B). The appendix to the Guidance includes a range of emission targets that may be appropriate for consideration by Ohio in developing its RACT rules. In addition, EPA provided some guidance to states related to appropriate considerations for BART when finalizing its guidance for Best Available Retrofit Technology, 70 Fed. Reg. 39104 (July 6, 2005). Although each facility and its operating constraints must be relied on for site-specific evaluation, these sources may provide some structure to guide Ohio as it further contemplates this rule.

Once data is updated regarding ICI technology applicability, emission reduction potential, and true cost for boilers with <250 MMBtu/hr design heat input, it will be possible to identify a potential reasonable emission reduction target that is also feasible. In any case, CIBO believes that no ICI facility should be burdened with an emission reduction cost that exceeds the relative level of the cost burden imposed on utility boilers.

CIBO appreciates this opportunity to comment and offers to help in any way with development of RACT regulations for the Cleveland/Akron Area. If you have any questions or need additional information, please contact me.

(Robert D. Bessette, Council of Industrial Boilers (CIBO))

Response 6:

The Ohio EPA recognizes your concerns and suggested recommendations. The small boiler category requires only annual tune-ups, since this category of emission units represents the lower end of the total NO_x emissions emitted and additional emission control options may not be cost-effective. However, the use of combustion controls for larger boilers (i.e., medium, large and very large

categories) is both cost-effective and technically feasible (thus, meeting the definition of RACT), and enhanced emission controls are necessary since these categories of emission units represent a larger source of NOx emissions.

In addition, the option of a RACT study is available for sources regulated by this rule which cannot comply with the presumptive NOx emission limitations.

Specific Comments

Rule 3745-110-01, "Definitions"

Comment 7:

The definition of "Affected source" in proposed OAC rule 3745-110-01 cross references draft OAC rule 3745-110-03(K). This cross reference is an error as OAC rule 3745-110-03(K) does not exist. Flexible believes that the cross-reference should be OAC rule 3745-110-03(J). **(April R. Bott; Chester, Willcox, and Saxbe LLP on behalf of Flexible Pavements of Ohio)**

Response 7:

The Ohio EPA agrees. This was a typographical error and will be corrected.

Comment 8:

"Capacity Factor" Should Be Based Upon Capacity Over the Entire Control Period.

The definition of "capacity factor" requires refinement. That term is currently defined to mean "either the ratio of gross actual output to the gross rated output or the ratio of actual heat input to potential heat input for the period ***between April first and October thirty-first of any calendar year***, expressed as a percentage." 3745-110-01(B)(6). There is no apparent reason to set capacity factors based on operations between April and October. If Ohio EPA retains the current annual structure of the proposed rules, we request that this definition be altered to include year-round data. Similarly, if this rule is revised to apply only during the ozone season, the capacity factor should be based on May 1 through September 30. **(Douglas A. McWilliams, Squire Sanders & Dempsey L.L.P. on behalf of The Ohio Steel Group)**

Response 8:

The Ohio EPA agrees. The definition of capacity factor will be revised to specify operations on a yearly basis.

Comment 9:

Proposed OAC rule 3745-110-01(B)(30), the definition of "potential to emit," continues to contain an erroneous reference to OAC Chapter 3745-21. Please delete this reference. **(Kathy Milenkovski; on behalf of the Ohio Chamber of commerce, the Ohio Chemistry Technology Council, and the Ohio Manufacturer's Association)**

Response 9:

Ohio EPA agrees. The reference to OAC rule 3745-21-11 as cited in this definition will be deleted.

Comment 10:

(B)(3) Auxiliary Boiler: FE suggests the following additional language be added to the current proposed language. After the words "ten percent," place a semicolon then add "and, (a) any boiler at a nuclear electrical generating facility that produces steam or steam for producing electrical power for the facility during either emergency periods or atypical extended periods of nuclear plant outage."

FE is concerned for nuclear plant safety and operation if the auxiliary boilers at a nuclear facility were required to meet the ten percent requirement during either an emergency or an atypically long outage at the facility.

(B)(4) Black start unit: FE suggests that the following be added to the definition: "or that are operated to test reliability or for maintenance."

(B)(6) Capacity Factor: FE agrees with OEPA that capacity factor for NO_x RACT purposes should be defined using the period April first through October thirty-first.

(B)(29) Peaking Unit: FE supports the definition for peaking unit as defined in the proposed rules.

(Robert E. Williams II, First Energy)

Response 10:

The Ohio EPA acknowledges your comment and will make the suggested revisions to the definitions for "auxiliary boiler" and for "black start unit."

Since the NO_x RACT rules are based on a yearly basis, the definition of capacity factor has been revised to specify operations on a yearly basis.

Rule 3745-110-02, Applicability

Comment 11:

Flexible requests that Ohio EPA confirm that synthetic minor PTIs, state-only PTIs, PTOs and/or FESOP permits can be used to exempt an existing source in the eight county non-attainment area from the requirements of OAC Chapter 3745-110 if any such air permit contains a physical or operational limitation on the capacity of the source to emit under 100 tpy of NOx annually. Specifically, any source/facility, as identified in OAC rule 3745-110-02(A)(1)(a), that has limitation on NOx emissions, via a valid air permit, to under 100 tpy is not subject to the proposed NOx RACT rules in concert with the definition of "potential to emit" found in proposed rule 3745-110-01(B)(30). **(April R. Bott; Chester, Willcox, and Saxbe LLP on behalf of Flexible Pavements of Ohio)**

Response 11:

A new exemption has been added to this rule (paragraph (J)(19)) for an emissions unit operating under a valid air permit and subject to BACT or LAER standards.

Facilities operating under a FESOP or synthetic minor permit may not necessarily have a RACT level of control and thus may still be subject to the NOx RACT requirements.

Comment 12:

OAC rule 3745-110-02(A)(2) appears to expand the requirements of the proposed NOx RACT rules beyond the eight county ozone non-attainment area (i.e., the rules propose state-wide applicability) for new and modified NOx sources. Ohio EPA does not have the legal latitude and authority to develop statewide RACT requirements in an attempt to address ozone non-attainment in specific areas. See Clean Air Act Section 172. In addition, such state-wide applicability places unreasonable regulatory and financial burdens on sources and facilities that will have no beneficial ozone reduction results, either direct or indirect, on the eight counties in ozone non-attainment. Flexible is not aware of any models prepared by Ohio EPA, LADCO, USEPA or others that demonstrate that reductions of NOx emissions in southern Ohio counties, Scioto County for example, will result in any ozone reduction benefits in Cleveland/Akron. Since Ohio EPA lacks a technical and scientific basis for requiring statewide NOx RACT rules, such statewide applicability is not reasonable or lawful. **(April R. Bott; Chester, Willcox, and Saxbe LLP on behalf of Flexible Pavements of Ohio)**

Response 12:

The proposed rule is intended to establish RACT for existing sources in the eight-county Cleveland-Akron non-attainment area and statewide for all new sources. Any new or modified source should be able to meet, at a minimum, the same performance levels as an existing emission source. Also, statewide applicability is needed to establish a floor for best available technology (BAT) pursuant to Senate Bill 265 of the 126th legislature.

Comment 13:

Proposed OAC rule 3745-110-02(A)(2)(b) applies to any new or modified source. "Modified" is not defined in this rule nor is the term defined in proposed OAC rule 3745-110-02(A)(2)(b). Flexible recommends that Ohio EPA define "modification" in concert with the definition of "major modification" found in OAC rule 3745-31-01. Such definition is consistent with Ohio EPA's stated goal for proposed NOx RACT rules. See, Ohio EPA summary of responses to Chapter 3745-110 Interested Parties Rule Package ("Employment of RACT is required by the CAA for areas classified as non-attainment for the eight-hour ozone standard. As such Ohio EPA is drafting rules to regulate major stationary sources of NOx emissions), p. 15, emphasis added. **(April R. Bott; Chester, Willcox, and Saxbe LLP on behalf of Flexible Pavements of Ohio)**

Response 13:

Paragraph (A) of this rule (definitions) incorporates by reference the definitions of OAC rule 3745-15-01 and provides a definition for a modification. The specific definition for modification is as follows:

"Modification" means any physical change in, or change in the method of operation of, an existing source or a new source that increases the amount of any air pollutant emitted by such source or which results in the emission of any air pollutant not previously emitted from the same location.

Comment 14:

(A)(1)(a) *Existing Sources*: FE objects to the phrase in the proposed rule that reads "including all sources that are exempt under rule 3745-110-03 of the Administrative Code." FE believes this phrase ought to be deleted from the proposed rule because it negates several exemptions written into the proposed rules elsewhere.

It makes little sense to exempt sources at 3745-110-03 (J) only to reinclude them at another place in the proposed rules. All of these sources would be exempted if they stood alone or were at nonmajor NO_x facilities. The intent to remove smaller sources from the NO_x RACT rules is circumvented by the proposed language at 3745-110-02 (A)(1)(a). As a practical matter, the proposed language cancels the exemption of other sources listed under 3745-110-03 (J). For example, the very definition of black start or start-up units co-locates these units at electric utility power plants, facilities that are certainly major NO_x emitters. In addition, the exemption for CAIR and NO_x SIP call units would also become void since they are also listed at 3745-110-03 (J).

(Robert E. Williams II, First Energy)

Response 14:

To clarify this portion of the rule; exempt sources are not regulated and the last phrase in paragraph (A)(1)(a) of this rule is referring to the potential to emit, and not to which sources are regulated.

Comment 15:

We ask for clarification on applicability of the rules to both existing and new sources. With regard to existing sources, we ask that you change the language in OAC rule 3745-110-02(A)(1)(a) to clarify that the rule only applies to a facility that emits or has the potential to emit a total of more than one hundred tons per year of NO_x emissions from all sources at the facility. As the language in the proposed rule reads, this is unclear. The current language seems to imply that these regulations can be applicable to a source even if it is not located at a facility that emits or has the potential to emit a total of more than one hundred tons per year of NO_x emissions from all sources at the facility. In particular, the word "or" between the first and second clause in OAC rule 3745-110-02(A)(1)(a) leads to this confusion. **(Pamela F. Faggert, Dominion Resources Services, Inc.)**

Response 15:

The language in this section of the rule specifies the applicability for existing "affected" sources in the eight county non-attainment area, and is intended to regulate major sources of NO_x emissions (i.e., sources with the potential to emit 100 tons or more of NO_x emissions from all affected sources at a facility).

Comment 16:

This letter provides the City of Painesville's comments on Ohio EPA's proposed NO_x RACT rules set forth in OAC Chapter 3745-110. Painesville seeks clarification regarding the applicability of NO_x RACT to the boilers at its Municipal Electric Plant in Lake County. The rule defines the universe of regulated boilers through the core term "industrial boiler," which means "a steam generating unit that generates steam to supply power and/or heat to an industrial, institutional, or commercial operation" but expressly "*does not include boilers that serve electrical generating units* and cogeneration facilities." OAC rule 3745-110-01(B)(15) (emphasis added). From that definition, the rule then identifies several size categories of "industrial boilers" and sets numeric limits for those categories.

While that language plainly shows Ohio EPA's intention to exclude the Painesville Municipal Electric Plant from the numeric limits as "boilers that serve electrical generating units," the language in OAC rule 3745-110-02(A)(1)(a) could be interpreted to bring these electric generating boilers back into the rule from a different angle. Under that subsection, sources "located at a facility that emits or has the potential to emit a total of more than one hundred tons per year of NOx from all sources at that facility" are also regulated as existing sources under this rule. These units would not be subject to numeric NOx limits but they would be subject to the NOx RACT Study requirements in OAC rule 3745-110-03(I). If Ohio EPA intended to exempt electric generating boilers from the NOx RACT Study requirement, the current language that excludes boilers that serve electric generating units should be moved from the definition of industrial boiler to the list of exemptions from the rule in OAC rule 3745-110-03(J).

An exemption from the NOx RACT rule for the Painesville Municipal Electric Plant would be consistent with existing regulatory systems. The acid rain rules, the Clean Air Interstate Rule, and the NOx Budget Trading Rule exclude boilers that serve electric generators with nameplate capacity of 25 megawatts or less on the basis that controlling these smaller units would not be cost effective. Ohio can do the same in the NOx RACT rule; establish a minimum size for a source category that approximates the cost-effectiveness threshold so that smaller sources do not need to go through the NOx RACT Study process only to confirm that no controls are cost effective. In rules that address electric generating units, it is common to excuse units that serve electric generators with a nameplate capacity of 25 MWe or less based on the presumption that controlling these smaller sources will not be cost-effective. See e.g., 40 CFR 72.6(b)(1) (Acid Rain Program) and OAC rule 3745-14-01(C) (NOx Budget Trading Program). We ask that Ohio EPA consider using this well-established size threshold in the list of NOx RACT exemptions in OAC rule 3745-110-03(J).

(Rita C. McMahon, City Manager, City of Painesville)

Response 16:

To clarify this portion of the rule, exempt sources are not regulated and the last phrase in paragraph (A)(1)(a) of this rule is referring to the potential to emit, and not to which sources are regulated.

Rule 3745-110-03, "RACT requirements and/or limitations for emissions of NOx from stationary sources"

Comment 17:

The RACT Engineering Study requirements set forth in proposed OAC rule 3745-110-03(I) are unreasonable, overly burdensome and too costly. In addition, these requirements reach beyond Ohio EPA's regulatory authority. Specifically, draft OAC rule 3745-110-03(I)(1)(h) requires an evaluation of the technical feasibility of installing at least nineteen (19) types of NOx control. Thus, these requirements illegally transform the RACT analysis into a BACT/LAER analysis for existing sources. Such a backdoor approach to BACT/LAER is not appropriate under the guise of a RACT standard (i.e., reasonably available vs. best available or lowest available). **(April R. Bott; Chester, Willcox, and Saxbe LLP on behalf of Flexible Pavements of Ohio)**

Response 17:

Ohio EPA's regulatory authority to impose RACT requirements comes from the Clean Air Act. Specifically, the Clean Air Act, Section 182(f) requires the implementation of reasonably available control technology for major sources of oxides of nitrogen in Subpart 2 nonattainment areas classified moderate or above unless a showing that the absence of such controls would result in greater air quality benefit. The RACT study is an option facilities may use in lieu of complying with the presumptive NOx emission limitations. The RACT study covers a wide range of emission control options that need to be evaluated in order to determine which control options meet the definition of a RACT (i.e., cost-effective and technically feasible). The RACT study should clearly demonstrate to Ohio EPA which emission controls are feasible and which is not. Only those control options that meet the definition of RACT pursuant to the RACT study would be considered for implementation.

Comment 18:

OAC rule 3745-110-03(J) exempts numerous sources from the requirements of the NOx RACT rules, including sources with the potential to emit less than twenty-five tons (25) per year of NOx. See, proposed OAC rule 3745-110-03(J)(15). As set forth above, Ohio EPA has stated that the purpose of the NOx RACT rules is to regulate NOx emissions from "major" sources. Therefore, Ohio EPA should not seek to apply onerous and complex RACT requirements on small sources with "actual" rather than "potential" NOx emissions of less than twenty-five (25) tons per year. Flexible requests that Ohio EPA modify the language of OAC rule 3745-110-03(J)(15) to reflect this exemption for actual emissions. **(April R. Bott; Chester, Willcox, and Saxbe LLP on behalf of Flexible Pavements of Ohio)**

Response 18:

Ohio EPA will recognize those affected sources that, even though their potential to emit may be greater than 25 ton/year of NOx emissions, have via a permit restriction, actual permitted NOx emissions of 25 tons/year or less. Specifically, a new exemption (OAC rule 3745-110-03(J)(16)) will be added to this rule to recognize any such permit restriction.

Comment 19:

The 25 TPY Exemption Should Be Based on Actual Emissions.

OSG appreciates the Agency's clarification that the exemption in 3745-110-03(J)(14) for "any source other than an asphalt plant, boiler, gas turbine or internal combustion engine that has the potential to emit less than twenty-five tons per year of NOx" can be flexibly applied to emissions units possessing

physical limitations that render the presumption of 8,760 hours of operation inapplicable. However, as noted in OSG's interested-party comments, we still believe the exclusion should be linked to actual emissions. This 25 TPY exemption exists because it is not cost-effective to install NOx RACT controls (or to conduct a NOx RACT Study) when the emissions control benefit cannot exceed 25 TPY NOx. That conclusion is equally applicable to sources that **actually emit** less than 25 TPY of NOx – regardless of their potential to emit. Any other result would entail needless analysis and administrative effort for phantom emissions. For example, a source with the potential to emit 50 TPY of NOx that consistently operates at 40% of capacity (20 TPY) would trigger a costly RACT Study, which would almost certainly conclude that the cost to control less than 20 TPY of NOx is too high to be cost-effective. Establishing an exemption tied to demonstrated actual emissions will resolve this problem, reduce the administrative burden of this rule, and retain the same environmental benefits. **(Douglas A. McWilliams, Squire Sanders & Dempsey L.L.P. on behalf of The Ohio Steel Group)**

Response 19:

Ohio EPA will recognize those affected sources that, even though their potential to emit may be greater than 25 ton/year of NOx emissions, they have via a permit restriction, actual permitted NOx emissions of 25 tons/year or less. Specifically, a new exemption (OAC rule 3745-110-03(J)(16)) will be added to this rule to recognize any such permit restriction.

Comment 20:

Sources That Primarily Burn Blast Furnace Gas Should Be Exempt.

Section 3745-110-03(J)(10) exempts "any CO Boiler" from the proposed NOx RACT limits. Units that burn primarily blast furnace gas should be similarly exempted from NOx RACT limits because CO is also the source of BTUs in blast furnace gas. That result can be readily achieved by adding an express exemption to subsection (J) for "sources that primarily burn blast furnace gas." Alternately, Ohio EPA could define the phrase "CO Boiler" to include all sources that "primarily burn CO, whether from blast furnace gas or any other source." Such an exception will promote the environmentally beneficial use of this low NOx alternative to natural gas. **(Douglas A. McWilliams, Squire Sanders & Dempsey L.L.P. on behalf of The Ohio Steel Group)**

Response 20:

Ohio EPA believes that sources burning blast furnace gas should be included in the rule. Sources burning blast furnace gas contribute to NOx emissions that will be needed for attainment demonstration. In addition, Ohio EPA is not aware of any other states that have exempted this fuel source.

Comment 21:

The 25 TPY Exemption Should Apply to Boilers, Turbines, Engines and Asphalt Plants.

At the interested-party stage, OSG commented:

[R]egardless of whether the [25 TPY] exemption is driven by potential to emit or actual emissions; there is no reason to automatically prevent “asphalt plants, boilers, gas turbines or internal combustion engines” from qualifying. The 25 TPY threshold exemption should be an exemption without any limit based on type of source. The NO_x emitted from the specified sources is no different than NO_x emitted from other sources, and will have no different environmental impact. Rather, the establishment of a threshold exemption for NO_x RACT controls reflects the practical conclusion that sources with emissions below a certain magnitude do not warrant the effort and expense of RACT controls. This rationale is equally applicable for all source types. **(Douglas A. McWilliams, Squire Sanders & Dempsey L.L.P. on behalf of The Ohio Steel Group)**

Response 21:

Boilers, gas turbines and internal combustion engines all have their specific NO_x emission limitations as specified within the context of this rule that are considered to meet the definition of RACT (cost-effective and technically feasible). Ohio EPA recognizes the existence of NO_x emissions from smaller sources, but NO_x emission controls for these small sources are not considered to be cost-effective.

Comment 22:

The Proposed Exemptions Should Cover All NO_x RACT Obligations.

As currently structured, 3745-110-03(J) exempts seventeen categories of sources from “the requirements of paragraphs (A) to (F), and (I)” of that rule. Those sections contain all of the proposed numeric NO_x limits and the alternate requirement for RACT Studies. The sections that are omitted from that exclusion language – (G) and (H) – do not have any apparent continued relevance in the absence of emissions limits. Subsection (G) contains testing parameters for “emissions limits specified in paragraphs (A) to (F) or pursuant to paragraph (I).” Subsection (H) similarly contains emissions averaging instructions, which supplant “the applicable emission limit(s) specified in paragraphs (A) to (F)...or established in accordance with paragraph (I)...” Thus, absent express emissions limits, subsections (G) and (H) have no purpose. Since the exclusions in subsection (J) preclude emissions limits for exempt sources, that exemption should extend to all of 3745-110-03 – including (G) and (H). To accomplish this,

OSG proposes that the lead-in text to subsection (J) be amended to read: "***The requirements of paragraphs (A) to (F), and (I) of this rule shall not apply to the following sources.***"

(Douglas A. McWilliams, Squire Sanders & Dempsey L.L.P. on behalf of The Ohio Steel Group)

Response 22:

The Ohio EPA understands the commenters concern. However, the agency needs to identify the portions of the rule that do not apply. The reference to paragraph (I) "NOx RACT studies for stationary sources" shall be removed from this phrase since the sources listed in this part of the rule may be subject to a NOx RACT study.

Paragraph (J) of this rule shall now read as follows: "The requirements of paragraphs (A) to (F) of this rule shall not apply to the following sources:"

Comment 23:

The "Auxiliary" Exemption Should Apply to All Auxiliary Units, Not Just Boilers.

The Proposed Rule currently exempts "any auxiliary boiler" from the primary NOx RACT requirements (3745-110-03(J)(9)). The term "auxiliary boiler" is defined to mean "a boiler that produces steam and operates at a capacity factor of less than ten percent." This exemption appropriately recognizes that sources which operate at less than ten percent of their capacity are not candidates for cost-effective NOx RACT controls. That rationale is not limited to boilers. Instead, it extends to all units that operate at a "capacity factor of less than ten percent." We request that this exemption be extended to include all auxiliary sources, not just boilers. **(Douglas A. McWilliams, Squire Sanders & Dempsey L.L.P. on behalf of The Ohio Steel Group)**

Response 23:

The Ohio EPA has added a new exemption (OAC rule 3745-110-03(J)(20)) to recognize those emission units that operate at a reduced capacity factor.

Comment 24:

NOx RACT Rules should not be used to supplement or augment NSPS for new sources and should not be more stringent than BART.

If a new source is subject to federal New Source Performance Standards (NSPS), those NSPS standards should suffice to regulate NOx emissions. In comparing the proposed NOx RACT limits for combustion turbines with the Subpart KKKK NSPS emission limits, virtually all of the limits are consistent.

However, certain proposed NO_x RACT limits, like those for modified or reconstructed units greater than 3.5 megawatts and less than 50 megawatts, are more stringent than the corresponding NSPS standards. RACT, as Reasonably Available Control Technology, should not be more stringent than New Source Performance Standards, which reflect the “best demonstrated technology.” We urge Ohio EPA to revise the proposed limits to make them consistent with an no more stringent than the applicable NSPS.

In addition, we believe that the numerical expression of RACT should be consistent with the intended RACT technology and should be no more stringent than BART – best available retrofit technology. Good combustion control is representative of RACT; post-combustion controls such as SCR are beyond RACT. We believe the agency intended to establish RACT limits commensurate with good combustion controls on large boilers, and we urge Ohio EPA to ensure that the numerical expression of RACT in the proposed rules does not exceed that which can be achieved through good combustion controls, and does not exceed the level of performance deemed consistent with BART. Further, it should be noted that EPA’s BART guidance are for units that are 10 times the size of the majority of industrial units to be regulated in Ohio’s RACT rulemaking. As such, while EPA has determined presumptive cost-effectiveness controls for these huge units in virtually all instances do not justify post-combustion controls, the numerical limits for coal-fired boilers established by U.S. EPA for BART will certainly not be cost-effective for the boiler sizes being regulated in these rules. Further, while OEPA has chosen to subcategorize boilers based on size for RACT, what is considered reasonable for very large boilers over 250 MMBtu/hr will certainly not be reasonable for smaller boilers, which will not be able to cost-effectively employ those same controls to achieve much smaller reductions. Therefore, we suggest that boilers smaller than 250 MMBtu/hr should have higher RACT limits than boilers greater than 250 MMBtu/hr, if RACT considerations are being properly applied. Thus, while we appreciate that OEPA has revised their proposed RACT limits, we believe that further revisions are needed to meet the intent. Otherwise, most facilities are likely to have to conduct costly and time-consuming individual RACT assessments.

(Kathy Milenkovski; on behalf of the Ohio Chamber of commerce, the Ohio Chemistry Technology Council, and the Ohio Manufacturer’s Association)

Response 24:

The Ohio EPA acknowledges your concern regarding the proposed NO_x emission limitations. However, the NO_x emission limitations specified in the proposed rule for combustion turbines are consistent with the NSPS for modified and reconstructed units in Subpart KKKK. It may be possible the commenter is confusing new unit levels with existing source “RACT”.

The NO_x emission limitations specified in the proposed rule have been revised from the previous draft rule. The NO_x emission limits in the proposed rule were raised slightly and are achievable without the use of post-combustion controls.

The revised NOx emission limits for these units, regardless of unit size, are achievable through combustion technology, and from a technological and cost effectiveness standpoint meet the definition of RACT.

Comment 25:

Proposed rules should provide additional exemptions and waivers.

Commenters believe that NOx RACT engineering studies should not be required for NOx sources that have received BACT or LAER permits within the last 5 years. Given that NOx BACT or LAER should be at least as restrictive as NOx RACT, the additional effort and expense needed to conduct a RACT study is unjustified. We propose adding such an exemption to proposed OAC rule 3745-110-03(J).

Similarly, the proposed rules should contain a provision giving the Director discretion to waive NOx RACT requirements where such a waiver makes sense. For instance, it would be a waste of resources to require a NOx RACT study or the implementation of additional and costly NOx RACT controls for a facility that has announced it will shut down and cease operations in the immediate future. A simple provision giving the Director discretion to exempt sources from NOx RACT for such reasons should also be added to OAC rule 3745-110-03(J).

(Kathy Milenkovski; on behalf of the Ohio Chamber of commerce, the Ohio Chemistry Technology Council, and the Ohio Manufacturer's Association)

Response 25:

A new exemption has been added to this rule (paragraph (J)(19)) for an emissions unit operating under a valid air permit and subject to BACT or LAER standards.

Regarding matters of potential emissions unit closure or facility closure, this would be handled outside the context of the NOx RACT rule. Compliance with the NOx RACT rules for such instances would be, in part, a function of the operational time of the source after the compliance deadline and would be evaluated on a case-by-case basis. Notification of any such closure should be made to the appropriate Ohio EPA field office to evaluate the particular case in hand.

Comment 26:

(E) *Stationary Combustion Turbines*: FE appreciates the fact that the draft rules have been changed significantly from the interested party draft; however, FE is still concerned that certain limits, particularly those for modified or reconstructed units of less than 50 MW but greater than 3.5 MW, still exceed the current NSPS for combustion turbines, Subpart KKKK. RACT, being reasonably available control technology, should be no more restrictive than the corresponding NSPS limits.

(G) *Methods of demonstrating compliance*

(1) FE believes it may be clearer to change the wording of this proposed rule to read in part, "The average of three one-hour stack test runs..."

(2) FE believes that the use of a 30-day rolling average when using CEMs should not just be limited to the period October first through April thirtieth but should extend throughout the whole year.

(J) *Sources to which the rules do not apply*: See the earlier comment under *Applicability*.

(Robert E. Williams II, First Energy)

Response 26:

Regarding the commenters concern for stationary combustion turbines, the NOx emission limitations specified in the proposed rule for combustion turbines are consistent with the NSPS for modified and reconstructed units in Subpart KKKK. It may be possible you are confusing new unit levels with existing source "RACT".

Regarding the commenters question for methods of demonstrating compliance, paragraph (G)(1) of this rule has been revised pursuant to your suggestion.

Regarding the commenters comment for 30-day rolling average calculations, use of the 30-day rolling average is acceptable for periods outside the ozone season. However, due to potential severity of pollution formation during the ozone season a daily NOx emissions compliance demonstration is needed to ensure on-going compliance.

Comment 27:

In our Title V Permit we have two small boilers and a mid-size boiler that are permitted to burn natural gas and/or number two fuel oil. A few years ago we burned fuel oil in one of the small boilers for a short duration as a result of the high natural gas costs. The proposed rule 3745-110-03 requires mid-sized boiler to be stack tested. My question is must we conduct stack testing for each fuel even if the fuel oil is used for a short duration during the winter months under emergency conditions? **(Greg Taylor, Lubrizol Corporation)**

Response 27:

As mentioned in the comment you are permitted to burn both natural gas and number two fuel oil. Even though you may use only one of the fuel types for a short duration presently, there is nothing (unless otherwise specified in your permit) to prevent the facility from using number two fuel oil on a more frequent basis. As such, testing would be required for each fuel type used for the boiler in order to demonstrate compliance with the applicable NOx emission limitation.

Comments 28:

We ask that you consider raising the 200 and 500 horsepower thresholds for affected existing ICE. Retrofit controls for existing engines this small are very expensive. In the NOx SIP call Phase II, EPA used approximately 2400 HP as their threshold. **(Pamela F. Faggert, Dominion Resources Services, Inc.)**

Response 28:

Ohio EPA is familiar with the analysis provided by U.S. EPA's NOx SIP call Phase 2. While the NOx SIP call does not specifically cite 2,400 hp as a cut-off, it does use 16.8 grams/bhp-hr as a suggested emission factor. Ohio EPA believes those engines with a 2,000 hp and greater rating can apply NOx emission controls that are economically and technically feasible, thus meeting the definition of RACT. Therefore, Ohio EPA will revise the horsepower threshold for these engines to 2,000 horsepower.

Comment 29:

We ask that you replace the reference to "gaseous fuels" with "natural gas" in OAC rule 3745-110-03(F)(1) and (2) for stationary ICE unless there are stationary ICE that run on gaseous fuels other than natural gas. The same comment was proposed and accepted for OAC rule 3745-110-03(E) for Stationary Combustion Turbines. **(Pamela F. Faggert, Dominion Resources Services, Inc.)**

Response 29:

The term gaseous fuel will remain. We realize that most of the time these engines utilize only natural gas for fuel, but on occasion may have the need for use of other gaseous fuel types. Thus, allowing for some operational flexibility.

Comment 30:

NOx Control Levels for IC Engines and Turbines.

Columbia supports the proposed NOx control levels for IC engines (3.0 g/bhp-hr) and small turbines (42 ppmvd). These levels were justified by USEPA in the

NOx SIP Call Phase II rule development as RACT level control for this equipment and are typically achievable for both new and existing IC engines and small turbines. The NOx SIP Call Phase II control requirements were established in the 2001 to 2004 timeframe and control requirements began May 1, 2007, thus reflecting a fairly current review of technology by USEPA.
(Kelly R. Carmichael, Columbia Gas Transmission)

Response 30:

The Ohio EPA thanks the commenter for their support.

Comment 31:

Default IC Engine Size for RACT

3745-110-03(F)(1), (2), (3) and (4) list a horsepower (HP) size applicability threshold for stationary IC engines at 200 HP. In 3745-110-03(J)(3) IC engines less than 500 HP are exempted. This creates a conflict in applicable size.

Columbia supports an IC Engine exemption level of 2400 HP. This corresponds to the engine size USEPA established for RACT controls in the NOx SIP Call Phase II rule. Control feasibility was not justified by USEPA below this level. For example, Medina Compressor Station, which is potentially affected by the draft rule, includes three IC engines each rated at 1100 HP (greater than the 200 HP or 500 HP level proposed in the rule). Preliminary cost estimations for Medina were made by Ingenuity, a nationally recognized leader in NOx control equipment installation for IC engines. These estimates for control to 3.0 g/bhp-hr were approximately \$1,627,000 per engine. Expected actual NOx reductions are approximately 8 tons per year per engine, resulting in over \$20,000 per ton of NOx removed using a 10 year amortization and over \$60,000 per ton using a 3 year amortization. These cost effectiveness numbers exceed RACT guidelines by a considerable amount. Although other states have established cut-off levels below 2400 HP, typically utilization and/or emission thresholds are included and typically coupled with RACT study and averaging provisions that in effect exempt smaller IC engines.

Columbia supports the utilization of the federal USEPA guideline in the NOx SIP Call Phase II rule of 2400 HP as the size applicability threshold and thus suggests changing Sections 3745-110-03(F)(1), (2), (3) and (4) and 3745-110-03(J)(3) to reflect 2400 HP. If this approach is not acceptable to Ohio EPA, alternative language that incorporates the typical low utilization of IC engines in pipeline applications should be incorporated coupled with a 100 tpy source-wide threshold. For example the IC engines at Medina have operated below 25% utilization in all of the past 10 years and the majority of the Columbia IC engines operate below 50% across the system. The result is minimal actual NOx reductions for the cost required to achieve 3.0g/bhp-hr. Columbia would appreciate the opportunity to provide additional input in rule language related to

utilization if the 2400 HP size applicability threshold is not incorporated. **(Kelly R. Carmichael, Columbia Gas Transmission)**

Response 31:

While the NOx SIP call does not specifically cite 2,400 hp as a cut-off, it does use 16.8 grams/bhp-hr as a suggested emission factor. Ohio EPA believes those engines with a 2,000 hp and greater rating can apply NOx emission controls that economically and technically feasible, thus meeting the definition of RACT. Therefore, Ohio EPA will revise the horsepower threshold for these engines to 2,000 horsepower.

Comment 32:

Emission Averaging Programs – RACT Limits.

The language in 3745-110-03(H)(1)(a) implies that a RACT emission limit needs to be specified for each source involved in the emission averaging program. This could potentially imply that each source in the averaging program must apply RACT, whereas, reductions may be gained from sources not applicable to the RACT rule under 3745-110-02. Columbia suggests:

- (a) *Specify the RACT emission limit for each **affected** source **in 3745-110-02** involved in the emission averaging program;*

(Kelly R. Carmichael, Columbia Gas Transmission)

Response 32:

The Ohio EPA will revise the language in this rule to read as suggested in the comment.

Comment 33:

Emission Averaging Programs – Schedule.

The language in 3745-110-03(H)(1)(d) implies that the owner or operator comply with the proposed emission limits in 3745-110-04. Section 3745-110-04 establishes the compliance deadlines, and Section 3745-110-03 establishes the emission limits. This should be corrected. Columbia suggests the following language and assumes that the intent is to establish deadlines. The emission limits are already established in this section of the rule, whereas the deadline has not been established.

- (d) Achieve compliance with the ~~proposed emission limits~~ **compliance deadlines** in accordance with rule 3745-110-04 of the Administrative Code.

(Kelly R. Carmichael, Kelly R. Carmichael, Columbia Gas Transmission)

Response 33:

The Ohio EPA will revise the language in OAC rule 3745-110-03(H)(1)(d) as follows:

“Achieve compliance with the proposed emission limits in accordance with the compliance deadlines in rule 3745-110-04 of the Administrative Code.”

Comment 34:

Emission Averaging Programs – Allowed Reductions.

Columbia suggests that language be added in 3745-110-03(H) to better clarify those reductions that would be allowed under the emissions averaging program.

(1) *An owner or operator of a source which is subject to this chapter may propose an emission averaging program in lieu of the applicable emission limit(s) specified in paragraphs (A) to (F) of this rule or established in accordance with paragraph (I) of this rule. **Both affected sources under 3745-110-02 and non-affected sources are allowed to be utilized in the averaging program, to the extent that reductions are real, quantifiable and enforceable and are in excess of any State or Federal requirements.** Any proposed emission averaging program shall comply with all of the following requirements:*

- (e) *Reductions allowed under the emission averaging program are those reductions that are real, quantifiable and enforceable and are in excess of any State or Federal requirements. For purposes of determining the reduction, the actual emissions, in tons per year, from all sources included in the averaging program are subtracted from the lesser of the actual annual average emissions in tons per year for the three years prior to when the actual reduction occurred or the allowable emissions. Shutdowns are creditable only to the extent that the owner or operator can demonstrate to the satisfaction of the director that the shutdown did not correspond to load-shifting or other activity which resulted in or could result in an equivalent or greater emission increase and that the reduction accounts for any increase in NO_x emissions from other sources as a result of the shutdown.*

(f) Owners or operators must submit a report to the Ohio EPA by March 31 demonstrating that the equivalent reduction requirement in 3745-110-03(H)(1)(c) has been achieved for the previous year.

(Kelly R. Carmichael, Kelly R. Carmichael, Columbia Gas Transmission)

Response 34:

The revised language as suggested above, with some minor revisions, will be added to this rule.

Comment 35:

RACT Studies for Stationary Sources – Average daily NOx emissions.

Section 3745-110-03(l)(1)(g)(i) states that the emissions data for each affected source be reported using the average daily NOx emissions based upon the highest average daily production rate. Columbia suggests the following language change:

(i) Average daily NOx emissions (pounds per day of operation) based upon ~~the highest average daily production rate for each of three full calendar years preceding the effective date of this rule or any other year that may be more representative of the highest average daily emissions;~~

(Kelly R. Carmichael, Kelly R. Carmichael, Columbia Gas Transmission)

Response 35:

To more clearly specify what information is being requested, an explanation of the methodology has been provided via a comment box within this section of the rule. No further revision to the rule will be made.

Comment 36:

RACT Studies for Stationary Sources – Maximum daily NOx emissions.

Section 3745-110-03(l)(1)(g)(ii) seems irrelevant for an emissions averaging program. Columbia suggests this specific condition be struck from rule.

(Kelly R. Carmichael, Columbia Gas Transmission)

Response 36:

This section of the rule requests NOx emission information for the NOx RACT study. Specifically, what were the maximum daily NOx emissions from an affected source from each of the previous three calendar years preceding the

effective date of this rule. From these three values obtained from the three previous years, the highest of the three values shall be the maximum daily figure Ohio EPA is looking for. No further revision to the rule will be made.

This information, along with the average daily NOx emissions and the annual NOx emissions are needed in order to evaluate the potential NOx emissions from an affected source.

Comment 37:

RACT Studies for Stationary Sources – Annual NOx emissions.

Section 3745-110-03(l)(1)(g)(iii) states that the “actual” annual NOx emissions data for each affected source be reported using the highest annual production rate. Columbia suggests the following language change:

- (iii) *Annual NOx emissions (tons per year) based upon the highest ~~annual~~ actual production rate for each of the three full calendar years preceding the effective date of this rule or any other year that may be more representative of the annual production rate;*

(Kelly R. Carmichael, Columbia Gas Transmission)

Response 37:

This section of the rule is requesting which year, of the three years being evaluated, had the highest annual production rate (converted to tons per year of NOx emissions). No further revision to the rule will be made.

Comment 38:

Unit replacement should be recognized as a NOx RACT study Alternative.

The Northeast Ohio Regional Sewer District (NEORS) suggest that a new subsection (5) to OAC rule 3745-110-03(l) be included in the rule that expressly excuses units being replaced from the NOx RACT study requirements. As currently drafted, the NOx RACT rule requires a NOx RACT study even for units scheduled for replacement regardless of the replacement schedule. A RACT study focused on units that will be replaced soon after the certification deadline would only create administrative burdens (for both the regulated entity and the agency) with no corresponding environmental benefit. The replacement units are subject to new permit requirements, which include applicable state of the art emission rate obligations. A NOx RACT study would be redundant and unnecessary for both the existing units and the replacement units.

(Erwin J. Odeal, Northeast Ohio Regional Sewer District)

Response 38:

Typically, a NOx RACT study would not be required for a new emissions unit installation since such a source would be subject to new source review (NSR) standards.

The compliance deadlines in this rule target existing emission units. Should a total replacement be necessary (i.e., a new emissions unit) then compliance deadlines and emissions testing will be specified in the facility's permit to install (PTI) and permit to operate (PTO).

If you are considering operating an emissions unit after the proposed RACT study deadline and/or compliance deadlines, then notification of any such proposed closure (of an existing emissions unit) should be made to the appropriate Ohio EPA field office to evaluate the particular case in hand.

Compliance with the NOx RACT rules for such instances would be, in part, a function of the operational time of the source after any compliance deadline(s) and would be evaluated on a case-by-case basis.

Comment 39:

Post-combustion controls are not appropriate for all boilers

Unlike boilers operated by traditional electric utilities, most ICI boilers do not operate at base-load conditions. Many post-combustion controls, including SCR, are not appropriate technology choices for ICI boilers that do not operate at base loaded conditions, because it is not possible to find an optimum location in the flue gas path that provides necessary operating conditions, such as consistent temperature points for operation of SCR. In addition, because most industrial boilers must swing loads to meet process steam requirements on an ongoing basis, SCR should not be the basis for RACT for new industrial boiler installations using any fuel.

Further, ammonia is a hazardous substance requiring special precautions during handling, and emergency preparedness planning in the event of an unplanned release. The alternative, urea, requires significantly more volume (on an equivalent basis) in order to sustain the reaction within the SCR. Whatever the reagent, many ICI facilities may not be equipped to handle this added burden. In addition, because of the load-following nature of ICI boilers, there is the possibility of excess ammonia slip from the SCR, increasing overall annual operating costs and causing potential operational and environmental impacts. The differences between ICI and utility boilers are further discussed in the CIBO publication "Differences Between Industrial and Utility Boilers" (Attachment A).

CIBO recognizes that some commenters may disregard the concerns expressed above and argue that, cost aside, solid-fuel fired industrial boilers can achieve outlet emission rates less than 0.30 lbs/MMBtu. In response to that argument, CIBO reminds decision-makers of a point that cannot be stressed enough: in order to ensure continuous compliance, the design outlet emission rate must be less than the regulatory limit. In part for that reason, RACT analysis under the Clean Air Act includes feasibility in the evaluation of appropriate technology.

(Robert D. Bessette, Council of Industrial Boilers (CIBO))

Response 39:

The NO_x emissions limits have been revised since the interested party review and reflect an emission rate that should be achievable through combustion technology (low NO_x burners or low NO_x burners in conjunction with over-fired air or flue gas recirculation, as applicable). In addition, a RACT study may be used as an alternative to complying with the presumptive NO_x emission limitations.

Comment 40:

Many post-combustion controls are not economically feasible for all boilers

Economic feasibility is specific to each boiler, project and site. The total cost of an ICI pollution control project can be many times that of a utility boiler project in terms of dollars per ton of NO_x removed, or as given in the past projections used for regulation development. The Ozone Transport Commission (OTC) and other Regional Planning Organizations (RPOs) are only now beginning to look at the true costs for the ICI sector and assess the economic feasibility of various control strategies. Considering the limited availability of current and accurate information about ICI NO_x Control installations and the capabilities for solid fuel boilers, CIBO believes the emission reduction potential in the proposed rule may be overstated. CIBO believes with a high degree of certainty that the cost projections in the proposed rule are significantly underestimated.

Balance-of-plant issues must also be considered when evaluating projects of this magnitude. In addition to the actual cost of the pollution control equipment (purchase and installation), project costs will also include the evaluation of boiler auxiliary equipment (fans), the interface of the pollution control equipment with boiler controls and other monitoring necessary to ensure proper operation.

(Robert D. Bessette, Council of Industrial Boilers (CIBO))

Response 40:

The emission limits being proposed differ significantly from those originally included in the draft rules released for interested party review. The identified levels of control are based on emission rates consistent with combustion controls which are anticipated to be continuous reductions. It is not anticipated that post

combustion control options with seasonal control (e.g., selective catalytic reduction (SCR), selective non-catalytic reduction (SNCR)) will be required to achieve compliance with the proposed emission limits. In addition, an emission averaging protocol is included as an option for compliance with the presumptive NOx emission limits.

Rule 3745-110-04, "Compliance deadlines"

Comment 41:

Low NOx Burners Are "Add-On" Controls.

OSG requests confirmation that sources which install low NOx burners to comply with the proposed NOx RACT rule will receive the additional year to demonstrate compliance provided for "add-on" controls. The proposed rule establishes a two-tiered compliance deadline, providing that sources have until "May 1, 2010 if combustion modifications are required to demonstrate compliance" and until "May 1, 2011 if add-on controls are required to demonstrate compliance...." 3745-110-04(B). This distinction is apparently intended to permit the additional time necessary to engineer, fabricate, install and test add-on controls. The installation of low NOx burners – particularly at large, complex sources like those at steel mills – evokes those same concerns. For units with multiple burners, installing low NOx replacement burners requires significant engineering, design, fabrication and installation time, especially for retrofit applications, similar to add-on controls. The additional year should be available for any project that demonstrates need and offers milestones. **(Douglas A. McWilliams, Squire Sanders & Dempsey L.L.P. on behalf of The Ohio Steel Group)**

Response 41:

The compliance dates in this rule have been revised. For those emission sources requiring combustion modifications to demonstrate compliance with the applicable NOx emission limitations the new compliance date will be two years after the effective date of this rule. For those emission sources requiring add-on controls to demonstrate compliance with the applicable NOx emission limitations the new compliance date will be three years after the effective date of this rule.

Low NOx burners or low NOx burners used in conjunction with over-fired air or flue gas recirculation are considered to be combustion controls. Add-on controls consist of any post-combustion control equipment (i.e., SCR or SNCR).

The revised compliance time-frames should allow sufficient time to design and install any required emission control equipment.

Comment 42:

Timing for NOx RACT study.

The proposal provides that sources may opt to perform a NOx RACT study to either establish alternative RACT options or to demonstrate that controls are not cost-effective. Sources availing themselves of this option must prepare and submit their RACT engineering studies by January 1, 2009, and must then implement "approved" RACT by May 1, 2009, a mere 4 months later. We believe this timeframe is unrealistic. First, there is no guarantee that the engineering study that is submitted by January 1, 2009 will be approved. Second, the permittee will have 4 months to implement NOx RACT only if the proposal is approved the day it is submitted. We believe that in reality, NOx RACT studies will not be approved by Ohio EPA in a matter of days or even weeks, which means that companies will have significantly less than 4 months in which to develop bids and purchase and install RACT controls. This simply is not sufficient time. We propose that in lieu of a fixed May 1, 2009 deadline, Ohio EPA revise OAC rule 3745-110-04(A)(2)(b) to provide that NOx RACT shall be implemented not later than six months after approval of the proposed NOx RACT engineering study, unless additional time is required to obtain and install equipment. Should additional time be required, a schedule including the timing for engineering, placement of purchase orders, completion of equipment installation and operational "debugging" of the equipment shall be submitted to Ohio EPA for approval, with the new compliance date being the end date of any operational debugging period.

(Kathy Milenkovski; on behalf of the Ohio Chamber of commerce, the Ohio Chemistry Technology Council, and the Ohio Manufacturer's Association)

Response 42:

Ohio EPA recognizes the issues with the specific document submittals and compliance deadlines as detailed in the proposed permit. As such, revisions have been made to this rule to reflect a more feasible schedule.

Specifically, the certification and permit application requirements in paragraph (A)(1) of this rule have been revised so that notification to Ohio EPA will be within four months from the effective date of this rule. RACT studies, if needed, would be submitted within one year after the effective date of this rule.

In addition, the compliance deadlines have been revised as follows:

For those emission sources requiring combustion modifications to demonstrate compliance with the applicable NOx emission limitations the new compliance date will be two years after the effective date of this rule or if a RACT study is submitted, two years after approval of the RACT study by the Director.

For those emission sources requiring add-on controls to demonstrate compliance with the applicable NOx emission limitations the new compliance date will be three years after the effective date of this rule or if a RACT study is submitted, three years after approval of the RACT study by the Director.

Comment 43:

(A) Certification...

(1) FE suggests that regulated community should be afforded no less than 6 months to submit a statement of compliance under subparagraph (a).

FE also believes that under subparagraph (b) that the submittal of an application must follow the completion of either a RACT study under paragraph (I) or an engineering study in general. We therefore suggest that the subparagraph should be changed at the beginning to read, "Notify the director of the intent to submit..."

Therefore, the proposed rule should require the submittal of either (a) or (b) "on January 1, 2008 or 6 months after the effective date of the rule, whichever is later."

An additional subparagraph should be added requiring the application to be "submitted by January 1, 2009 or 18 months after the effective date of the rules, whichever is later."

(2)(a) (*RACT study submittal*): FE suggests that regulated community should be afforded no less than 18 months to submit a complete RACT study if required. Therefore, the rule should require the submittal "on January 1, 2009 or 18 months after the effective date of the rules, whichever is later."

(2)(b) (*RACT implementation*): FE suggests deleting this subparagraph. It is addressed by paragraph (B), which requires compliance with the RACT emission limits by either May 1, 2010 or May 1, 2011.

(Robert E. Williams II, First Energy)

Response 43:

Ohio EPA recognizes the issues with the specific document submittals and compliance deadlines as detailed in the proposed permit. As such, revisions have been made to this rule to reflect a more feasible schedule.

Specifically, the certification and permit application requirements (paragraph (A)(1)) of this rule have been revised so that notification to Ohio EPA will be within four months from the effective date of this rule. RACT studies, if needed, would be submitted within one year after the effective date of this rule.

In addition, the compliance deadlines have been revised as follows:

For those emission sources requiring combustion modifications to demonstrate compliance with the applicable NOx emission limitations the new compliance date will be two years after the effective date of this rule or if a RACT study is submitted, two years after approval of the RACT study by the Director.

For those emission sources requiring add-on controls to demonstrate compliance with the applicable NOx emission limitations the new compliance date will be three years after the effective date of this rule or if a RACT study is submitted, three years after approval of the RACT study by the Director.

Comment 44:

Regarding the NOx RACT certification or permit application deadline per 3745-110-04 (A)(a) & (b). Considering that the proposed rule is still in a draft stage and will not be effective for some time, the proposed date of January 1, 2008 is unreasonably early. It is expected that in order to determine compliance with the NOx emission limits per million Btu, we would have to do stack testing. It will take time to schedule such testing with a testing contractor and install the necessary sampling ports on the stack. If the stack testing shows emissions to be above the limits, then additional time would be required to determine a compliance program and submit an application for a modification of the permit-to-operate, per paragraph (b). With numerous Mid-size or larger boilers likely requiring such testing, testing contractors may not be able to handle the demand in time for facilities to meet the deadline.

We suggest changing the wording to require certification or permit submittal "no later than twelve months after the effective date of this rule".

Previous commenters asked for this same wording change in 2006, but Ohio EPA instead changed the certification deadline from December 1, 2006 to January 1, 2008. Specifying a 12 month time period from the effective date of the rule for certification, instead of trying to state a specific date, would make things easier for Ohio EPA, the affected facilities, and testing contractors.

(Bob Setele, Lubrizol Corporation)

Response 44:

Paragraph (A) of proposed OAC rule 3745-110-04 is simply a notification requirement for certification and permit application requirements to be submitted to the Director of Ohio EPA. The RACT compliance deadlines are specified in paragraph (B) of this rule. Thus, any stack testing would not have to be performed by January 1, 2008.

Ohio EPA recognizes the issues with the specific document submittals and compliance deadlines as detailed in the proposed permit. As such, revisions have been made to this rule to reflect a more feasible schedule.

Specifically, the certification and permit application requirements in paragraph (A)(1) of this rule have been revised so that notification to Ohio EPA will be within four months from the effective date of this rule. RACT studies, if needed, would be submitted within one year after the effective date of this rule.

In addition, the compliance deadlines have been revised as follows:

For those emission sources requiring combustion modifications to demonstrate compliance with the applicable NOx emission limitations the new compliance date will be two years after the effective date of this rule or if a RACT study is submitted, two years after approval of the RACT study by the Director.

For those emission sources requiring add-on controls to demonstrate compliance with the applicable NOx emission limitations the new compliance date will be three years after the effective date of this rule or if a RACT study is submitted, three years after approval of the RACT study by the Director.

Comment 45:

Compliance Deadlines – Certification and Permit Application Requirements.

Section 3745-110-04(A)(1) states that by not later than January 1, 2008 the owner or operator certify in writing that any source subject to 3745-110-03(A) through (F) is in compliance with all the requirements of 3745-110-03. Section 3745-110-04(A)(1) further goes on to outline elements that appear to be more related to the approach for compliance and permit application submittal. In addition, Section 3745-110-04(B) outlines the actual RACT compliance deadlines. It appears that Section 3745-110-04(A)(1) is intended for the owner or operator to establish the approach for control and permit application submittal, and actual compliance deadlines are covered in Section 3745-110-04(B). Also, due to the timing of the rule, January 1, 2008 is likely an impossible deadline for control installation and is an extremely tight timeframe for companies to determine approach and submit permit applications. As such, Columbia suggests the following language:

(1) By not later than January 1, 2008~~9~~, any owner or operator of a source subject to paragraphs (A) to (F) of rule 3745-110-03 of the Administrative Code and which is not subject to paragraph (A)(2) of this rule shall either:

*(a) Certify in writing to the director that such source ~~is~~**will be** in compliance with all requirements of rule 3745-110-03 of the Administrative Code per the schedule outlined in 3745-110-04(B). Such certification shall include: ...*

(Kelly R. Carmichael, Columbia Gas Transmission)

Response 45:

The Ohio EPA thanks the commenter for their suggested revisions to this portion of the rule. However, the original wording as written in the proposed rule will remain, for the most part, unchanged.

Ohio EPA recognizes the issues with the specific document submittals and compliance deadlines as detailed in the proposed permit. As such, revisions have been made to this rule to reflect a more feasible schedule.

Specifically, the certification and permit application requirements in paragraph (A)(1) of this rule have been revised so that notification to Ohio EPA will be within four months from the effective date of this rule. RACT studies, if needed, would be submitted within one year after the effective date of this rule.

In addition, the compliance deadlines have been revised as follows:

For those emission sources requiring combustion modifications to demonstrate compliance with the applicable NOx emission limitations the new compliance date will be two years after the effective date of this rule or if a RACT study is submitted, two years after approval of the RACT study by the Director.

For those emission sources requiring add-on controls to demonstrate compliance with the applicable NOx emission limitations the new compliance date will be three years after the effective date of this rule or if a RACT study is submitted, three years after approval of the RACT study by the Director.

Comment 46:

Compliance Deadlines – RACT Study.

Section 3745-110-04(A)(2)(a) established that the complete RACT study be submitted by January 1, 2009. Section 3745-110-04(A)(2)(b) requires implementation of the approved RACT not later than May 1, 2009. Ohio EPA and USEPA are both required to approve the RACT study. A four-month window would be impossible to gain approval and implement RACT. Owners or operators are likely going to wait until approval to spend any amount of significant capital dollars to be assured that the approach is acceptable. In addition, the default RACT requirements under Section 3745-110-04(B) are required to be implemented by May 1, 2010 or May 1, 2011. This Section also seems to incorporate the RACT study results, thus creating a conflict in rule language. Columbia suggests the following language changes:

3745-110-04(A)

(2) Any owner or operator of a source subject to paragraph (1) of rule 3745-110-03 of the Administrative Code shall:

- ~~(a) Submit a complete RACT engineering study by not later than January 1, 2009.~~
~~(b) Shall implement the approved RACT not later than May 1, 2009, unless the director approves of an alternative schedule for implementing the RACT.~~

3745-110-04(B)

(B) RACT compliance deadline.

*Any owner or operator of a source that is subject to the requirements of rule 3745-110-03 of the Administrative Code, including any source for which the director approves a definition of RACT pursuant to paragraph (I) of rule 3745-110-03 of the Administrative Code **and has not approved an alternative schedule for implementing the RACT.** shall achieve and demonstrate compliance...*

(Kelly R. Carmichael, Columbia Gas Transmission)

Response 46:

The Ohio EPA has revised paragraphs (A)(2) and (B) of this rule pursuant to the commenters suggestion. The RACT engineering study submittal deadline has been revised to reflect submittal of this document "no later than one year after the effective date of this rule."

Comment 47:

The timeframe outlined in proposed OAC rule 3745-110-4(A)(2) may not allow Ohio EPA sufficient time to adequately review detailed RACT engineering studies for sources subject to paragraph (I) of proposed rule 3745-110-03.

Proposed OAC rule 3745-11-04(A)(2) requires any owner or operator of a source subject to paragraph (I) of rule 3745-11-03 to (a) submit a complete RACT engineering study by not later than January 1, 2009 and (b) implement the approved RACT by not later than May 1, 2009 unless the director approves an alternate schedule for implementing the RACT. This proposed timeline implies that Ohio EPA will be able to provide adequate review of engineering RACT studies and either grant or deny approval within four months in order that affected facilities be able to implement the approved RACT by the deadline. It is the opinion of MCCo that this may not be a reasonable amount of time to allow for Agency review and approval of the expected number of complex RACT engineering study submissions. (Todd Gadawski, The Medical Center Company)

Response 47:

Ohio EPA recognizes the issues with the specific document submittals and compliance deadlines as detailed in the proposed permit. As such, revisions have been made to this rule to reflect a more feasible schedule.

Specifically, the certification and permit application requirements in paragraph (A)(1) of this rule have been revised so that notification to Ohio EPA will be within four months from the effective date of this rule. RACT studies, if needed, would be submitted within one year after the effective date of this rule.

In addition, the compliance deadlines have been revised as follows:

For those emission sources requiring combustion modifications to demonstrate compliance with the applicable NO_x emission limitations the new compliance date will be two years after the effective date of this rule or if a RACT study is submitted, two years after approval of the RACT study by the Director.

For those emission sources requiring add-on controls to demonstrate compliance with the applicable NO_x emission limitations the new compliance date will be three years after the effective date of this rule or if a RACT study is submitted, three years after approval of the RACT study by the Director.

Comment 48:

The NEORSRD also recommends that the total replacement of an existing air emission unit to comply with the proposed NO_x RACT rule receive additional time to demonstrate compliance. The proposed rule establishes a two-tiered compliance deadline, providing that sources have until "May 1, 2010 if combustion modifications are required to demonstrate compliance" and until "May 1, 2011, if add-on controls are required to demonstrate compliance ..."
3745-110-04(B). This distinction is apparently intended to permit the additional time necessary to engineer, fabricate, install and test add-on controls. However, the rule fails to consider the possibility that total replacement may be necessary or economically desirable. The installation of an entirely new unit will require far more time and effort than combustion modifications or add-on controls.

Accordingly, additional time should be afforded, on a case-by-case basis, for the installation of more efficient replacement units to satisfy NO_x RACT.

(Erwin J. Odeal, Northeast Ohio Regional Sewer District)

Response 48:

The compliance deadlines in this rule target existing emissions units. Should a total replacement be necessary (i.e., a new emissions unit) then compliance deadlines and emissions testing will be specified in the facility's permit to install (PTI) and permit to operate (PTO).

If you are considering operating an emissions unit after the proposed RACT study deadline and/or compliance deadlines, then notification of any such proposed closure (of an existing emissions unit) should be made to the appropriate Ohio EPA field office to evaluate the particular case in hand.

Compliance with the NOx RACT rules for such instances would be, in part, a function of the operational time of the source after any compliance deadline(s) and would be evaluated on a case-by-case basis.

Rule 3745-110-05, "Compliance Methods"

Comment 49:

Safety Concerns Support a Different Performance Testing Standard.

While we appreciate Ohio EPA's confirmation that sources may perform compliance demonstrations under circumstances that are "representative of the normal operating modes" in 3745-110-05(C), one further compliance demonstration clarification is necessary. Section 3745-110-05(D) provides that boiler emissions testing "shall be performed while the affected boiler is operating at or as close as possible to one hundred percent load." This standard must be flexible enough for sources to account for the safety concerns that often accompany running sources – and particularly older ones – at their upper limits. Such exceptional operations can create dangerous operating and testing conditions and further pose a risk of damaging equipment. OSG believes that a safer, more appropriate approach is to require emissions testing at the "highest typical operating load" for each boiler at issue as that will ensure safe, representative testing.

(Douglas A. McWilliams, Squire Sanders & Dempsey L.L.P. on behalf of The Ohio Steel Group)

Response 49:

The language in OAC rule 3745-110-05(D) has been revised to read "... while the affected boiler is operating at or as close as possible to its maximum permitted operating capacity."

Comment 50:

The proposed NOx RACT part 3745-110-05 (D) requires that the boiler be tested while operating at or as close as possible to one hundred percent load. Our steam boiler operators say they can only operate close to 100% load on cold winter days. This greatly restricts when the boiler can be tested. Also, since we can not predict in advance what the ambient temperature will be on any given day months in the future, this makes scheduling such testing impractical. In addition we have safety concerns regarding people being on the stack to perform

testing during icy winter conditions. Our testing contractor also tells us that his people can not work outdoors if the temperature is in the single digits or below.

We suggest changing the wording to allow compliance testing while the affected boiler is operating at "its normal operating rate, but not less than 50% of its rated capacity". **(Bob Setele, Lubrizol Corporation)**

Response 50:

The Ohio EPA recognizes that ambient conditions affect boiler load. Therefore, language in OAC rule 3745-110-05(D) will be revised to read "... while the affected boiler is operating at or as close as possible to its maximum permitted operating capacity."

Comment 51:

Averaging time for NOx emission limits.

The current proposal requires sources subject to the NOx RACT limits to evaluate compliance on a 24-hour basis during the ozone season, and on a rolling 30-day average from October 1 to April 30. We believe that having two different standards applicable at different times of the year would result in undue confusion. Indeed, how would compliance with a 30-day rolling average be determined during October? Would the first day of October be averaged with the preceding 29 days in September, even though September is not part of the 30-day averaging period? Or would the first day of October be averaged with 29 zero's? Our recommendation is that a single standard apply year round. That standard should allow facilities to determine compliance with the NOx RACT limits in a manner that is consistent with the way the source is operated. For some sources, determining compliance on a 30-day rolling average makes the most sense. For others, such as sources where monthly records of fuel use are the basis for the emission calculation, a calendar monthly average may be preferable. In any event, the final rule should allow flexibility in identifying the compliance method that makes the most sense.

(Kathy Milenkovski; on behalf of the Ohio Chamber of commerce, the Ohio Chemistry Technology Council, and the Ohio Manufacturer's Association)

Response 51:

Due to potential severity of pollution formation during the ozone season a daily (24-hour hour basis) NOx emissions compliance demonstration is needed to ensure on-going compliance. The 30-day rolling average is acceptable for periods of time outside the ozone season (October 1 to April 30).

Starting October 1, compliance shall be determined based upon a 30-day rolling average. This would be calculated by averaging with the preceding 29 days (i.e. in this case the preceding 29 days in September).

Comment 52:

(D), (E), and (F): (*Compliance demonstrations*): These paragraphs require the compliance demonstrations to be conducted while “operating at or close as possible to one hundred percent load” and in the case of combustion turbines and internal combustion engines also at “one hundred percent speed.” FE believes this language can be confusing, particularly when trying to track two parameters. FE believes the language should be simplified by eliminating the confusing language mentioned above and replacing it with language long used in previous permits, “The test(s) shall be conducted with the emissions unit at or near maximum capacity.”

(Robert E. Williams II, First Energy)

Response 52:

The language in OAC rule 3745-110-05(D), (E), and (F) will be revised to read “... while the affected boiler (combustion turbine or internal combustion engine, as applicable) is operating at or as close as possible to its maximum permitted operating capacity.”

Comment 53:

We ask that you add flexibility to OAC rule 3745-110-05, the compliance methods portion of the rule. With regard to affected stationary combustion turbines, we ask that you change the language to recognize our industry’s dependence on pipeline pressures to achieve 100% load. Specifically we ask that you change the language for OAC rule 3745-110-05(E) to read as follows: “For paragraph (E) of rule 3745-110-03 of the Administrative Code, compliance demonstrations shall be performed while the affected stationary combustion turbine is operating at 75 percent or greater load depending on pipeline conditions.” (Pamela F. Faggert, Dominion Resources Services, Inc.)

Response 53:

The language in OAC rule 3745-110-05(E) has been revised to read “... while the affected stationary combustion turbine is operating at or as close as possible to its maximum permitted operating capacity.”

Comment 54:

With regard to affected stationary ICE, we ask that you change the language to address available pipeline pressures. Engine and turbine loading is limited to the available pipeline pressure; therefore, Dominion can only load and test the engine based on the pipeline’s pressure. Specifically we ask that you change the language for OAC rule 3745-110-05(F) to read: “For paragraph (F) of rule 3745-110-03 of the Administrative Code, compliance demonstrations shall be performed while the affected internal combustion engine is operating at maximum available operating conditions.” (Pamela F. Faggert, Dominion Resources Services, Inc.)

Response 54:

The Ohio EPA recognizes that pipeline pressures affect internal combustion engine load. Therefore, language in this rule will be revised to read "... while the affected internal combustion engine is operating at or as close as possible to its maximum permitted operating capacity."

Comment 55:

Proposed OAC rule 3734-110-05 does not indicate the frequency of ongoing compliance demonstrations.

The owner or operator of a source that is subject to the requirements of rule 3745-110-03 may choose to demonstrate initial compliance with the applicable emissions limit as stated in paragraph (G) of the rule via either stack testing or installation and operation of a NOx continuous emissions monitoring system. For those sources that choose to demonstrate compliance through a stack test, rule 3745-110-05 does not indicate the frequency of future tests. MCCo proposes that ongoing compliance demonstrations be required at five-year intervals.
(Todd Gadawski, The Medical Center Company)

Response 55:

The rule will not contain a specific time interval for future stack tests. The frequency of future stack testing requirements will be specified in the facility's operating permit.

End of Response to Comments

OhioEPA
Division of Air Pollution Control

**Response to Comments
Proposed Rule Language Comment Period**

**Rule: OAC rules 3745-110-01, 110-02, 110-03, 110-04, and 110-05; NOx
RACT**

Agency Contact for this Package

Division Contact: Alan Harness, DAPC, 644-4838, alan.hararness@epa.state.oh.us

Ohio EPA provided a 30 day comment period which ended on June 8, 2007 and held a public hearing on June 8, 2007. This document summarizes the comments and questions received at the public hearing and/or during the associated comment period.

Ohio EPA reviewed and considered all comments received during the public comment period. By law, Ohio EPA has authority to consider specific issues related to protection of the environment and public health.

In an effort to help you review this document, the questions are grouped by topic and organized in a consistent format. The name of the commenter follows the comment in parentheses.

Comment

Rule 3745-110-02, Applicability

Comment 1:

Ohio EPA received a verbal comment asking the agency how the term "modified source" would be defined in OAC rule 3745-110-02.

(Mr. Robert Brubaker, verbal comment)

Response 1:

Upon further review Ohio EPA agrees there may be some confusion with this term and as such has revised this rule. Specifically, paragraph (A)(2) of this rule was revised to now read "New or modified sources, as defined in rule 3745-31-01 of the Administrative Code."

End of Response to Comments

