



November 4, 2024

Ms. Debra Shore
Regional Administrator
U.S. EPA Region V
77 W. Jackson Blvd.
Chicago, IL 60604

Re: Request for Approval of Amendments to Rules in Ohio Administrative Code (OAC) Chapter 3745-14 into Ohio's State Implementation Plan (SIP)

Dear Ms. Shore:

On August 15, 2024, Ohio EPA adopted amended rules in OAC Chapter 3745-14, "NOx Budget Program", that established the Nitrogen Oxide (NOx) Budget Program in response to U.S. EPA's 1998 NOx SIP call. The changes were made after a review to fulfill the requirements in Ohio Revised Code (ORC) 106.03 and 106.031, Ohio's 5-year review requirements.

The rules in this chapter are a part of Ohio's approved SIP And Ohio is submitting the amended rules as a modification to the existing SIP. Only rules 3745-14-01 and 3745-14-08 were amended; rules 3745-14-03, 3745-14-04, 3745-14-11, and 3745-14-12 had no changes made to them. The amendments to rules 3745-14-01 and 3745-14-08 are as follows:

1. Minor Style and Typo Changes:

Ohio EPA made various minor changes to correct typos and update the rule language in the amended rules to meet legislative service commission (LSC) style and formatting guidelines. These changes are being made throughout the amended rules, are minor in nature, and do not affect the scope or intent of the rules.

2. Publications and Referenced Materials:

Ohio EPA made various minor changes to update publication and referenced material titles, effective dates, addresses and web sites. These changes were made throughout the amended rules, are minor in nature, and do not affect the scope or intent of the rules.

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

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 rules 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 rules, 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 program, including indication of the changes made to the existing approved program, where applicable. The submittal shall be a copy of the official State regulation /document 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 shall, whenever possible, be indicated in the document itself.”

Certified copies of the rules, in redline and strikeout are being submitted for approval and incorporation by reference into the program. The copy is included as evidence that the State has adopted the body of regulations in final form. This submittal includes copies 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 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:

Copies of the public notice of adoption and Director’s Findings & Orders have 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.

Requirements of 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.”

Ohio’s legislature has given Ohio EPA authority under paragraphs (A) and (E) of Section 3704.03 of the Ohio Revised Code (ORC) to enact these rules. Copies of these sections of the ORC can be provided upon request.

Article Three 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 the procedural requirements of the State's laws and constitution in conducting and completing the adoption/issuance of the plan.

Article Four addresses the following requirement:

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 hearing summary from the public hearing including the public hearing speech, a copy of the attendance log, and the response to comments (if one was necessary) submitted during the hearing and associated public comment period has been provided as certification that a public hearing was held in accordance with the information provided in the public notice and the State's laws and constitution.

Article Five addresses the following requirement:

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

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

Ohio EPA did not receive public comments on either the draft or the proposed rule amendments during this rulemaking.

Application to Section 110(l) of the Clean Air Act:

This SIP does not include the relaxation of any existing requirements. Therefore, these changes will not interfere with the attainment or maintenance of the NAAQS in accordance with section 110(l) of the CAA.

Ohio EPA requests that the amended rules be adopted in their entirety, replacing any existing versions of the rules in Ohio's approved SIP, as noted above.

Ohio EPA is submitting this request via U.S. EPA's State Planning Electronic Collaboration System (SPeCS).

We would appreciate if U.S. EPA would expedite the review of this material. Please contact Bob Hodanbosi if you have any questions about this submittal.

Sincerely,

A handwritten signature in cursive script that reads "Anne M. Vogel".

Anne M. Vogel

Director, Ohio Environmental Protection Agency

cc: Bob Hodanbosi, Chief Division of Air Pollution Control

Attachments

Article I

Certified Copy of Rules

3745-14-01

Definitions and general provisions.

[Comment: For dates and availability of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see paragraph (F) of this rule titled "referenced materials."]

(A) This chapter establishes the provisions and requirements to implement a NOx budget, portland cement kilns, and a stationary (large) internal combustion engines program in the state of Ohio as a means of control and reduction of NOx emissions.

(B) Definitions.

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

(2) As used in this rule and in rules 3745-14-03, 3745-14-04 and 3745-14-08 of the Administrative Code (pertaining to NOx budget program and other sources identified in paragraph (A) of this rule):

(a) "Acid Rain emissions limitation" means, as defined in 40 CFR 72.2, a limitation on emissions of sulfur dioxide or NOx under the acid rain program under Title IV of the Clean Air Act.

(b) "Administrator" means the administrator of the United States environmental protection agency or the administrator's duly authorized representative.

(c) "AP-42" means the USEPA document "Compilation of Air Pollutant Emissions Factors, Volume I: Stationary Point and Area Sources."

(d) "ASTM" means the "American Society for Testing and Materials," 100 Barr Harbor Drive, West Conshohocken, Pennsylvania.

(e) "Automated data acquisition and handling system" or "DAHS" means that component of the CEMS, or other emissions monitoring system approved for use under paragraphs (A) to (G) of rule 3745-14-08 of the Administrative Code, designed to interpret and convert individual output signals from pollutant concentration monitors, flow monitors, diluent gas monitors, and other component parts of the monitoring system to produce a continuous record of the measured parameters in the measurement units required by paragraphs (A) to (G) of rule 3745-14-08 of the Administrative Code.

(f) "Boiler" means an enclosed fossil or other fuel-fired combustion device used to produce heat and to transfer heat to recirculating water, steam,

or other medium, excluding CO boilers associated with combusting CO from fluidized catalytic crackers at petroleum refineries.

- (g) "Btu" means British thermal unit.
- (h) "CAA" means the Clean Air Act as contained in 42 USC 7401 to 7671q.
- (i) "CO" means carbon monoxide.
- (j) "Combined cycle system" means a system comprised of one or more combustion turbines, heat recovery steam generators, and steam turbines configured to improve overall efficiency of electricity generation or steam production.
- (k) "Combustion turbine" means an enclosed fossil or other fuel-fired device that is comprised of a compressor, a combustor, and a turbine, and in which the flue gas resulting from the combustion of fuel in the combustor passes through the turbine, rotating the turbine.
- (l) "Commence commercial operation" means, with regard to a unit that serves a generator, to have begun to produce steam, gas, or other heated medium used to generate electricity for sale or use, including test generation. Except as provided in paragraph (C)(2) of this rule, for a unit that is a NOx budget unit under paragraph (C)(1) of this rule on the date the unit commences commercial operation, such date shall remain the unit's date of commencement of commercial operation even if the unit is subsequently modified, reconstructed, or repowered. Except as provided in paragraph (C)(2) of this rule, for a unit that is not a NOx budget unit under paragraph (C)(1) of this rule on the date the unit commences commercial operation, the date the unit becomes a NOx budget unit under paragraph (C)(1) of this rule shall be the unit's date of commencement of commercial operation.
- (m) "Commence operation" means to have begun any mechanical, chemical, or electronic process, including, with regard to a unit, start-up of a unit's combustion chamber. Except as provided in paragraph (C)(2) of this rule, for a unit that is a NOx budget unit under paragraph (C)(1) of this rule on the date of commencement of operation, such date shall remain the unit's date of commencement of operation even if the unit is subsequently modified, reconstructed, or repowered. Except as provided in paragraph (C)(2) of this rule, for a unit that is not a NOx budget unit under paragraph (C)(1) of this rule on the date of commencement of operation, the date

the unit becomes a NOx budget unit under paragraph (C)(1) of this rule shall be the unit's date of commencement of operation.

- (n) "Common stack" means a single flue through which emissions from two or more units are exhausted.
- (o) "Continuous emission monitoring system" or "CEMS" means the equipment required under paragraphs (A) to (G) of rule 3745-14-08 of the Administrative Code to sample, analyze, measure, and provide, by readings taken at least once every fifteen minutes (using an automated DAHS, a permanent record of NOx emissions, stack gas volumetric flow rate or stack gas moisture content (as applicable), in a manner consistent with paragraphs (A) to (G) of rule 3745-14-08 of the Administrative Code. The following are the principal types of continuous emission monitoring systems required under paragraphs (A) to (G) of rule 3745-14-08 of the Administrative Code and 40 CFR Part 75:
 - (i) A flow monitoring system, consisting of a stack flow rate monitor and an automated DAHS. A flow monitoring system provides a permanent, continuous record of stack gas volumetric flow rate, in units of standard cubic feet per hour (scfh).
 - (ii) A NOx concentration monitoring system, consisting of a NOx pollutant concentration monitor and an automated DAHS. A NOx concentration monitoring system provides a permanent, continuous record of NOx emissions in units of parts per million (ppm).
 - (iii) A NOx emission rate (or NOx-diluent) monitoring system, consisting of a NOx pollutant concentration monitor, a diluent gas (carbon dioxide or oxygen) monitor, and an automated DAHS. A NOx concentration monitoring system provides a permanent, continuous record of: NOx concentration in units of parts per million, diluent gas concentration in units of percent carbon dioxide or oxygen, and NOx emission rate in units of pounds per mmBtu.
 - (iv) A moisture monitoring system, as defined in 40 CFR 75.11(b)(2). A moisture monitoring system provides a permanent, continuous record of the stack gas moisture content, in units of per cent water.
- (p) "Control period" means the period beginning May first of a year and ending on September thirtieth of the same year, inclusive.
- (q) "DAHS" means data acquisition and handling system.

- (r) "Designated representative" means, for a NOx budget source or NOx budget unit at the source, the natural person who is authorized by the owner and operator of the source and all NOx budget units at the source to represent and legally bind each owner and operator in matters pertaining to the NOx budget program. For Title V sources, the designated representative ~~shall be~~ is the responsible official under paragraph (II) of rule 3745-77-01 of the Administrative Code. For non-Title V sources, the designated representative ~~shall be~~ is the signatory authority under paragraph (B) of rule 3745-31-04 of the Administrative Code.
- (s) "Director" means the director of the Ohio environmental protection agency.
- (t) "Electricity for sale under firm contract to the grid" means electricity for sale where the capacity involved is intended to be available at all times during the period covered by a guaranteed commitment to deliver, even under adverse conditions.
- (u) "Emissions" means air pollutants exhausted from a unit or source into the atmosphere, as measured, recorded, and reported to the administrator by the designated representative and as determined by the administrator in accordance with paragraphs (A) to (G) of rule 3745-14-08 of the Administrative Code, or as measured, recorded and reported to the director by the designated representative in accordance with paragraph (H) of rule 3745-14-08 of the Administrative Code.
- (v) "Energy information administration" means the energy information administration of the United States department of energy.
- (w) "Fossil fuel" means natural gas, petroleum, coal, or any form of solid, liquid, or gaseous fuel derived from such material.
- (x) "Fossil fuel-fired" means one of the following, with regard to a unit:
- (i) For units that commenced operation before January 1, 1996, the combustion of fossil fuel, alone or in combination with any other fuel, where fossil fuel actually combusted comprises more than fifty per cent of the annual heat input, on a Btu basis, during 1995, or, if a unit had no heat input in 1995, during the last year of operation of the unit prior to 1995.
 - (ii) For units that commenced operation on or after January 1, 1996 and before January 1, 1997, the combustion of fossil fuel, alone or in combination with any other fuel, where fossil fuel actually

combusted comprises more than fifty per cent of the annual heat input, on a Btu basis, during 1996.

(iii) For units that commence operation on or after January 1, 1997, one of the following:

(a) The combustion of fossil fuel, alone or in combination with any other fuel, where fossil fuel actually combusted comprises more than fifty per cent of the annual heat input, on a Btu basis, during any year.

(b) The combustion of fossil fuel, alone or in combination with any other fuel, where fossil fuel is projected to comprise more than fifty per cent of the annual heat input, on a Btu basis, during any year, provided that the unit ~~shall be~~ is "fossil fuel-fired" as of the date, during such year, on which the unit begins combusting fossil fuel.

(y) "Generator" means a device that produces electricity.

(z) "Heat input" means the product (in mmBtu per time) of the gross calorific value of the fuel (in mmBtu per pound) and the fuel feed rate into a combustion device (in pounds of fuel per time), as measured, recorded, and reported to the director by the designated representative and as determined by the director in accordance with rule 3745-14-08 of the Administrative Code, and does not include the heat derived from preheated combustion air, recirculated flue gases, or exhaust from other sources.

(aa) "Heat input rate" means the amount of heat input (in mmBtu) divided by unit operating time (in hours) or, with regard to a specific fuel, the amount of heat input attributed to the fuel (in mmBtu) divided by the unit operating time (in hours) during which the unit combusts the fuel.

(bb) "Life-of-the-unit, firm power contractual arrangement" means a unit participation power sales agreement under which a utility or industrial customer reserves, or is entitled to receive, a specified amount or percentage of nameplate capacity and associated energy from any specified unit and pays its proportional amount of such unit's total costs, pursuant to a contract that meets one of the following:

(i) For the life of the unit.

- (ii) For a cumulative term of no less than thirty years, including contracts that permit an election for early termination.
 - (iii) For a period equal to or greater than twenty-five years or seventy per cent of the economic useful life of the unit determined as of the time the unit is built, with option rights to purchase or release some portion of the nameplate capacity and associated energy generated by the unit at the end of the period.
- (cc) "Maximum design heat input" means the ability of a unit to combust a stated maximum amount of fuel per hour on a steady state basis, as determined by the physical design and physical characteristics of the unit.
- (dd) "Maximum potential hourly heat input" means an hourly heat input used for reporting purposes when a unit lacks certified monitors to report heat input. If the unit intends to use Appendix D of 40 CFR Part 75 to report heat input, this value shall be calculated, in accordance with 40 CFR Part 75, using the maximum fuel flow rate and the maximum gross calorific value. If the unit intends to use a flow monitor and a diluent gas monitor, this value shall be reported, in accordance with 40 CFR Part 75, using the maximum potential flow rate and either the maximum carbon dioxide concentration (in per cent carbon dioxide) or the minimum oxygen concentration (in per cent oxygen).
- (ee) "Maximum potential NO_x emission rate" means the emission rate of NO_x (in pounds per mmBtu) calculated in accordance with Section 3 of Appendix F of 40 CFR Part 75, using the maximum potential concentration of NO_x as defined in Section 2 of Appendix A of 40 CFR Part 75, and either the maximum oxygen concentration (in per cent oxygen) or the minimum carbon dioxide concentration (in per cent carbon dioxide), under all operating conditions of the unit except for unit start up, shutdown, and upsets.
- (ff) "Maximum rated hourly heat input" means a unit-specific maximum hourly heat input (mmBtu) which is the higher of the manufacturer's maximum rated hourly heat input or the highest observed hourly heat input.
- (gg) "mmBtu" means million. British thermal unit.
- (hh) "MWe" means megawatt electrical.
- (ii) "Monitoring system" means any monitoring system that meets the requirements of rule 3745-14-08 of the Administrative Code, including

a continuous emissions monitoring system, an excepted monitoring system, or an alternative monitoring system.

- (jj) "Nameplate capacity" means the maximum electrical generating output (in MWe) that a generator can sustain over a specified period of time when not restricted by seasonal or other deratings as measured in accordance with the United States department of energy standards.
- (kk) "Non-Title V permit" means a federally enforceable permit administered by the director pursuant to the Clean Air Act and regulatory authority under the Clean Air Act, other than Title V of the Clean Air Act and Chapter 3745-77 of the Administrative Code.
- (ll) "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.
- (mm) "NOx budget source" means a source that includes one or more NOx budget units.
- (nn) "NOx budget program" means a NOx air pollution control program approved by the administrator pursuant to 40 CFR 51.121 or established by the administrator pursuant to 40 CFR 52.34, as a means of mitigating the interstate transport of ozone and NOx.
- (oo) "NOx budget unit" means a unit that is subject to the requirements of the NOx budget program.
- (pp) "Operator" means any person who operates, controls, or supervises a NOx budget unit or a NOx budget source and ~~shall~~ includes, but is not ~~be~~ limited to, any holding company, utility system, or plant manager of such a unit or source.
- (qq) "Owner" means any of the following persons:
 - (i) Any holder of any portion of the legal or equitable title in a NOx budget unit.
 - (ii) Any holder of a leasehold interest in a NOx budget unit.
 - (iii) Any purchaser of power from a NOx budget unit under a life-of-the-unit, firm power contractual arrangement (however, unless expressly provided for in a leasehold agreement, owner shall not include a passive lessor, or a person who has an equitable interest

through such lessor, whose rental payments are not based, either directly or indirectly, upon the revenues or income from the NOx budget unit.

- (rr) "Potential electrical output capacity" means thirty-three per cent of a unit's maximum design heat input.
- (ss) "Receive" or "receipt of" means, when referring to the director or the administrator, to come into possession of a document, information, or correspondence (whether sent in writing or by authorized electronic transmission), as indicated in an official correspondence log, or by a notation made on the document, information, or correspondence, by the director or the administrator in the regular course of business.
- (tt) "Reference method" means any direct test method of sampling and analyzing for an air pollutant as specified in Appendix A of 40 CFR Part 60.
- (uu) "Source" means any governmental, institutional, commercial, or industrial structure, installation, plant, building, or facility that emits or has the potential to emit any regulated air pollutant under the Clean Air Act. For purposes of Section 502(c) of the Clean Air Act, a source, including a source with multiple units, shall be considered a single facility.
- (vv) "State" means one of the forty-eight contiguous states or a portion thereof or the District of Columbia that is subject to a NOx budget program under Section 110(c) or Section 126 of the Clean Air Act.
- (ww) "State program budget" means the total number of NOx tons available to the NOx budget program, for use in a given control period.
- (xx) "Submit" or "serve" means to send or transmit a document, information, or correspondence to the person specified in accordance with the applicable regulation by any of the following:
 - (i) In person.
 - (ii) By United States postal service.
 - (iii) By other means of dispatch or transmission and delivery.

Compliance with any submission, service, or mailing deadline ~~shall~~ be is determined by the date of dispatch, transmission, or mailing and not the date of receipt.

- (yy) "Title V operating permit" means a permit issued under Chapter 3745-77 of the Administrative Code.
 - (zz) "Title V operating permit regulations" means Chapters 3745-77 and 3745-78 of the Administrative Code.
 - (aaa) "Ton" or "tonnage" means any "short ton" (i.e., two thousand pounds). For the purpose of determining compliance with the NO_x budget program, total tons for a control period shall be calculated as the sum of all recorded hourly emissions (or the tonnage equivalent of the recorded hourly emissions rates) in accordance with paragraphs (A) to (G) of rule 3745-14-08 of the Administrative Code, or the sum of all daily emissions in accordance with paragraph (H) of rule 3745-14-08 of the Administrative Code, with any remaining fraction of a ton equal to or greater than 0.50 ton deemed to equal one ton and any fraction of a ton less than 0.50 ton deemed to equal zero tons.
 - (bbb) "Unit" means a fossil fuel-fired stationary boiler, combustion turbine, or combined cycle system.
 - (ccc) "Unit operating day" means a calendar day in which a unit combusts any fuel.
 - (ddd) "Unit operating hour" or "hour of unit operation" means any hour (or fraction of an hour) during which a unit combusts any fuel.
- (3) As used in rule 3745-14-11 of the Administrative Code (pertaining to NO_x budget program requirements for portland cement manufacturing):
- (a) "Clinker" means the product of a portland cement kiln from which finished cement is manufactured by milling and grinding.
 - (b) "Long dry kiln" means a kiln fourteen feet or larger in diameter, four hundred feet or greater in length, which employs no preheating of the feed. The inlet feed to the kiln is dry.
 - (c) "Long wet kiln" means a kiln fourteen feet or larger in diameter, four hundred feet or greater in length, which employs no preheating of the feed. The inlet feed to the kiln is a slurry.
 - (d) "Low-NO_x burners" means combustion equipment designed to reduce flame turbulence, delay fuel/air mixing, and establish fuel-rich zones for initial combustion.

- (e) "Malfunction" means any sudden, infrequent, and not reasonably preventable failure of air pollution control equipment, process equipment, or a process to operate in a normal or usual manner. Failures that are caused in part by poor maintenance or careless operation are not malfunctions.
 - (f) "Mid-kiln system firing" means the secondary firing in kilns by injecting solid fuel at an intermediate point in the kiln system using a specially designed feed injection mechanism for the purpose of decreasing NO_x emissions through both of the following:
 - (i) Burning part of the fuel at a lower temperature.
 - (ii) Reducing conditions at the solid fuel injection point that may destroy some of the NO_x formed upstream in the kiln burning zone.
 - (g) "Portland cement" means a hydraulic cement produced by pulverizing clinker consisting essentially of hydraulic calcium silicates, usually containing one or more of the forms of calcium sulfate as an interground addition.
 - (h) "Portland cement kiln" means a system, including any solid, gaseous or liquid fuel combustion equipment, used to heat, calcine and fuse raw materials, including limestone and clay, to produce portland cement clinker.
 - (i) "Precalciner kiln" means a kiln system where the feed to the kiln is preheated in cyclone chambers which utilize a second burner to calcine material in a separate vessel attached to the preheater prior to the final fusion in a kiln which forms clinker.
 - (j) "Preheater kiln" means a kiln system where the feed to the kiln is preheated in cyclone chambers prior to the final fusion in a kiln which forms clinker.
 - (k) "Shutdown" means the cessation of operation of a portland cement kiln for any purpose.
 - (l) "Startup" means the setting in operation of a portland cement kiln for any purpose.
- (4) As used in rule 3745-14-12 of the Administrative Code (pertaining to NO_x budget program requirements for stationary internal combustion engines):

- (a) “Affected engine” means any stationary internal combustion engine that is a large NOx SIP call engine, or other stationary internal combustion engine that is subject to NOx control under a compliance plan established pursuant to paragraph (B) of rule 3745-14-12 of the Administrative Code.
- (b) “Engine seasonal NOx 2007 tonnage reduction” means the year 2007 control period NOx emissions reductions value for a large NOx SIP call engine which is calculated as the difference between the 2007 base NOx emissions and the 2007 budget NOx emissions contained in the NOx SIP call engine inventory. The total engine seasonal NOx 2007 tonnage reduction for all large NOx SIP call engines in Ohio is 2730 tons.
- (c) “Facility seasonal NOx 2007 tonnage reduction” means the total of the engine seasonal NOx 2007 tonnage reductions attributable to all of an owner/operator’s large NOx SIP call engines.
- (d) “Large NOx SIP call engine” means a stationary internal combustion engine identified and designated as “large” in the NOx SIP call engine inventory (as defined in paragraph (B)(4)(e) of this rule) as emitting more than one ton of NOx emissions per average control period day in 1995.
- (e) “NOx SIP call engine inventory” means the inventory of internal combustion engines compiled by the United States environmental protection agency as part of the NOx SIP call rule, including the Federal Register notice entitled “Technical Amendment to the Finding of Significant Contribution and Rulemaking for Certain States for Purposes of Reducing Regional Transport of Ozone,” and the adjustment of the 2007 budget NOx control efficiency to eighty-two per cent for large gas-fired engines discussed in the Federal Register notice entitled “Interstate Ozone Transport: Response to Court Decisions on the NOX SIP Call, NOX SIP Call Technical Amendments, and Section 126 Rules.”
- (f) “Past NOx emission rate” means the emission rate of an affected engine in grams per brake horsepower-hour as determined by performance testing consistent with the requirements of 40 CFR Part 60, Appendix A. Where such performance test data are not available, the appropriate past NOx emission rate shall be evaluated and approved or denied by the director on a case-by-case basis using, for example, appropriate emission factors or data from the NOx SIP call engine inventory. For large NOx SIP call engines, the past NOx emission rate is the uncontrolled emission rate.
- (g) “Projected operating hours” means the projected actual number of hours of operation per control period for an affected engine.

- (h) “Projected NOx emission rate” means the projected emission rate in grams per brake horsepower-hour after installation of controls on an affected engine.
- (i) “Stationary internal combustion engine” means any internal combustion engine of the reciprocating type that is either attached to a foundation at a facility or is designed to be capable of being carried or moved from one location to another and remains at a single site at a building, structure, facility, or installation for more than twelve consecutive months. Any engine (or engines) that replaces an engine at a site that is intended to perform the same or similar function as the engine replaced is included in calculating the consecutive time period.

(C) Applicability.

- (1) All of the following units ~~shall~~ are considered to be NOx budget units, and any source that includes one or more such units ~~shall~~ is considered to be a NOx budget source, subject to the requirements of this chapter:

- (a) For EGUs:

- (i) For units, other than cogeneration units, that commenced operation before January 1, 1997, a unit serving during 1995 or 1996 a generator that had a nameplate capacity greater than twenty-five MWe and produced electricity for sale under a firm contract to the electric grid.
- (ii) For units, other than cogeneration units, that commenced operation on or after January 1, 1997 and before January 1, 1999, a unit serving during 1997 or 1998 a generator that had a nameplate capacity greater than twenty-five MWe and produced electricity for sale under a firm contract to the electric grid.
- (iii) For units, other than cogeneration units, that commence operation on or after January 1, 1999, a unit serving at any time a generator that has a nameplate capacity greater than twenty-five MWe and produces electricity for sale.
- (iv) For cogeneration units:
 - (a) For units commencing operation before January 1, 1997, a unit serving during 1995 or 1996 a generator with a nameplate capacity greater than twenty-five MWe and failing to qualify

as an unaffected unit under 40 CFR 72.6(b)(4) for 1995 or 1996 under the "Acid Rain Program."

(b) For units commencing operation in 1997 or 1998, a unit serving during 1997 or 1998 a generator with a nameplate capacity ~~grater~~ greater than twenty-five MWe and failing to qualify as an unaffected unit under 40 CFR 72.6(b)(4) for 1997 or 1998 under the "Acid Rain Program."

(c) For units commencing operation on or after January 1, 1999, a unit serving at any time a generator with a nameplate capacity greater than twenty-five MWe and failing to qualify as an unaffected unit under 40 CFR 72.6(b)(4) under the "Acid Rain Program" for any year.

(b) For non-EGUs:

(i) For units, other than cogeneration units, that commenced operation before January 1, 1997, a unit that has a maximum design heat input greater than two hundred fifty mmBtu per hour and that did not serve during 1995 or 1996 a generator producing electricity for sale under a firm contract to the electric grid.

(ii) For units, other than cogeneration units, that commenced operation on or after January 1, 1997 and before January 1, 1999, a unit that has a maximum design heat input greater than two hundred fifty mmBtu per hour and that did not serve during 1997 or 1998 a generator producing electricity for sale under a firm contract to the electric grid.

(iii) For units, other than cogeneration units, that commence operation on or after January 1, 1999, a unit with a maximum design heat input greater than two hundred fifty mmBtu per hour that:

(a) At no time serves a generator producing electricity for sale.

(b) At any time serves a generator producing electricity for sale, if any such generator has a nameplate capacity of twenty-five MWe or less and has the potential to use no more than fifty per cent of the potential electrical output capacity of the unit.

(iv) For cogeneration units:

- (a) For units commencing operation before January 1, 1997, a unit with a maximum design heat input greater than two hundred fifty mmBtu per hour and qualifying as an unaffected unit under 40 CFR 72.6(b)(4) under the "Acid Rain Program" for 1995 and 1996.
- (b) For units commencing operation in 1997 or 1998, a unit with a maximum design heat input greater than two hundred fifty mmBtu per hour and qualifying as an unaffected unit under 40 CFR 72.6(b)(4) under the "Acid Rain Program" for 1997 and 1998.
- (c) For units commencing on or after January 1, 1999, a unit with a maximum design heat input greater than two hundred fifty mmBtu per hour and qualifying as an unaffected unit under 40 CFR 72.6(b)(4) under the "Acid Rain Program" for each year.

(2) The following units ~~shall be~~ are exempt from the requirements of the NOx budget program:

- (a) Any unit under paragraph (C)(1) of this rule that is subject to the federal Cross-State Air Pollution Rule (CSAPR) program under 40 CFR 52.38 or a replacement established to address transport under Section 110(c) or Section 126 of the CAA.

[Comment: The above exemption applies to units under paragraph (C)(1) of this rule, for any ozone season to which 40 CFR 52.38 applies. Ohio EPA is inserting this language because the United States environmental protection agency will not administer the NOx SIP Call trading program after 2008 (see 40 CFR 51.121(r) or the Clean Air Interstate Rule (CAIR) program after 2014 (see 40 CFR 51.123(ff)). Ohio will meet the NOx SIP Call obligations for these units through the CSAPR program under 40 CFR 52.38.

Should the United States environmental protection agency eliminate or suspend the CSAPR program, units previously exempted under this paragraph would need to meet the requirements of this chapter following the elimination or suspension of the federal CSAPR program unless replacement is established to address transport under Section 110(c) or Section 126 of the CAA.]

- (b) A unit under paragraph (C)(1) of this rule that has a federally enforceable permit that includes a NO_x emission limitation restricting NO_x emissions during a control period to twenty-five tons or less and restricts the unit to burning only natural gas or fuel oil during a control period in 2004 or later and that includes the special provisions in paragraph (C)(2)(e) of this rule shall be exempt from the requirements of this chapter, except for the provisions of this paragraph and paragraphs (B), (C)(1) and (E) of this rule. The NO_x emission limitation under this paragraph shall restrict NO_x emissions during the control period by one of the following methods:
- (i) A restriction on unit operating hours calculated by dividing the federally enforceable emission limitation, in tons, determined in accordance with paragraph (C)(2)(b) of this rule, by the unit's maximum potential hourly NO_x mass emissions, which shall equal the unit's maximum rated hourly heat input multiplied by the highest default NO_x emission rate applicable to the unit under 40 CFR 75.19(c), Table LM-2.
 - (ii) A restriction on unit fuel usage calculated by dividing the federally enforceable emission limitation, in tons, determined in accordance with paragraph (C)(2)(b) of this rule, by the product of the heat value of the fuel to be used multiplied by the default NO_x emission rate for the fuel to be used as specified in 40 CFR 75.19(c), Table LM-2.
- (c) The exemption under paragraph (C)(2)(b) of this rule shall become effective upon one of the following:
- (i) The exemption shall become effective on the date on which the NO_x emission limitation and the special provisions in the permit under paragraph (C)(2)(b) of this rule become final; or
 - (ii) If the NO_x emission limitation and the special provisions in the permit under paragraph (C)(2)(b) of this rule become final during a control period and after the first date on which the unit operates during such control period, then the exemption shall become effective on May first of such control period, provided that such NO_x emission limitation and the special provisions apply to the unit as of such first date of operation. If such NO_x emission limitation and special provisions do not apply to the unit as of such first date of operation, then the exemption under paragraph (C)(2)(b) of this rule shall become effective on October first of the year during which such NO_x emission limitation and the special provisions become final.

- (d) The director shall provide the administrator written notice of the issuance of any permit under paragraph (C)(2)(b) of this rule and, upon request, a copy of the permit.
- (e) The following special provisions apply to units exempt under paragraph (C)(2)(b) of this rule.
 - (i) A unit exempt under paragraph (C)(2)(b) of this rule shall comply with the restriction on unit operating hours and fuel use described in paragraph (C)(2)(b) of this rule during the control period in each year.
 - (ii) A unit exempt under paragraph (C)(2)(b) of this rule shall report hours of unit operation or fuel usage during the control period in each year to the director by November first of that year.
 - (iii) For a period of five years from the date the records are created, the owners and operators of a unit exempt under paragraph (C)(2)(b) of this rule shall retain, at the source that includes the unit, records demonstrating that the conditions of the federally enforceable permit under paragraph (C)(2)(b) of this rule were met, including the restrictions on unit operating hours and fuel usage. The five-year period for keeping records may be extended for cause, at any time prior to the end of the period, in writing by the director or the administrator. The owners and operators bear the burden of proof that the unit met the restriction on unit operating hours and fuel use.
 - (iv) The owners and operators and, to the extent applicable, the designated representative of a unit exempt under paragraph (C)(2)(b) of this rule shall comply with the requirements of the NOx budget program concerning all periods for which the exemption is not in effect, even if such requirements arise, or shall be complied with, after the exemption takes effect.
 - (v) On the earlier of the following dates, a unit exempt under paragraph (C)(2)(b) of this rule shall lose its exemption:
 - (a) The date on which the restriction on unit operating hours and fuel use described in paragraph (C)(2)(b) of this rule is removed from the unit's federally enforceable permit or otherwise becomes no longer applicable to any control period starting in 2004.

(b) The first date on which the unit fails to comply, or with regard to which the owners and operators fail to meet their burden of proving that the unit is complying, with the restriction on unit operating hours and fuel use described in paragraph (C)(2)(b) of this rule during any control period starting in 2004.

(vi) A unit that loses its exemption in accordance with paragraph (C)(2)(e)(v) of this rule shall be subject to the requirements of this chapter. For the purpose of applying permitting requirements under rule 3745-14-03 of the Administrative Code and applying monitoring requirements under rule 3745-14-08 of the Administrative Code, the unit shall be treated as commencing operation and, if the unit is covered by paragraph (C)(1)(b) of this rule, commencing commercial operation on the date the unit loses its exemption.

(D) Standard requirements.

(1) State program budget.

- (a) For EGUs: Ohio's state program budget for EGUs is forty-five thousand four hundred thirty-two tons of NO_x for each control period for units under paragraph (C)(1)(a) of this rule. The sum of the total number of tons of NO_x emitted from the NO_x budget units under paragraph (C)(1)(a) for the control period plus the sum of the NO_x emission limitations (in tons) for each EGU unit exempt under paragraph (C)(2) of this rule shall be less than or equal to the state program budget for EGUs.
- (b) For non-EGUs: Ohio's state program budget for non-EGUs is four thousand twenty-eight tons of NO_x for each control period for units under paragraph (C)(1)(b) of this rule. The sum of the total number of tons of NO_x emitted from the NO_x budget units under paragraph (C)(1)(b) of this rule for the control period plus the sum of the NO_x emission limitations (in tons) for each non-EGU unit exempt under paragraph (C)(2) of this rule shall be less than or equal to the state program budget for non-EGUs.
- (i) Unless all NO_x budget units under paragraph (C)(1)(b) of this rule are exempt under paragraph (C)(2) of this rule, by May 1 of each year, Ohio EPA will conduct an annual review of actual NO_x emissions during the previous control period from all NO_x budget units under paragraph (C)(1)(b) of this rule, including any new units, to ensure the total emissions remain below the state program budget for non-EGUs.

- (ii) Should the total emissions for the control period exceed the state program budget for non-EGUs, Ohio EPA will, within one year of determining the exceedance of the state program budget, submit a revised state implementation plan to the United States Environmental Protection Agency which compensates for the budget shortfall and ensures the state program budget is met in future years.

(2) Permit requirements.

The owners or operators and, to the extent applicable, the designated representative of each NO_x budget unit or NO_x budget source shall meet the permit requirements in rule 3745-14-03 of the Administrative Code.

(3) Monitoring requirements.

- (a) The owners and operators and, to the extent applicable, the designated representative of each NO_x budget source and each NO_x budget unit at the source shall comply with the monitoring requirements of rule 3745-14-08 of the Administrative Code.

- (b) The emissions measurements recorded and reported in accordance with rule 3745-14-08 of the Administrative Code shall be used to determine compliance with the NO_x state program budget under paragraph (D)(1) of this rule.

(4) Record keeping and reporting requirements.

- (a) Unless otherwise provided, the owners and operators of a NO_x budget source and each NO_x budget unit at the source shall keep on site at the source, or at a central location in Ohio for unattended sources, each of the following documents for a period of five years from the date the document is created: (This period may be extended for cause, at any time prior to the end of five years, in writing by the director or the administrator. Records for unattended sources retained at a central location shall be available immediately at the central location upon the request of the director or administrator and within three days following receipt of a written request from the director or administrator.)

- (i) Documents demonstrating the designated representative's authority necessary to carry out his or her duties and responsibilities under the NO_x budget program on behalf of the owners and operators of the NO_x budget source and of each NO_x budget unit at the source and certifying that each such owner and operator shall be fully

bound by the designated representative's representations, actions, inactions, or submissions and by any decision or order issued to the designated representative by the director, the Administrator, or a court regarding the source or unit, provided that the documents shall be retained on site at the source beyond such five-year period until such documents are superseded because of the selection of a new designated representative.

- (ii) All emissions monitoring information, in accordance with rule 3745-14-08 of the Administrative Code.
- (iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under the NOx budget program.
- (iv) Copies of all documents used to complete a permit application and any other submission under the NOx budget program or to demonstrate compliance with the requirements of the NOx budget program.

- (b) The designated representative of a NOx budget source and each NOx budget unit at the source shall submit the reports and compliance certifications required under the NOx budget program, including those under rule 3745-14-04 and rule 3745-14-08 of the Administrative Code.

(5) Liability.

- (a) Any person who knowingly violates any requirement or prohibition of the NOx budget program, a permit, or an exemption under paragraph (C)(2) of this rule shall be subject to enforcement pursuant to applicable state and federal law.
- (b) Any person who knowingly makes a false material statement in any record, submission, or report under the NOx budget program shall be subject to criminal enforcement pursuant to applicable state and federal law.
- (c) No permit revision shall excuse any violation of the requirements of the NOx budget program that occurs prior to the date that the revision takes effect.
- (d) Each NOx budget source and each NOx budget unit shall meet the requirements of the NOx budget program.
- (e) Any provision of the NOx budget program that applies to a NOx budget source (including a provision applicable to the designated representative

of a NOx budget source) shall also apply to the owners and operators of such source and of the NOx budget units at the source.

(f) Any provision of the NOx budget program that applies to a NOx budget unit (including a provision applicable to the designated representative of a NOx budget unit) shall also apply to the owners and operators of such unit. Except with regard to the requirements applicable to units with a common stack under rule 3745-14-08 of the Administrative Code, the owners and operators and the designated representative of one NOx budget unit shall not be liable for any violation by any other NOx budget unit of which they are not owners or operators or the designated representative and that is located at a source of which they are not owners or operators or the designated representative.

(6) No provision of the NOx budget program, a permit application, a permit, or an exemption under paragraph (C)(2) of this rule shall be construed as exempting or excluding the owners and operators and, to the extent applicable, the designated representative of a NOx budget source or NOx budget unit from compliance with any other provision of the applicable, approved state implementation plan, a federally enforceable permit, or the Clean Air Act.

(E) Computation of time.

(1) Unless otherwise stated, any time period scheduled, under the NOx budget program, to begin on the occurrence of an act or event shall begin on the day the act or event occurs.

(2) Unless otherwise stated, any time period scheduled, under the NOx budget program, to begin before the occurrence of an act or event shall be computed so that the period ends the day before the act or event occurs.

(3) Unless otherwise stated, if the final day of any time period under the NOx budget program, except for the control period defined in paragraph (B)(2)(o) of this rule, falls on a weekend or a state or federal holiday, the time period shall be extended to the next business day.

(F) Referenced materials. This chapter includes references to certain subject matter or materials. The text of the referenced materials is not included in the rules contained in this chapter. Information on the availability of the referenced materials as well as the date of and the particular edition or version of the material is included in this rule. For materials subject to change, only the specific version specified in this rule are referenced. Material is referenced 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 referenced 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) Clean Air Act as defined in this rule. 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 Act as amended in 1990 is also available in electronic format at www.epa.gov/oar/caa/. A copy of the Act is also available for inspection and use at most public libraries and "The State Library of Ohio."
- (b) Code of Federal Regulations. 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.ecfr.gov/>. The CFR compilations are also available for inspection and use at most Ohio public libraries and "The State Library of Ohio."
- (c) "Compilation of Air Pollutant Emission Factors, Volume I: Stationary Point and Area Sources" (AP-42). Information and copies may be obtained by writing to: "U.S. Government Printing Office, P.O. Box 979050, St. Louis, MO 63197-9000." The full text of AP-42 is also available in electronic format at <https://www.epa.gov/air-emissions-factors-and-quantification/ap-42-compilation-air-emission-factors>. AP-42 is also available for inspection and copying at most public libraries and "The State Library of Ohio."
- (d) Ohio EPA weekly review. Information and copies may be obtained by writing to: "Ohio EPA Legal Department, 50 W. Town Street, Columbus, Ohio, 43125." The full text of the Ohio EPA Weekly Review is also available in electronic format at <http://epa.ohio.gov/Actions.aspx>. The Ohio EPA Weekly Review compilations are also available for inspection and use at most Ohio public libraries and "The State Library of Ohio."
- (e) Federal Registrar. Information and copies may be obtained by writing to: "Superintendent of Documents, Attn: New Orders, PO Box 371954, Pittsburgh, PA 15250-7954." Text of the Federal Register is also available in electronic format at www.federalregister.gov. The Federal Register is also available for inspection and use at most Ohio public libraries and "The State Library of Ohio."

- (f) American Society for Testing Materials (ASTM). Information and copies may be obtained by writing to: "ASTM International, 100 Bar Harbor Drive, P.O. Box C700, West Conshohocken, Pennsylvania 19428-2959." These documents are available for purchase at www.astm.org. ASTM documents are also generally available at local public libraries and "The State Library of Ohio."

(2) Referenced materials.

- (a) 40 CFR 51.121; "Findings and requirements for submission of State implementation plan revisions relating to emissions of oxides of nitrogen;" 63 FR 57491, Oct. 27, 1998, as amended at 63 FR 71225, Dec. 24, 1998; 64 FR 26305, May 14, 1999; 65 FR 11230, Mar. 2, 2000; 65 FR 56251, Sept. 18, 2000; 69 FR 21642, Apr. 21, 2004; 70 FR 25317, May 12, 2005; 70 FR 51597, Aug. 31, 2005; 73 FR 21538, Apr. 22, 2008; 76 FR 48353, Aug. 8, 2011; 79 FR 71671, Dec. 3, 2014; 84 FR 8442, Mar. 8, 2019; 86 FR 23164, Apr. 30, 2021.
- (b) 40 CFR 51.123; "Findings and requirements for submission of State implementation plan revisions relating to emissions of oxides of nitrogen pursuant to the Clean Air Interstate Rule;" 70 FR 25319, May 12, 2005, as amended at 71 FR 25301, 25370, Apr. 28, 2006; 71 FR 74793, Dec. 13, 2006; 72 FR 59203, Oct. 19, 2007; 74 FR 56726, Nov. 3, 2009; 76 FR 48353, Aug. 8, 2011; 79 FR 71671, Dec. 3, 2014.
- (c) 40 CFR 52.34; "Action on petitions submitted under section 126 relating to emissions of nitrogen oxides;" 64 FR 28318, May 25, 1999, as amended at 64 FR 33961, June 24, 1999; 65 FR 2042, Jan. 13, 2000; 65 FR 2726, Jan. 18, 2000; 69 FR 31505, June 3, 2004.
- (d) 40 CFR 52.38; "What are the requirements of the Federal Implementation Plans (FIPs) for the Cross-State Air Pollution Rule (CSAPR) relating to emissions of nitrogen oxides?" 76 FR 48354, Aug. 8, 2011, as amended at 76 FR 80774, Dec. 27, 2011; 79 FR 71671, Dec. 3, 2014; 81 FR 74586, Oct. 26, 2016; 82 FR 45496, Sept. 29, 2017; 82 FR 46677, Oct. 6, 2017; 82 FR 47934, 47939, Oct. 13, 2017; 82 FR 57366, Dec. 5, 2017; 83 FR 64476, Dec. 17, 2018; 84 FR 8442, Mar. 8, 2019; 84 FR 38881, Aug. 8, 2019; 84 FR 66318, Dec. 4, 2019; 85 FR 7452, Feb. 10, 2020; 86 FR 23164, Apr. 30, 2021; 87 FR 52479, Aug. 26, 2022; 88 FR 36860, June 5, 2023; 88 FR 49302, July 31, 2023; 88 FR 67107, Sept. 29, 2023.
- (e) 40 CFR Part 60; "Standards of Performance for New Stationary Sources;" as published in the July 1, ~~2018~~ 2023 Code of Federal Regulations.

- (f) 40 CFR Part 60, Appendix A; “Test Methods 1 through 29;” as published in the July 1, ~~2018~~ 2023 Code of Federal Regulations.
- (g) 40 CFR Part 72; "Permits Regulation;" as published in the July 1, ~~2018~~ 2023 Code of Federal Regulations.
- (h) 40 CFR 72.2; “Definitions;” as published in the July 1, ~~2018~~ 2023 Code of Federal Regulations.
- (i) 40 CFR 72.6; "Applicability;" 58 FR 3650, Jan. 11, 1993, as amended at 58 FR 15648, Mar. 23, 1993; 62 FR 55475, Oct. 24, 1997; 64 FR 28588, May 26, 1999; 66 FR 12978, Mar. 1, 2001.
- (j) 40 CFR Part 75; “Continuous Emission Monitoring;” as published in the July 1, ~~2018~~ 2023 Code of Federal Regulations.
- (k) 40 CFR 75.10; “General operating requirements;” 58 FR 3701, Jan. 11, 1993, as amended at 60 FR 26519, May 17, 1995; 64 FR 28590, May 26, 1999; 67 FR 40422, June 12, 2002; 70 FR 28678, May 18, 2005; 76 FR 17308, Mar. 28, 2011.
- (l) 40 CFR 75.11; "Specific provisions for monitoring SO2 emissions (SO2 and flow monitors);" 58 FR 3701, Jan. 11, 1993, as amended at 60 FR 26520, 26566, May 17, 1995; 61 FR 59157, Nov. 20, 1996; 63 FR 57499, Oct. 27, 1998; 64 FR 28590, May 26, 1999; 67 FR 40423, June 12, 2002, 73 FR 4342, Jan. 24, 2008.
- (m) 40 CFR 75.17; “Specific provisions for monitoring emissions from common, bypass, and multiple stacks for NOX emission rate;” 58 FR 3701, Jan. 11, 1993, as amended at 60 FR 26523, May 17, 1995; 63 FR 57499, Oct. 27, 1998; 64 FR 28592, May 26, 1999; 67 FR 40424, June 12, 2002, 73 FR 4343, Jan. 24, 2008.
- (n) 40 CFR 75.19; “Optional SO2, NOX, and CO2 emissions calculation for low mass emissions (LME) units;” 63 FR 57500, Oct. 27, 1998, as amended at 64 FR 28592, May 26, 1999; 64 FR 37582, July 12, 1999; 67 FR 40424, 40425, June 12, 2002; 67 FR 53504, Aug. 16, 2002, 73 FR 4344, Jan. 24, 2008.
- (o) 40 CFR 75.20; “Initial certification and recertification procedures;” 58 FR 3701, Jan. 11, 1993, as amended at 60 FR 26524, May 17, 1995; 60 FR 40296, Aug. 8, 1995; 61 FR 59158, Nov. 20, 1996; 63 FR 57506, Oct. 27, 1998; 64 FR 28592, May 26, 1999; 67 FR 40431, June 12, 2002; 70

FR 28678, May 18, 2005, 72 FR 51527, Sept. 7, 2007; 73 FR 4345, Jan. 24, 2008; 76 FR 17308, Mar. 28, 2011.

- (p) 40 CFR 75.21; "Quality assurance and quality control requirements;" 58 FR 3701, Jan. 11, 1993, as amended at 60 FR 26527, 26566, May 17, 1995; 61 FR 25582, May 22, 1996; 61 FR 59159, Nov. 20, 1996; 64 FR 28599, May 26, 1999; 67 FR 40433, June 12, 2002; 67 FR 53505, Aug. 16, 2002; 70 FR 28679, May 18, 2005, 73 FR 4345, Jan. 24, 2008; 76 FR 17308, Mar. 28, 2011.
- (q) 40 CFR 75.34; "Units with add-on emission controls;" 60 FR 26567, May 17, 1995, as amended at 61 FR 59160, Nov. 20, 1996; 64 FR 28604, May 26, 1999; 67 FR 40438, June 12, 2002, 73 FR 4348, Jan. 24, 2008; 76 FR 17312, Mar. 28, 2011.
- (r) 40 CFR 75.61; "Notifications;" 60 FR 26538, May 17, 1995, as amended at 61 FR 25582, May 22, 1996; 61 FR 59162, Nov. 22, 1996; 64 FR 28620, May 26, 1999; 67 FR 40442, 40443, June 12, 2002, 73 FR 4356, Jan. 24, 2008; 76 FR 17316, Mar. 28, 2011.
- (s) 40 CFR 75.62; "Monitoring plan submittals;" 58 FR 3701, Jan. 11, 1993, as amended at 60 FR 26539, May 17, 1995; 64 FR 28621, May 26, 1999; 67 FR 40443, June 12, 2002, 73 FR 4356, Jan. 24, 2008; 76 FR 17316, Mar. 28, 2011.
- (t) 40 CFR 75.64; "Quarterly Reports;" 64 FR 28622, May 26, 1999, as amended at 67 FR 40444, June 12, 2002, 73 FR 4357, Jan. 24, 2008; 76 FR 17317, Mar. 28, 2011.
- (u) 40 CFR 75.66; "Petitions to the Administrator;" 58 FR 3701, Jan. 11, 1993, as amended at 60 FR 26540, 26569, May 17, 1995; 61 FR 59162, Nov. 20, 1996; 64 FR 28623, May 26, 1999; 67 FR 40444, June 12, 2002, 73 FR 4358, Jan. 24, 2008.
- (v) 40 CFR 75.70; "NOX mass emissions provisions;" 63 FR 57507, Oct. 27, 1998, as amended at 64 FR 28624, May 26, 1999; 67 FR 40444, June 12, 2002.
- (w) 40 CFR 75.71; "Specific provisions for monitoring NOX and heat input for the purpose of calculating NOX mass emissions;" 63 FR 57508, Oct. 27, 1998, as amended at 64 FR 28624, May 26, 1999; 67 FR 40444, 40445, June 12, 2002; 67 FR 53505, Aug. 16, 2002, 73 FR 4358, Jan. 24, 2008.

- (x) 40 CFR 75.72; “Determination of NOX mass emissions;” 63 FR 57507, Oct. 27, 1998, as amended at 67 FR 40445, June 12, 2002, 73 FR 4358, Jan. 24, 2008; 88 FR 36895, June 5, 2023.
- (y) 40 CFR 75.74; "Annual and ozone season monitoring and reporting requirements;" 63 FR 57507, Oct. 27, 1998, as amended at 64 FR 28627, May 26, 1999; 67 FR 40446, 40447, June 12, 2002; 67 FR 57274, Sept. 9, 2002, 73 FR 4360, Jan. 24, 2008.
- (z) 40 CFR Part 75, Appendix A; “Specifications and Test Procedures;” as published in the July 1, ~~2018~~2023 Code of Federal Regulations.
- (aa) 40 CFR Part 75, Appendix B; “Quality Assurance and Quality Control Procedures;” 58 FR 3701, Jan. 11, 1993, as amended at 60 FR 26546, 26571, May 17, 1995; 61 FR 59165, Nov. 20, 1996; 64 FR 28644, May 26, 1999; 64 FR 37582, July 12, 1999; 67 FR 40456, 40457, June 12, 2002; 67 FR 53505, Aug. 16, 2002; 67 FR 57274, Sept. 9, 2002; 70 FR 28693, May 18, 2005, 72 FR 51528, Sept. 7, 2007; 73 FR 4367, Jan. 24, 2008; 76 FR 17321, Mar. 28, 2011.
- (bb) 40 CFR Part 75, Appendix D; “Optional SO2 Emissions Data Protocol for Gas-Fired and Oil-Fired Units;” 58 FR 3701, Jan. 11, 1993, as amended at 60 FR 26548, 26551, May 17, 1995; 61 FR 25585, May 22, 1996; 61 FR 59166, Nov. 20, 1996; 63 FR 57513, Oct. 27, 1998; 64 FR 28652-28663, May 26, 1999; 64 FR 37582, July 12, 1999; 67 FR 40460, 40472, June 12, 2002; 67 FR 53505, Aug. 16, 2002, 73 FR 4369, Jan. 24, 2008; 76 FR 17324, Mar. 28, 2011; 76 FR 20536, Apr. 13, 2011; 77 FR 2460, Jan. 18, 2012.
- (cc) 40 CFR Part 75, Appendix E; “Optional NOX Emissions Estimation Protocol for Gas-Fired Peaking Units and Oil-Fired Peaking Units;” 58 FR 3701, Jan. 11, 1993, as amended at 60 FR 26551-26553, May 17, 1995; 64 FR 28665, May 26, 1999; 67 FR 40473, 40474, June 12, 2002; 67 FR 53505, Aug. 16, 2002, 73 FR 4372, Jan. 24, 2008; 76 FR 17325, Mar. 28, 2011.
- (dd) 40 CFR Part 75, Appendix F; “Conversion Procedures;” 58 FR 3701, Jan. 11, 1993; Redesignated and amended at 60 FR 26553-26556, 26571, May 17, 1995; 61 FR 25585, May 22, 1996; 61 FR 59166, Nov. 20, 1996; 63 FR 57513, Oct. 27, 1998; 64 FR 28666-28671, May 26, 1999; 64 FR 37582, July 12, 1999; 67 FR 40474, 40475, June 12, 2002; 67 FR 53505, Aug. 16, 2002, 70 FR 28695, May 18, 2005; 73 FR 4372, Jan. 24, 2008; 76 FR 17325, Mar. 28, 2011; 77 FR 2460, Jan. 18, 2012.

- (ee) 40 CFR Part 75, Subpart D; “Missing Data Substitution Procedures;” as published in the July 1, ~~2018~~2023 Code of Federal Regulations.
- (ff) 40 CFR Part 75, Subpart E; “Alternative Monitoring Systems;” as published in the July 1, ~~2018~~2023 Code of Federal regulations.
- (gg) 40 CFR Part 75, Subpart F; “Recordkeeping Requirements;” as published in the July 1, ~~2018~~2023 Code of Federal Regulations.
- (hh) 40 CFR Part 75, Subpart G; “Reporting Requirements;” as published in the July 1, ~~2018~~2023 Code of Federal Regulations.
- (ii) 40 CFR Part 75, Subpart H; “NOX mass emissions provisions;” as published in the July 1, ~~2018~~2023 Code of Federal Regulations.
- (jj) ASTM D6522-11; “Standard Test Method for Determination of Nitrogen Oxides, Carbon Monoxide, and Oxygen Concentrations in Emissions from Natural Gas-Fired Reciprocating Engines, Combustion Turbines, Boilers, and Process Heaters Using Portable Analyzers;” approved December 1, 2011, updated on June 19, 2020.
- (kk) Clean Air Act, as contained in 42 USC 7401 to 7671q; "Air Pollution Prevention and Control;" published January 3, ~~2017~~2022 in Supplement III of the ~~2012~~2018 edition of the United States Code.
- (ll) “Interstate Ozone Transport: Response to Court Decisions on the NOX SIP Call, NOX SIP Call Technical Amendments, and Section 126 Rules;” 69 FR 21603 to 69 FR 21648, April 21, 2004.
- (mm) Section 110 of the Clean Air Act; contained in 42 USC 7410; "State implementation plans for national primary and secondary ambient air quality standards;" published January 3, ~~2017~~2022 in Supplement III of the ~~2012~~2018 Edition of the United States Code.
- (nn) Section 126 of the Clean Air Act; contained in 42 USC 7426; "Interstate pollution abatement;" published January 3, ~~2017~~2022 in Supplement III of the ~~2012~~2018 Edition of the United States Code.
- (oo) Section 502 of the Clean Air Act; contained in 42 USC 7661a; "Permit programs;" published January 3, ~~2017~~2022 in Supplement III of the ~~2012~~2018 Edition of the United States Code.

- (pp) "Technical Amendment to the Finding of Significant Contribution and Rulemaking for Certain States for Purposes of Reducing Regional Transport of Ozone;" 65 FR 11222 to 65 FR 11231, March 2, 2000.
- (qq) Title IV of the Clean Air Act, contained in 42 USC 7651 to 7651o; "Acid deposition control;" published January 3, ~~2017~~2022 in Supplement III of the ~~2012~~2018 Edition of the United States Code.
- (rr) Title V of the Clean Air Act, contained in 42 USC 7661 to 7661f; "Permits;" published January 3, ~~2017~~2022 in Supplement III of the ~~2012~~2018 Edition of the United States Code.
- (ss) USEPA method 1; contained in 40 CFR Part 60, Appendix A; "Sample and velocity traverses for stationary sources;" as published in the July 1, ~~2018~~2023 Code of Federal Regulations.
- (tt) USEPA method 2; contained in 40 CFR Part 60, Appendix A; "Determination of stack gas velocity and volumetric flow rate (Type S pitot tube);" as published in the July 1, ~~2018~~2023 Code of Federal Regulations.
- (uu) USEPA method 3; contained in 40 CFR Part 60, Appendix A; "Gas analysis for the determination of dry molecular weight;" as published in the July 1, ~~2018~~2023 Code of Federal Regulations.
- (vv) USEPA method 4; contained in 40 CFR Part 60, Appendix A; "Determination of moisture content in stack gases;" as published in the July 1, ~~2018~~2023 Code of Federal Regulations.
- (ww) 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, ~~2018~~2023 Code of Federal Regulations.
- (xx) 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, ~~2018~~2023 Code of Federal Regulations.
- (yy) 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, ~~2018~~2023 Code of Federal Regulations.

- (zz) 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, ~~2018~~ 2023 Code of Federal Regulations.

- (aaa) USEPA method 19; contained in 40 CFR Part 60, Appendix A; "Determination of sulfur dioxide removal efficiency and particulate, sulfur dioxide and nitrogen oxides emission rates" as published in the July 1, ~~2018~~ 2023 Code of Federal Regulations.

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3745-14-03

Permit requirements.**(A) General NOx budget program permit requirements.**

- (1) The designated representative of a NOx budget source subject to this rule required to have a federally enforceable permit for the source shall submit an application for an operating permit or an application for a modification to an operating permit in accordance with Chapter 3745-77 of the Administrative Code (for sources subject to the Title V permit program) or an application for a permit-to-install and operate or an application for a modification to a permit-to-install and operate in accordance with Chapter 3745-31 of the Administrative Code (for sources not subject to the Title V permit program) for each subject NOx budget source, in accordance with the deadlines specified in paragraph (B)(1) of this rule.
- (2) The designated representative of a NOx budget source subject to this rule shall submit in a timely manner any supplemental information that the director determines is necessary in order to review a permit application and issue or deny a permit.
- (3) The owners and operators of each NOx budget source required to have a federally enforceable permit shall operate the source in compliance with such permit.
- (4) The owners and operators of a NOx budget source that is not otherwise required to have a federally enforceable permit are not required to submit a permit application, and to have a permit for such NOx budget source.

(B) Submission of permit applications.**(1) Application time.****(a) For NOx budget sources required to have a Title V operating permit:**

- (i) For any source, with one or more NOx budget units that commence operation before January 1, 2000, the designated representative shall submit a complete permit application covering such NOx budget units to the director before May 1, 2003.
- (ii) For any source, with one or more NOx budget units that commence operation on or after January 1, 2000, the designated representative shall submit a complete permit application covering such NOx budget unit to the director at least twelve months before the later of May 1, 2004 or the date on which the NOx budget unit commences operation.

(b) For NOx budget sources required to have a non-Title V operating permit:

(i) For any source, with one or more NOx budget units that commence operation before January 1, 2000, the designated representative shall submit a complete permit application covering such NOx budget units to the director before May 1, 2003.

(ii) For any source, with any NOx budget unit that commences operation on or after January 1, 2000, the designated representative shall submit a complete permit application covering such NOx budget unit to the director at least twelve months before the later of May 1, 2004 or the date on which the NOx budget unit commences operation.

(2) Duty to reapply.

(a) For a NOx budget source required to have a Title V operating permit, the designated representative shall submit a complete permit renewal application for the NOx budget source covering the NOx budget units at the source in accordance with Chapter 3745-77 of the Administrative Code.

(b) For a NOx budget source required to have a non-Title V operating permit, the designated representative shall submit a complete permit application for the NOx budget source covering the NOx budget units at the source in accordance with rule 3745-31-04 of the Administrative Code.

[Comment: Applications for sources not subject to Chapter 3745-77 of the Administrative Code submitted prior to June 30, 2008 were submitted in accordance with rule 3745-35-02 of the Administrative Code.]

(C) Information requirements for permit applications.

(1) A complete permit application for a NOx budget source shall include all of the following elements concerning the NOx budget source for which the application is submitted, in a format prescribed by the director:

(a) Identification of the NOx budget source, including plant name and the ORIS (office of regulatory information systems) or facility code assigned to the source by the United States energy information administration, or a facility code assigned to the source by the administrator.

(b) Identification of each NOx budget unit at the NOx budget source.

(c) The standard requirements under paragraphs (D)(3) and (D)(4) of rule 3745-14-01 of the Administrative Code.

(D) Permit contents.

- (1) Each permit (including any draft or proposed permit, if applicable) shall contain, in a format prescribed by the director, all elements required for a complete permit application under paragraph (C) of this rule.
- (2) Each permit is deemed to incorporate automatically the definitions of terms under paragraph (B) of rule 3745-14-01 of the Administrative Code.

(E) Permit revisions.

- (1) For a NO_x budget source with a Title V operating permit, the director shall revise the permit, as necessary, in accordance with rule 3745-77-08 of the Administrative Code.
- (2) For a NO_x budget source with a non-Title V operating permit, the director shall revise the permit, as necessary, in accordance with rule 3745-31-04 of the Administrative Code.

[Comment: Applications for sources not subject to Chapter 3745-77 of the Administrative Code submitted prior to June 30, 2008 were submitted in accordance with rule 3745-35-02 of the Administrative Code.]

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3745-14-04

Compliance certification.**(A) The compliance certification report.**

For each control period in which one or more NOx budget units at a source are subject to the NOx budget program, the designated representative of the source shall submit to the director, by November thirtieth of that year, in a format prescribed by the director, a compliance certification report for each unit at the source. The compliance certification report shall include all of the following:

- (1) Identification of each NOx budget unit.
- (2) Certification by the designated representative, based on reasonable inquiry of those persons with primary responsibility for operating the source and the NOx budget units at the source in compliance with the NOx budget program, whether each NOx budget unit for which the compliance certification is submitted was operated during the calendar year covered by the report in compliance with the requirements of the NOx budget program applicable to the unit, including all the following:
 - (a) For NOx budget units subject to monitoring and reporting requirements provided in paragraphs (A) to (G) of rule 3745-14-08 of the Administrative Code:
 - (i) Whether the monitoring plan that governs the unit has been maintained to reflect the actual operation and monitoring of the unit, and contains all information necessary to attribute NOx emissions to the unit, in accordance with paragraphs (A) to (G) of rule 3745-14-08 of the Administrative Code.
 - (ii) Whether all the NOx emissions from the unit, or a group of units (including the unit) using a common stack, were monitored or accounted for through the missing data procedures and reported in the quarterly monitoring reports, including whether conditional data were reported in the quarterly reports in accordance with rule 3745-14-08 of the Administrative Code, and if conditional data were reported, the owner or operator shall indicate whether the status of all conditional data has been resolved and all necessary quarterly report resubmissions have been made.
 - (b) For NOx budget units with approved alternative monitoring and reporting requirements provided in paragraph (H) of rule 3745-14-08 of the Administrative Code, whether all the NOx emissions from the unit, or a group of units (including the unit) using a common stack, were

accounted for in accordance with paragraph (H) of rule 3745-14-08 of the Administrative Code and the terms and specifications specified in the applicable installation or operating permit issued in accordance with Chapter 3745-77 or Chapter 3745-31 of the Administrative Code.

- (c) Whether the facts that form the basis for certification under rule 3745-14-08 of the Administrative Code of each monitor at the unit or a group of units (including the unit) using a common stack, or for using an excepted monitoring method or alternative monitoring method approved under rule 3745-14-08 of the Administrative Code, if any, have changed.
- (d) If a change is required to be reported under paragraph (A)(2)(c) of this rule, specify the nature of the change, the reason for the change, when the change occurred, and how the unit's compliance status was determined subsequent to the change, including what method was used to determine emissions when a change mandated the need for monitor recertification.

(B) Director's action on compliance certifications.

The director may review and conduct independent audits concerning any compliance certification or any other submission under the NO_x budget program and make appropriate adjustments of the information in the compliance certifications or other submissions.

Five Year Review (FYR) Dates: 5/16/2024 and 05/16/2029

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Certification

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3745-14-08

Monitoring and reporting.

[Comment: For dates and availability of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see paragraph (F) of rule 3745-14-01 of the Administrative Code titled "referenced materials."]

The owners and operators, and to the extent applicable, the designated representative of a NOx budget unit, shall comply with the monitoring and reporting requirements as provided in paragraphs (A) to (G) of this rule, except when complying with approved alternative monitoring and reporting requirements provided in paragraph (H) of this rule.

(A) General requirements.

- (1) The owners and operators, and to the extent applicable, the designated representative of a NOx budget unit, shall comply with the monitoring and reporting requirements as provided in paragraphs (A) to (G) of this rule and in 40 CFR Part 75, Subpart H. For purposes of complying with such requirements, the definitions in paragraph (B) of rule 3745-14-01 of the Administrative Code and in 40 CFR 72.2 ~~shall~~ apply, and the terms "affected unit" and "continuous emission monitoring system" (or "CEMS") in 40 CFR Part 75 ~~shall~~will be replaced by the terms "NOx budget unit" and "continuous emission monitoring system" (or "CEMS"), respectively, as defined in paragraph (B) of rule 3745-14-01 of the Administrative Code.
- (2) The owner or operator of each NOx budget unit shall meet all of the following requirements:
 - (a) Install all monitoring systems required under paragraphs (A) to (G) of this rule for monitoring NOx mass emissions. (This includes all systems required to monitor NOx emission rate, NOx concentration, heat input rate, and stack flow rate, in accordance with 40 CFR 75.71 and 40 CFR 75.72.)
 - (b) Install all monitoring systems for monitoring heat input rate.
 - (c) Successfully complete all certification tests required under paragraph (B) of this rule and meet all other requirements of paragraphs (A) to (G) of this rule and 40 CFR Part 75 applicable to the monitoring systems under paragraphs (A)(2)(a) and (A)(2)(b) of this rule.
 - (d) Record, report and quality assure the data from the monitoring systems required under paragraphs (A)(2)(a) and (A)(2)(b) of this rule.

- (3) The owner or operator shall meet the certification and other requirements of paragraphs (A)(2)(a) to (A)(2)(c) of this rule on or before the following dates. The owner or operator shall record, report and quality-assure the data from the monitoring systems under paragraphs (A)(2)(a) and (A)(2)(b) of this rule on and after the following dates:
- (a) For the owner or operator of a NOx budget unit under paragraph (C)(1) of rule 3745-14-01 of the Administrative Code that commences operation before January 1, 2003, by May 1, 2003.
 - (b) For the owner or operator of a NOx budget unit under paragraph (C)(1)(a) of rule 3745-14-01 of the Administrative Code that commences operation on or after January 1, 2003 and that reports on an annual basis under paragraph (E)(4) of this rule, by the later of the following dates:
 - (i) May 1, 2003.
 - (ii) Ninety days after the date on which the unit commences commercial operation.
 - (c) For the owner or operator of a NOx budget unit under paragraph (C)(1)(a) of rule 3745-14-01 of the Administrative Code that commences operation on or after January 1, 2003 and that reports on a control period basis under paragraph (E)(4)(b)(i) of this rule, by no later than ninety days after the date on which the unit commences commercial operation, provided that this date is during a control period; (If this date does not occur during a control period, the applicable deadline is May first immediately following this date.)
 - (d) For the owner or operator of a NOx budget unit under paragraph (C)(1)(b) of rule 3745-14-01 of the Administrative Code that commences operation on or after January 1, 2003 and that reports on an annual basis under paragraph (E)(4) of this rule, by the later of the following dates:
 - (i) May 1, 2003.
 - (ii) One hundred eighty days after the date on which the unit commences operation.
 - (e) For the owner or operator of a NOx budget unit under paragraph (C)(1)(b) of rule 3745-14-01 of the Administrative Code that commences operation on or after January 1, 2003 and that reports on a control period basis under paragraph (E)(4)(b)(ii) of this rule, by one hundred eighty days after the date on which the unit commences operation, provided that this

date is during a control period. (If this date does not occur during a control period, the applicable deadline is May first immediately following this date.)

- (f) For the owner or operator of a NO_x budget unit that has a new stack or flue for which construction is completed after the applicable deadline under paragraph (A)(3)(a), (A)(3)(b), (A)(3)(c), (A)(3)(d) or (A)(3)(e) of this rule and that reports on an annual basis under paragraph (E)(4) of this rule, by ninety days after the date on which emissions first exit to the atmosphere through the new stack or flue.
- (g) For the owner or operator of a NO_x budget unit that has a new stack or flue for which construction is completed after the applicable deadline under paragraph (A)(3)(a), (A)(3)(b), (A)(3)(c), (A)(3)(d) or (A)(3)(e) of this rule and that reports on a control period basis under paragraph (E)(4)(b)(ii) of this rule, by ninety days after the date on which emissions first exit to the atmosphere through the new stack or flue, provided that this date is during a control period. (If this date does not occur during a control period, the applicable deadline is May first immediately following this date.)

(4) Reporting data prior to initial certification.

The owner or operator of a NO_x budget unit under paragraph (A)(3)(b), (A)(3)(c), (A)(3)(d) or (A)(3)(e) of this rule shall determine, record and report NO_x mass emissions, heat input rate, and any other values required to determine NO_x mass emissions (e.g., NO_x emission rate and heat input rate, or NO_x concentration and stack flow rate) in accordance with 40 CFR 75.70(g), from the date and hour that the unit starts operating until the date and hour on which the continuous emission monitoring system, excepted monitoring system under 40 CFR Part 75, Appendix D or 40 CFR Part 75 Appendix E, or excepted monitoring methodology under 40 CFR 75.19, is provisionally certified.

(5) Prohibitions.

- (a) No owner or operator of a NO_x budget unit shall use any alternative monitoring system, alternative reference method, or any other alternative for the required continuous emission monitoring system without having obtained prior written approval in accordance with paragraph (F) or (H) of this rule.
- (b) No owner or operator of a NO_x budget unit shall operate the unit so as to discharge, or allow to be discharged, NO_x emissions to the

atmosphere without accounting for all such emissions in accordance with the applicable provisions of paragraphs (A) to (G) of this rule and 40 CFR Part 75 except as provided for in 40 CFR 75.74.

- (c) No owner or operator of a NO_x budget unit shall disrupt the continuous emission monitoring system, any portion thereof, or any other approved emission monitoring method, and thereby avoid monitoring and recording NO_x mass emissions discharged into the atmosphere, except for periods of recertification or periods when calibration, quality assurance testing, or maintenance is performed in accordance with the applicable provisions of paragraphs (A) to (G) of this rule and 40 CFR Part 75 except as provided for in 40 CFR 75.74.
- (d) No owner or operator of a NO_x budget unit shall retire or permanently discontinue use of the continuous emission monitoring system, any component thereof, or any other approved emission monitoring system, except under any one of the following circumstances:
 - (i) During the period that the unit is covered by an exemption under paragraph (C)(2) of rule 3745-14-01 of the Administrative Code that is in effect.
 - (ii) The owner or operator is monitoring emissions from the unit with another certified monitoring system approved by the director, in accordance with the applicable provisions of paragraphs (A) to (G) of this rule and 40 CFR Part 75, for use at that unit that provides emission data for the same pollutant or parameter as the retired or discontinued monitoring system.
 - (iii) The designated representative submits notification of the date of certification testing of a replacement monitoring system for the retired or discontinued monitoring system in accordance with paragraph (B)(2)(b) of this rule.
 - (iv) When operating under approved alternative monitoring and reporting requirements in accordance with paragraph (H) of this rule.

(B) Initial certification and recertification procedures.

- (1) The owner or operator of a NO_x budget unit that is subject to an acid rain emissions limitation shall comply with the initial certification and recertification procedures of 40 CFR Part 75, except as follows:

- (a) If, prior to January 1, 1998, the administrator approved a petition under 40 CFR 75.17(a) or 40 CFR 75.17(b) for apportioning the NO_x emission rate measured in a common stack or a petition under 40 CFR 75.66 for an alternative to a requirement in 40 CFR 75.17, the designated representative shall resubmit the petition, under paragraph (F)(1) of this rule, to the administrator to determine if the approval applies under the NO_x budget program.
 - (b) For any additional CEMS required under the common stack provisions in 40 CFR 75.72, or for any NO_x concentration CEMS used under the provisions of 40 CFR 75.71(a)(2), the owner or operator shall meet the requirements of paragraph (B)(2) of this rule.
- (2) The owner or operator of a NO_x budget unit that is not subject to an acid rain emissions limitation shall comply with the following initial certification and recertification procedures. The owner or operator of such a unit that qualifies to use the low mass emissions excepted monitoring methodology under 40 CFR 75.19 or that qualifies to use an alternative monitoring system under subpart E of 40 CFR Part 75 shall comply with the following procedures, as modified by paragraph (B)(3) or (B)(4) of this rule. The owner or operator of a NO_x budget unit that is subject to an acid rain emissions limitation and that requires additional CEMS under the common stack provisions in 40 CFR 75.72 or uses a NO_x concentration CEMS under 40 CFR 75.71(a)(2) shall comply with the following:
- (a) ~~The owner or operator shall ensure~~Ensure that each monitoring system required by 40 CFR Part 75, Subpart H (which includes the automated data acquisition and handling system) successfully completes all of the initial certification testing required under 40 CFR 75.20 by the applicable deadline in paragraph (A)(3) of this rule. In addition, whenever the owner or operator installs a monitoring system in order to meet the requirements of this chapter in a location where no such monitoring system was previously installed, initial certification according to 40 CFR 75.20 is required.
 - (b) Whenever the owner or operator makes a replacement, modification, or change in a certified monitoring system that may significantly affect the ability of the system to accurately measure or record NO_x mass emissions or heat input rate or to meet the requirements of 40 CFR 75.21 or Appendix B to 40 CFR Part 75, the owner or operator shall recertify the monitoring system in accordance with 40 CFR 75.20(b). Furthermore, whenever the owner or operator makes a replacement, modification, or change to the flue gas handling system or the unit's operation that

may significantly change the stack flow or concentration profile, the owner or operator shall recertify the continuous emissions monitoring system in accordance with 40 CFR 75.20(b). Examples of changes that require recertification include: replacement of the analyzer, complete replacement of an existing continuous emission monitoring system, or change in location or orientation of the sampling probe or site.

(c) Certification approval process for initial certifications and recertification.

(i) The designated representative shall submit to the administrator, the United States environmental protection agency region 5 office, and the director a written notice of the dates of certification in accordance with paragraph (D) of this rule.

(ii) The designated representative shall submit to the administrator, the United States environmental protection agency region 5 office, and director a certification application for each monitoring system required under 40 CFR Part 75, Subpart H. A complete certification application shall include the information specified in. 40 CFR Part 75, Subpart H.

(iii) Except for units using the low mass emission excepted methodology under 40 CFR 75.19, the provisional certification date for a monitor shall be determined in accordance with 40 CFR 75.20(a)(3). A provisionally certified monitor may be used under the NOx budget program for a period not to exceed one hundred twenty days after receipt by the director of the complete certification application for the monitoring system or component thereof under paragraph (B)(2)(c)(ii) of this rule. Data measured and recorded by the provisionally certified monitoring system or component thereof, in accordance with the requirements of 40 CFR Part 75, shall be considered valid quality-assured data (retroactive to the date and time of provisional certification), provided that the director does not invalidate the provisional certification by issuing a notice of disapproval within one hundred twenty days of receipt of the complete certification application by the director.

(iv) The director ~~shall~~may issue a written notice of approval or disapproval of the certification application to the owner or operator within one hundred twenty days of receipt of the complete certification application under paragraph (B)(2)(c)(ii) of this rule. In the event the director does not issue such a notice within such one hundred twenty-day period, each monitoring system that meets

the applicable performance requirements of 40 CFR Part 75 and is included in the certification application ~~shall be~~ deemed certified for use under the NOx budget program.

- (a) If the certification application is complete and shows that each monitoring system meets the applicable performance requirements of 40 CFR Part 75, then the director ~~shall~~ may issue a written notice of approval of the certification application within one hundred twenty days of receipt.
- (b) A certification application ~~shall be~~ is considered complete when all of the applicable information required to be submitted under paragraph (B)(2)(c)(ii) of this rule has been received by the director. If the certification application is not complete, then the director ~~shall~~ may issue a written notice of incompleteness that sets a reasonable date by which the designated representative shall submit the additional information required to complete the certification application. If the designated representative does not comply with the notice of incompleteness by the specified date, then the director may issue a notice of disapproval under paragraph (B)(2)(c)(iv)(c) of this rule. The one hundred twenty-day review period ~~shall~~ does not begin prior to receipt of a complete certification application.
- (c) If the certification application shows that any monitoring system or component thereof does not meet the performance requirements of this chapter, or if the certification application is incomplete and the requirement for disapproval under paragraph (B)(2)(c)(iv)(b) of this rule has been met, then the director ~~shall~~ may issue a written notice of disapproval of the certification application. Upon issuance of such notice of disapproval, the provisional certification is invalidated by the director and the data measured and recorded by each uncertified monitoring system or component thereof shall not be considered valid quality-assured data beginning with the date and hour of provisional certification [as defined under 40 CFR 75.20(a)(3)]. The owner or operator shall follow the procedures for loss of certification in paragraph (B)(2)(c)(v) of this rule for each monitoring system or component thereof which is disapproved for initial certification.

emission limitation shall meet the applicable general operating requirements of 40 CFR 75.10 and the applicable requirements of 40 CFR 75.19. The owner or operator of such a unit shall also meet the applicable certification and recertification procedures of paragraph (B)(2) of this rule, except that the excepted methodology shall be deemed provisionally certified for use under the NOx budget program as of the following dates:

- (a) For a unit that does not have monitoring equipment initially certified or recertified for the NOx budget program as of the date on which the designated representative submits the certification application under 40 CFR 75.19 for the unit, starting on the date of such submissions until the completion of the period for the director's review.
 - (b) For a unit that has monitoring equipment initially certified or recertified for the NOx budget program as of the date on which the designated representative submits the certification application under 40 CFR 75.19 for the unit and that reports data on an annual basis under paragraph (E)(4) of this rule, starting January first of the year after the year of such submission until the completion of the period for the director' review.
 - (c) For a unit that has monitoring equipment initially certified or recertified for the NOx budget program as of the date on which the designated representative submits the certification application under 40 CFR 75.19 for the unit and that reports on a control period basis under paragraph (E)(4) of this rule, starting May first of the control period after the year of such submission until the completion of the period for the director's review.
- (4) The designated representative of each unit not subject to an acid rain emissions limitation for which the owner or operator intends to use an alternative monitoring system approved by the administrator under subpart E of 40 CFR Part 75, shall comply with the applicable certification procedures in paragraph (B)(2) of this rule before using the system under the NOx budget program. The designated representative shall also comply with the applicable recertification procedures in paragraph (B)(2)(c) of this rule. The requirements of 40 CFR 75.20(f) ~~shall~~ apply to such alternative monitoring system.

(C) Out of control periods.

- (1) Whenever any monitoring system fails to meet the quality assurance or data validation requirements of 40 CFR Part 75, data shall be substituted using the applicable procedures in 40 CFR Part 75, Appendix D, 40 CFR Part 75, Appendix E, or 40 CFR Part 75, Subpart D.

- (2) Whenever both an audit of a monitoring system and a review of the initial certification or recertification application reveal that any system or component should not have been certified or recertified because it did not meet a particular performance specification or other requirement under paragraph (B) of this rule or the applicable provisions of 40 CFR Part 75, both at the time of the initial certification or recertification application submission and at the time of the audit, the director shall issue a notice of disapproval of the certification status of such system or component. For the purposes of this paragraph, an audit shall be either a field audit or an audit of any information submitted to the director or the administrator. By issuing the notice of disapproval, the director revokes prospectively the certification status of the system or component. The data measured and recorded by the system or component shall not be considered valid quality-assured data from the date of issuance of the notification of the revoked certification status until the date and time that the owner or operator completes subsequently approved initial certification or recertification tests for the system or component.
- (D) The designated representative for a NO_x budget unit shall submit written notice of certification and recertification test dates to the director and the administrator in accordance with 40 CFR 75.61, except that if a unit is not subject to an acid rain emission limitation, notification is only required to be sent to the director.
- (E) Record keeping and reporting.
- (1) General provisions.
 - (a) The designated representative shall comply with all record keeping and reporting requirements in paragraphs (A) to (G) of this rule.
 - (b) If the designated representative for a NO_x budget unit subject to an acid rain emission limitation who signed and certified any submission that is made under 40 CFR Part 75, Subpart F or 40 CFR Part 75, Subpart G and which includes data and information required under paragraphs (A) to (G) of this rule or 40 CFR Part 75, Subpart H is not the same person as the designated representative or the alternative designated representative for the unit under 40 CFR Part 72, then the submission shall also be signed by the designated representative or the alternative designated representative.
 - (2) Monitoring plans.
 - (a) The owner or operator of a unit subject to an acid rain emissions limitation shall comply with the requirements of 40 CFR 75.62, except that the

monitoring plan shall also include all of the information required by 40 CFR Part 75, Subpart H.

- (b) The owner or operator of a unit that is not subject to an acid rain emissions limitation shall comply with the requirements of 40 CFR 75.62, except that the monitoring plan is only required to include the information required by 40 CFR Part 75, Subpart H.
- (3) The designated representative shall submit an application to the administrator, United States environmental protection agency region 5 office, and the director within forty-five days after completing all initial certification or recertification tests required under paragraph (B) of this rule including the information required under 40 CFR Part 75, Subpart H.
- (4) The designated representative shall ~~submit quarterly reports as follows~~ do the following:
 - (a) If a unit is subject to an acid rain emission limitation or if the owner or operator of the NO_x budget unit chooses to meet the annual reporting requirements of paragraphs (A) to (G) of this rule, ~~the designated representative shall~~ submit a quarterly report for each calendar quarter beginning with the following:
 - (i) For a unit that commences operation on or before May 1, 2003, the earlier of the calendar quarter that includes the date of initial provisional certification under paragraph (B)(2)(c)(iii) or (B)(3) of this rule or, if the certification tests are not completed by May 1, 2003, the calendar quarter covering May 1, 2003 through June 30, 2003. Data shall be recorded and reported from the earlier of the date and hour corresponding to the date and hour of provisional certification or the first hour on May 1, 2003.
 - (ii) For a unit that commences operation after May 1, 2003, the calendar quarter in which the unit commences operation. Data shall be reported from the date and hour corresponding to when the unit commenced operation.
 - (b) If a NO_x budget unit is not subject to an acid rain emission limitation, then ~~the designated representative shall~~ do either of the following:
 - (i) Meet all of the requirements of 40 CFR Part 75 related to monitoring and reporting NO_x mass emissions during the entire year and meet the reporting deadlines specified in paragraph (E)(4)(a) of this rule.

- (ii) Submit quarterly reports covering the period May first through September thirtieth of each year and including the data described in 40 CFR 75.74(c)(6). The designated representative shall submit such quarterly reports, beginning with:
 - (a) For a unit that commences operation on or before May 1, 2003 and that is not subject to paragraph (E)(4)(b)(i) of this rule, the calendar quarter covering May 1, 2003 through June 30, 2003. Data shall be recorded and reported from the earlier of the date and hour corresponding to the date and hour of initial certification under paragraph (B)(2)(c)(iii) or (B)(3) of this rule or the first hour of May 1, 2003.
 - (b) For a unit that commences operation after May 1, 2003 and during a control period, the calendar quarter in which the unit commences operation. Data shall be reported from the date and hour corresponding to when the unit commences operation.
 - (c) For a unit that commences operation after May 1, 2003 and not during a control period, the calendar quarter covering the first control period after the unit commences operation. Data shall be recorded and reported from the earlier of the date and hour corresponding to the date and hour of initial provisional certification under paragraph (B)(2)(c)(iii) or (B)(3) of this rule or the first hour of May first of the first control period after the unit commences operation.
- (c) ~~The designated representative shall submit~~ Submit each quarterly report to the administrator within thirty days following the end of the calendar quarter covered by the report. ~~Quarterly reports shall be submitted~~ in the manner specified in 40 CFR Part 75, Subpart H and 40 CFR 75.64, as follows:
 - (i) For units subject to an acid rain emissions limitation, quarterly reports shall include all of the data and information required in 40 CFR Part 75, Subpart H for each NO_x budget unit (or group of units using a common stack) and the data and information required in 40 CFR Part 75, Subpart G.
 - (ii) For units not subject to an acid rain emissions limitation, quarterly reports are only required to include all of the data and information

required in 40 CFR Part 75, Subpart H for each NO_x budget unit (or group of units using a common stack).

- (d) ~~The designated representative shall submit~~ Submit to the administrator a compliance certification in support of each quarterly report based on reasonable inquiry of those persons with primary responsibility for ensuring that all of the units' emissions are correctly and fully monitored. The compliance certification shall state the following:
- (i) The monitoring data submitted were recorded in accordance with the applicable requirements of paragraphs (A) to (G) of this rule and 40 CFR Part 75, including the quality assurance procedures and specifications.
 - (ii) For a unit with add-on NO_x emission controls and for all hours where data are substituted in accordance with 40 CFR 75.34(a)(1), the add-on emission controls were operating within the range of parameters listed in the quality assurance/quality control program under 40 CFR Part 75, Appendix B and the substitute values do not systematically underestimate NO_x emissions.
 - (iii) For a unit that is reporting on a control period basis under paragraph (E)(4)(d)(ii) of this rule, the NO_x emission rate and NO_x concentration values substituted for missing data under 40 CFR Part 75, Subpart D are calculated using only values from a control period and do not systematically underestimate NO_x emissions.

(F) Petitions.

- (1) The designated representative of a NO_x budget unit that is subject to an acid rain emission limitation may submit a petition under 40 CFR 75.66 to the administrator requesting approval to apply an alternative to any requirement of paragraphs (A) to (G) of this rule, as follows:
 - (a) Application of an alternative to any requirement of paragraphs (A) to (G) of this rule shall be in accordance with paragraphs (A) to (G) of this rule only to the extent that the petition is approved by the administrator in consultation with the director.
 - (b) Notwithstanding paragraph (F)(1)(a) of this rule, if the petition requests approval to apply an alternative to a requirement concerning any additional CEMS required under the common stack provisions of 40 CFR 75.72, the petition shall be governed by paragraph (F)(2) of this rule.

- (2) The designated representative of a NO_x budget unit that is not subject to an acid rain emission limitation may submit a petition under 40 CFR 75.66 to the director and the administrator requesting approval to apply an alternative to any requirement of paragraphs (A) to (G) of this rule, as follows:
 - (a) The designated representative of a NO_x budget unit that is subject to an acid rain emission limitation may submit a petition under 40 CFR 75.66 to the director and the administrator requesting approval to apply an alternative to a requirement concerning any additional CEMS required under the common stack provisions of 40 CFR 75.72 or a NO_x concentration CEMS used under 40 CFR 75.71(a)(2).
 - (b) Application of an alternative to any requirement of paragraphs (A) to (G) of this rule shall be in accordance with paragraphs (A) to (G) of this rule only to the extent the petition under paragraph (F)(2) of this rule is approved by both the director and the administrator.

(G) Additional requirements to provide heat input data.

The owner or operator of a NO_x budget unit that monitors and reports NO_x mass emissions using a NO_x concentration system and a flow system shall also monitor and report heat input rate at the unit level using the procedures set forth in 40 CFR Part 75.

(H) Alternative monitoring and reporting.

- (1) Upon request, the director may approve alternative monitoring and reporting requirements in lieu of the requirements of paragraphs (A) to (G) of this rule. Alternative monitoring and reporting requirements shall be based on the best available data, provide for reporting the nature and amount of emissions of a NO_x budget unit, and shall be sufficient to determine compliance with this chapter. Alternative monitoring and reporting shall include either monitoring and reporting in accordance with 40 CFR Part 60, or monitoring of heat input and fuel use for each control period and an approved emission factor for current operating conditions.
- (2) The designated representative of a NO_x budget unit requesting alternative monitoring and reporting shall submit an application for an installation permit or an application for modification of an installation permit in accordance with Chapter 3745-31 of the Administrative Code, or shall submit an application for an operating permit or an application for a modification to an operating permit in accordance with the following:

- (a) For sources subject to the Title V program, Chapter 3745-77 of the Administrative Code.
 - (b) For sources not subject to the Title V program, Chapter 3745-31 of the Administrative Code.
- (3) The application for an installation or operating permit requesting alternative monitoring and reporting shall include all of the following:
- (a) Whether 40 CFR Part 60 monitoring and reporting is requested as the alternative or whether monitoring of heat input and fuel use and an approved emission factor is requested as the alternative.
 - (b) If monitoring of heat input and fuel use and an approved emission factor is requested as the alternative, an emission factor analysis evaluating potential emission factors in pounds of NO_x emitted per unit of fuel and heat input, for each fuel type, based on each of the following:
 - (i) U.S. EPA's "AP-42 Compilation of Emission Factors".
 - (ii) A valid stack test using USEPA method 3, USEPA method 7 and USEPA method 19 conducted within the previous two years from the date of the application submittal, if available.
 - (iii) An analysis of continuous emission monitoring data representative of current operating conditions.
 - (iv) An analysis of other relevant data or emission factors, if available (for example, an emission factor used for compliance with an existing NO_x emission limitation for the NO_x budget unit, or an emission factor developed for similar sources).
 - (c) A description of the proposed monitoring procedures, including how monitoring data will be obtained, recorded and quality assured, and how NO_x emissions will be accounted for during periods of missing or inaccurate data, such as periods of maintenance or disruption.
 - (d) If 40 CFR Part 60 monitoring and reporting is requested, how the amount of NO_x emissions in tons per control period will be determined from the 40 CFR Part 60 NO_x emission rate data.
 - (e) If alternative monitoring and reporting is requested to begin within a control period, a description of the transition process which ensures there will not be gaps in data monitoring and reporting.

- (4) Prior to the use of alternative monitoring and reporting, applicable terms and conditions, including 40 CFR Part 60 monitoring and reporting requirements, or an approved emission factor and monitoring procedures for fuel use and heat input, shall be specified in an installation permit issued in accordance with Chapter 3745-31 of the Administrative Code or an operating permit issued in accordance with the following:
 - (a) For sources subject to the Title V program, Chapter 3745-77 of the Administrative Code.
 - (b) For sources not subject to the Title V program, Chapter 3745-31 of the Administrative Code.
- (5) When approved by the director, the owners and operators, and to the extent applicable, the designated representative of a NO_x budget unit, shall comply with the monitoring and reporting requirements as provided during the control period.
- (6) The owners and operators, and to the extent applicable, the designated representative, of a NO_x budget unit approved for alternative monitoring and reporting under paragraph (H) of this rule shall meet all of the following:
 - (a) Comply with all terms and conditions specified in the installation or operating permit.
 - (b) Install all monitoring systems required for alternative monitoring.
 - (c) Record and report the data from the monitoring systems required under paragraph (H) of this rule in accordance with the terms and conditions in the installation or operating permit. By April fifteenth of each year, report actual NO_x emissions in tons, as determined using the approved alternative monitoring procedures, for the previous control period in the fee emissions report required in accordance with rule 3745-78-02 of the Administrative Code.
 - (d) If alternative monitoring is based on an approved emission factor, conduct stack tests to demonstrate the approved emission factor continues to be representative of current operating conditions. If the emissions factor analysis submitted in accordance with paragraph (H)(3)(b) of this rule did not include a stack test, an initial stack test shall be conducted within ninety days of permit issuance. Ongoing stack tests shall be conducted at least once every five years from the date of the previous stack test for units still in operation. In the event a unit not in operation at the time a stack test

was required under this paragraph resumes operation, a stack test shall be conducted within ninety days of resuming operation. Stack tests shall be conducted in accordance with a test method specified in the installation or operating permit and reported to the director within thirty days of the test. If a stack test indicates an emission factor may require adjustment, the director may require submission of an application in accordance with paragraph (H)(2) of this rule. The designated representative shall submit an application in accordance with paragraph (H) of this rule within sixty days of notification by the director.

- (e) Maintain records in accordance with the terms and conditions in the installation or operating permit for a period of five years from the date the records are created. These records shall be made available to the director or his representative upon request.

(7) Prohibitions.

- (a) No owner or operator of a NO_x budget unit shall operate the unit so as to discharge, or allow to be discharged, NO_x emissions to the atmosphere without accounting for all such emissions in accordance with the applicable provisions of paragraphs (H) of this rule.
- (b) No owner or operator of a NO_x budget unit shall retire or permanently discontinue use of the monitoring system, or any component thereof, except under any one of the following circumstances:
 - (i) During the period that the unit is covered by an exemption under paragraph (C)(2) of rule 3745-14-01 of the Administrative Code that is in effect.
 - (ii) When discontinuing use of alternative monitoring and reporting in accordance with paragraph (H) of this rule and resuming compliance with monitoring and reporting requirements in accordance with paragraphs (A) to (G) of this rule. This may only occur outside of the control period.
- (8) This chapter does not authorize exceptions or alternatives to any 40 CFR Part 75 monitoring requirements that might apply to a source under a different legal authority.
- (9) In accordance with the requirements of 40 CFR 51.122 (c)(1)(i), Ohio EPA will report annually to the administrator all NO_x emissions reported under paragraph (H) of this rule.

Effective: 8/15/2024
Five Year Review (FYR) Dates: 5/16/2024 and 05/16/2029

CERTIFIED ELECTRONICALLY

Certification

07/29/2024

Date

Promulgated Under: 119.03
Statutory Authority: 3704.03(E)
Rule Amplifies: 3704.03(A), 3704.03(D), 3704.03(E)
Prior Effective Dates: 07/18/2002, 07/19/2008, 01/29/2018, 08/22/2019

3745-14-11

Portland cement kilns.

[For dates and availability of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see paragraph (F) of rule 3745-14-01 of the Administrative Code titled "referenced materials".]

(A) The requirements of this rule apply only to following types of portland cement kilns with process rates of at least that indicated as follows:

- (1) For long dry kilns, twelve tons per hour.
- (2) For long wet kilns, ten tons per hour.
- (3) For preheater kilns, sixteen tons per hour.
- (4) For precalciner and preheater/precalciner kilns, twenty-two tons per hour.

(B) After April 30, 2004, an owner or operator of any portland cement kiln subject to this rule shall not operate the kiln during May first through September thirtieth unless the kiln has installed and operates during May first through September thirtieth with low-NO_x burners, mid-kiln system firing, or alternative control techniques, subject to approval by the administrator, that achieve at least the same emissions decreases as low-NO_x burners or mid-kiln system firing.

(C) Reporting, monitoring and record keeping requirements.

(1) Any owner or operator subject to the requirements of paragraph (B) of this rule shall comply with the following requirements:

(a) By May 1, 2004, submit to the director and administrator the identification number and type of each unit subject to the rule, the name and address of the plant where the unit is located, and the name and telephone number of the person responsible for demonstrating the compliance of the unit with this rule.

(b) Submit a report documenting for each unit the total NO_x emissions from May first through September thirtieth of each year to the director and administrator by October thirty-first of each year, beginning in 2004.

(2) Any owner or operator of a unit subject to paragraph (B) of this rule shall complete an initial performance test and subsequent annual testing consistent with the requirements of Methods 1, 2, 3 and 4 of 40 CFR Part 60, Appendix A and Method 7, 7A, 7C, 7D, or 7E of 40 CFR Part 60.

- (3) Any owner or operator of a unit subject to paragraph (B) of this rule shall produce and maintain records which include, but are not limited to the following:
- (a) The emissions, in pounds of NO_x per ton of clinker produced from each affected cement kiln.
 - (b) The date, time and duration of any startup, shutdown or malfunction in the operation of any of the cement kilns or the emissions monitoring equipment.
 - (c) The results of any performance testing.
 - (d) Daily cement kiln production records.
- (4) All records required to be produced or maintained shall be retained on site for a minimum of two years and be made available to the director or administrator upon request.

Five Year Review (FYR) Dates: 5/16/2024 and 05/16/2029

CERTIFIED ELECTRONICALLY

Certification

05/16/2024

Date

Promulgated Under: 119.03
Statutory Authority: 3704.03(E)
Rule Amplifies: 3704.03(A), 3704.03(D), 3704.03(E)
Prior Effective Dates: 07/18/2002, 07/19/2008, 08/22/2019, 02/19/2023

3745-14-12

Stationary internal combustion engines.

[Comment: For dates and availability of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see paragraph (F) of rule 3745-14-01 of the Administrative Code titled "referenced materials".]

(A) The requirements of this rule apply to the owner or operator of any large NO_x SIP call engine.

(B) Compliance plan.

(1) After May 1, 2007, an owner or operator of a large NO_x SIP call engine shall not operate the engine in the 2007 control period or any subsequent year's control period unless the owner or operator complies with the requirements of a compliance plan which meets the following provisions:

(a) The compliance plan shall be approved by the director.

(b) The compliance plan shall demonstrate enforceable emission reductions from one or more stationary internal combustion engines equal to or greater than the facility seasonal NO_x 2007 tonnage reduction.

(c) The compliance plan may cover some or all engines at an individual facility or at several facilities or at all facilities in the state of Ohio that are in control of the same owner or operator.

(d) The compliance plan shall be submitted to the director by May 1, 2006.

(e) The compliance plan may include credit for decreases in NO_x emissions from large NO_x SIP call engines in the state of Ohio due to NO_x control equipment. Credit may also be included for decreases in NO_x emissions from other engines in the state of Ohio due to NO_x control equipment not reflected in the 2007 base NO_x emissions in the NO_x SIP call engine inventory.

(f) The compliance plan shall include the following items:

(i) List of engines subject to the plan, including the engine's manufacturer, model, facility location address, and facility identification number.

(ii) The projected control period hours of operation for each engine and supporting documentation.

- (iii) A description of the NO_x emissions control installed, or to be installed, on each engine and documentation to support the projected NO_x emission rates.
 - (iv) The past and projected NO_x emission rates for each affected engine in grams per brake horsepower-hour.
 - (v) A numerical demonstration that the emission reductions obtained from all engines included under the plan will be equivalent to or greater than the owner's or operator's facility seasonal NO_x 2007 tonnage reduction, based on the difference between the past NO_x emission rate and the projected NO_x emission rate multiplied by the projected operating hours for each affected engine, and taking into account any credit under paragraph (B)(1)(e) of this rule.
 - (vi) Provisions for monitoring, reporting and recordkeeping for each affected engine.
- (2) The projected NO_x emission rate in grams per brake horsepower-hour for each affected engine shall be included in a federally enforceable permit.
- (C) Any owner or operator subject to the requirements of paragraph (B) of this rule shall comply with the following:
- (1) Monitoring requirements.
 - (a) Complete an initial performance test consistent with the requirements of 40 CFR Part 60, Appendix A, following installation of emission controls required to achieve the emission rate limit specified in paragraph (B)(2) of this rule.
 - (b) Perform periodic monitoring sufficient to yield reliable data from the relevant time period that is representative of a source's compliance with the emission rate limit specified in paragraph (B)(2) of this rule. Such periodic monitoring may include one of the following:
 - (i) Performance tests consistent with the requirements of 40 CFR Part 60, Appendix A, or portable monitors using ASTM D6522.
 - (ii) A parametric monitoring program that specifies operating parameters, and their ranges, that will provide reasonable assurance that each engine's emissions are consistent with the requirements of paragraph (B)(2) of this rule.

(iii) A predictive emissions measurement system that relies on automated data collection from instruments.

(iv) A continuous emission monitoring system that complies with 40 CFR Part 60 or 40 CFR Part 75.

(2) Record keeping requirements.

(a) Maintain all records necessary to demonstrate compliance with the requirements of this rule for a period of two calendar years at the plant at which the subject engine is located. The records shall be made available to the director and administrator upon request.

(b) For each engine subject to the requirements of this rule, the owner or operator shall maintain records of:

(i) Identification and location of each engine subject to the requirements of this rule.

(ii) Calendar date of record.

(iii) The number of hours the unit is operated during each control period compared to the projected operating hours.

(iv) Type and quantity of fuel used.

(v) The results of all compliance tests.

(3) Reporting requirements.

Any owner or operator subject to the requirements of this rule shall submit results of all compliance tests to the director.

Five Year Review (FYR) Dates: 5/16/2024 and 05/16/2029

CERTIFIED ELECTRONICALLY

Certification

05/16/2024

Date

Promulgated Under: 119.03
Statutory Authority: 3704.03(E)
Rule Amplifies: 3704.03(A), 3704.03(D), 3704.03(E)
Prior Effective Dates: 05/07/2005, 07/19/2008, 08/22/2019

Article II

Copy of Public Notice and
Director's Findings & Orders

**NOTICE OF ADOPTION OF RULES
OHIO ENVIRONMENTAL PROTECTION AGENCY**

Rules Governing

NOx Budget Program, OAC Chapter 3745-14

Notice is hereby given that the Director of the Ohio Environmental Protection Agency (Ohio EPA) has amended the following rules of the Ohio Administrative Code:

<u>Rule #</u>	<u>Title:</u>
3745-14-01	Definitions and General Provisions
3745-14-08	Monitoring and Reporting

The Director's order of adoption was issued on July 29, 2024. These adopted rules will become effective on August 15, 2024.

The Director's action in this matter is pursuant to the procedural requirements of Ohio Revised Code Chapter 119 and is based upon the record of the public hearing conducted by Ohio EPA on June 21, 2024, and comments received during the public comment period.

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within thirty (30) days after notice of the Director's action. The appeal must be accompanied by a filing fee of \$70.00, made payable to "Treasurer, State of Ohio," 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
77 South High Street, 17th Floor
Columbus, Ohio 43215

Article III

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. A copy of ORC 119.03 can be provided upon request. 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 Register of Ohio when rules are proposed. A copy of the Public Hearing notice is included (Attachment A to Article III). The Public Hearing notice was placed in the Ohio Register on May 16, 2024. Ohio EPA held a public hearing on June 21, 2024 in Columbus, Ohio and virtually. This hearing was held more than 30 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).

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 B to Article III).

Ohio EPA also complied with all requirements for incorporated materials. In addition, the answers to questions nine and ten of the Rule Summary and Fiscal Analysis (RSFA) document is provided (Attachment C to Article III).

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

Ohio EPA conducted the public hearing on June 21, 2024 as identified in the Public Hearing notice. A copy of the hearing summary is provided in Article IV.

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 rulemaking in Ohio. A hearing was held with JCARR on June 25, 2024 where these rules were placed on the consent agenda as item 19 (Attachment D to Article III). No testimony, questions or invalidation of the rules occurred during this hearing. JCARR jurisdiction expired on July 20, 2024 as evidenced by the JCARR consent agenda.

Ohio EPA issued the order to adopt the rules on July 29, 2024 as evidenced by the Director's Findings & Orders and the Public Notice (both contained in Article

II). The Secretary of the State and Director of the LSC once again received a letter of notice (Attachment E to Article III).

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

Ohio EPA provided an update of the adoption of the rules through the Ohio EPA website, in the Register of Ohio, in the director's Weekly review, and through an e-mail notice to all interested parties on July 29, 2024. A copy of these notifications can be provided upon request.

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. 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 States electronic rule filing system (Attachment B to Article III). 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 March 15, 2024, Ohio EPA notified interested parties via e-mail of the draft rule language. A copy of the notification may be provided upon request. We provided a 30-day comment period closing April 12, 2024. The interested parties list included Ohio EPA, DAPC's general rule making list. A copy of the e-mail and interested party list will be provided upon request.

As evidenced in item (C) of the ERAF for this 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 this 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 III

Attachment A

Public Hearing Notice

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

**Public Notice
Proposed Rulemaking Governing
Ohio Administrative Code (OAC) Chapter 3745-14, "NOx Budget Program"**

Notice is hereby given that the Director of Environmental Protection, under the authority of Sections 3704.03 of the Ohio Revised Code and in accordance with Chapter 119, proposes to file revisions to the following rule of the Ohio Administrative Code:

- 3745-14-01 Definitions and general provisions.
- 3745-14-08 Monitoring and reporting.

These rules establish the Nitrogen Oxide (NOx) Budget Program in response to U.S. EPA's 1998 NOx State Implementation Plan (SIP) Call to reduce the regional transport of NOx emissions from large sources that contribute to ozone nonattainment. These rules created an ozone season NOx allowance and trading program for electric generating units (EGUs) and large non-EGUs. In 2018 and 2019, Ohio EPA revised these rules such that non-EGUs would continue required monitoring and reporting even though U.S. EPA discontinued compliance trading options for non-EGUs.

The purpose of this rule making is in accordance with Ohio Revised Code 106.03, which requires all Ohio government agencies to review all existing, adopted rules, determining whether a rule should be amended or rescinded, prior to a specified date. Our review finds that only minor changes to rules 3745-14-01 and 3745-14-08 are needed, and all rules within chapter 14 are still necessary. The planned revisions to rules 3745-14-01 and 3745-14-08 are minor, primarily administrative and to remove restriction language, and do not affect the content or intent of the rule.

The public comment period will run until **June 21, 2024**. A public hearing on this proposed rulemaking will be held to consider public comments in accordance with Section 119.03 of the Ohio Revised Code. Ohio EPA will be holding an in-person and virtual public hearing on the rules on **June 21, 2024, at 10:30am**. The in-person hearing will be at the same time and date and will be located at Ohio EPA, Suite 700, 50 W. Town Street, Columbus, Ohio 43215. During the hearing, the public may submit written comments on the record about the proposed rules if participating virtually and verbally if participating in person.

Citizens who want to participate virtually must register in advance for the meeting at:

<https://attendee.gotowebinar.com/register/8902006118023044438>

Registration for the in-person hearing is not required. Citizens intending to give testimony at the hearing should notify the Ohio EPA Public Interest Center, P.O. Box 1049, Columbus, Ohio 43216-1049, (614) 644-2160 or by emailing mary.mccarron@epa.ohio.gov. Prior registration will ensure that registrants are heard ahead of those individuals who register at the hearing. Oral testimony may be limited to five minutes, depending on the number of persons testifying. All interested persons are entitled to attend or be represented and to present oral and/or written comments concerning the proposed rulemaking.

Written testimony should be sent to the attention of Amelia Brown at the Division of Air Pollution Control (DAPC), P.O. Box 1049, Columbus Ohio 43216-1049 or can be emailed to DAPC-Comments@epa.ohio.gov. Written comments may also be submitted to the Hearing Officer at the public hearing. Written testimony will receive the same consideration as oral testimony. All testimony received at the hearing or by close of business on **June 21, 2024**, will be considered by Ohio EPA prior to final action on this rulemaking proposal. Written comments submitted after this date may be considered as time and circumstances permit.

Questions regarding this rule package should be directed to Amelia Brown at the Division of Air Pollution Control at (614) 644-3622.

To receive a copy of the proposed rules, please contact the DAPC receptionist at (614) 644-2270. In addition, full copies of all proposed rules are available for review at any Ohio EPA district office and at the Ohio EPA central office. The proposed rules are also accessible on DAPC web page at <http://epa.ohio.gov/dapc/DAPCrules.aspx>

To request a reasonable accommodation due to a disability, visit <https://epa.ohio.gov/ada>

Article III

Attachment B

Letter to Secretary of State
and Director of LSC



ELECTRONIC RULE-FILING SYSTEM

FILING OF OHIO ADMINISTRATIVE RULES AND RULE-RELATED DOCUMENTS

The Honorable Frank LaRose
Secretary of State
180 E. Broad St., 16th Floor
Columbus, OH 43215

Wendy Zhan, Director
Legislative Service Commission
77 South High St., 9th Floor
Columbus, OH 43215

Ian Dollenmayer, Executive Director
Joint Committee on Agency Rule Review
77 South High St., Concourse Level
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: 202592
File Date and Time: 05/16/2024 9:38 AM
Confirmation Number: 5b9cd40eb82fcf6713f62e9eb69d1a6

ORIGINAL FILE

Rule Number	Type	FYR	CSI	JE Date	Eff Date	Next FYR	Tagline
3745-14-01	Amendment	Y	Y	07/20/2024			Definitions and general provisions.
3745-14-08	Amendment	Y	Y	07/20/2024			Monitoring and reporting.

Article III
Attachment C
RSFAs

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 3745-14-01

Rule Type: Amendment

Rule Title/Tagline: Definitions and general provisions.

Agency Name: Ohio Environmental Protection Agency

Division: Division of Air Pollution Control (DAPC)

Address: 50 W. Town St. Suite 700 Columbus OH 43215

Contact: Amelia Brown **Phone:** 614-644-2790

Email: Amelia.Brown@epa.ohio.gov

I. Rule Summary

1. **Is this a five year rule review?** Yes
 - A. **What is the rule's five year review date?** 5/16/2024
2. **Is this rule the result of recent legislation?** No
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 3704.03(E)
5. **What statute(s) does the rule implement or amplify?** 3704.03(A), 3704.03(E), 3704.03(D)
6. **Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires?** No
 - A. **If so, what is the citation to the federal law or rule?** Not Applicable
7. **What are the reasons for proposing the rule?**

The rule is being proposed after a review to fulfill the requirements of ORC 106.03(5-yr review).
8. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

This rule contains definitions used in this chapter, information on applicability and exemptions to the rule, and information on the version and availability of items referenced in the rule. Revisions to this rule update the versions of referenced materials and remove restriction language present throughout the rule.

9. **Does the rule incorporate material by reference? Yes**
10. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

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 online sources, including the Ohio EPA website, ORC 121.75 (A) exempts such references from the provisions of ORC 121.71 through 121.74. 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.

This rule also contains references to the Clean Air Act (CAA). Copies of the Act are generally available through libraries, Ohio EPA and Government Printing Office's websites. CAA 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.

11. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Not Applicable

II. Fiscal Analysis

12. **Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

0.00

Not applicable

- 13. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

There is no cost of compliance associated with this rule.

- 14. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**

- 15. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). Yes**

- 16. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

Not applicable.

III. Common Sense Initiative (CSI) Questions

- 17. Was this rule filed with the Common Sense Initiative Office? Yes**

- 18. Does this rule have an adverse impact on business? Yes**

- A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? Yes**

This rule requires regulated entities to obtain a permit in accordance with OAC rule 3745-14-03.

- B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? Yes**

This rule establishes liabilities for violations of OAC Chapter 3745-14.

- C. Does this rule require specific expenditures or the report of information as a condition of compliance? Yes**

This rule requires regulated entities to monitor emissions in accordance with OAC rule 3745-14-08. This rule also requires exempt units to report hours of operation and fuel usage for each control period.

- D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No**

IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).

19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes

A. How many new regulatory restrictions do you propose adding to this rule? 0

B. How many existing regulatory restrictions do you propose removing from this rule? 17

(B)(1) Except as otherwise provided in this rule, the definitions in rule 3745-15-01 of the Administrative Code shall apply to this chapter.

(B)(2)(l) Except as provided in paragraph (C)(2) of this rule, for a unit that is a NOx budget unit under paragraph (C)(1) of this rule on the date the unit commences commercial operation, such date shall remain the unit's date of commencement of commercial operation even if the unit is subsequently modified, reconstructed, or repowered.

(B)(2)(l) Except as provided in paragraph (C)(2) of this rule, for a unit that is not a NOx budget unit under paragraph (C)(1) of this rule on the date the unit commences commercial operation, the date the unit becomes a NOx budget unit under paragraph (C)(1) of this rule shall be the unit's date of commencement of commercial operation.

(B)(2)(m) Except as provided in paragraph (C)(2) of this rule, for a unit that is a NOx budget unit under paragraph (C)(1) of this rule on the date of commencement of operation, such date shall remain the unit's date of commencement of operation even if the unit is subsequently modified, reconstructed, or repowered.

(B)(2)(m) Except as provided in paragraph (C)(2) of this rule, for a unit that is not a NOx budget unit under paragraph (C)(1) of this rule on the date of commencement of operation, the date the unit becomes a NOx budget unit under paragraph (C)(1) of this rule shall be the unit's date of commencement of operation.

(B)(2)(r) For Title V sources, the designated representative shall be the responsible official under paragraph (II) of rule 3745-77-01 of the Administrative Code.

(B)(2)(r) For non-Title V sources, the designated representative shall be the signatory authority under paragraph (B) of rule 3745-31-04 of the Administrative Code.

(B)(2)(dd) If the unit intends to use Appendix D of 40 CFR Part 75 to report heat input, this value shall be calculated, in accordance with 40 CFR Part 75, using the maximum fuel flow rate and the maximum gross calorific value.

(B)(2)(dd) If the unit intends to use a flow monitor and a diluent gas monitor, this value shall be reported, in accordance with 40 CFR Part 75, using the maximum potential flow rate and either the maximum carbon dioxide concentration (in per cent carbon dioxide) or the minimum oxygen concentration (in per cent oxygen).

(B)(2)(pp) "Operator" means any person who operates, controls, or supervises a NOx budget unit or a NOx budget source and shall include, but is not be limited to, any holding company, utility system, or plant manager of such a unit or source.

(B)(2)(qq)(iii) Any purchaser of power from a NOx budget unit under a life-of-the-unit, firm power contractual arrangement (however, unless expressly provided for in a leasehold agreement, owner shall not include a passive lessor, or a person who has an equitable interest through such lessor, whose rental payments are not based, either directly or indirectly, upon the revenues or income from the NOx budget unit.

(B)(2)(uu) For purposes of Section 502(c) of the Clean Air Act, a source, including a source with multiple units, shall be considered a single facility.

(B)(2)(xx)(iii) Compliance with any submission, service, or mailing deadline shall be determined by the date of dispatch, transmission, or mailing and not the date of the receipt.

(B)(2)(aaa) For the purpose of determining compliance with the NOx budget program, total tons for a control period shall be calculated as the sum of all recorded hourly emissions (or the tonnage equivalent of the recorded hourly emissions rates) in accordance with paragraphs (A) to (G) of rule 3745-14-08 of the Administrative Code, or the sum of all daily emissions in accordance with paragraph (H) of rule 3745-14-08 of the Administrative Code, with any remaining fraction of a ton equal to or greater than 0.50 ton deemed to equal one ton and any fraction of a ton less than 0.50 ton deemed to equal zero tons.

(B)(4)(f) Where such performance test data are not available, the appropriate past NOx emission rate shall be evaluated and approved or denied by the director on a case-by-case basis using, for example, appropriate emission factors or data from the NOx SIP call engine inventory.

(C)(1) All of the following units shall be NOx budget units, and any source that includes one or more such units shall be a NOx budget source, subject to the requirements of this chapter:

(C)(2) The following units shall be exempt from the requirements of the NOx budget program:

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**
- D. Please justify the adoption of the new regulatory restriction(s).**

Not Applicable

Rule Summary and Fiscal Analysis

Part C - Environmental Rule Questions

Pursuant to Am. Sub. H.B. 106 of the 121st General Assembly, prior to adopting a rule or an amendment to a rule dealing with environmental protection, or containing a component dealing with environmental protection, a state agency shall:

- (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 rule amendment.
- (3) Specifically identify whether the proposed rule or rule 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 rule amendment is more stringent than its federal counterpart, and, if the proposed rule or rule amendment is more stringent, the rationale for not incorporating its federal counterpart.
- (4) Include with the proposed rule or rule amendment and rule summary and fiscal analysis required to be filed with the Joint Committee on Agency Rule Review information relevant to the previously listed requirements.

(A) Were organizations that represent political subdivisions, environmental interests, business interests, and other persons affected by the proposed rule or amendment consulted? Yes

Please list each contact.

These rules were sent out for a 30-day draft comment period ending April 12, 2024. The rules were released to Ohio EPA's electronic interested parties list, posted on Ohio EPA's regulations website and shared with interested industry parties. No comments were received.

(B) Was documentation that is relevant to the need for, the environmental benefits or consequences of, other benefits of, and the technological feasibility of the proposed rule or amendment considered? Yes

Please list the information provided and attach a copy of each piece of documentation to this form. (A SUMMARY OR INDEX MAY BE ATTACHED IN LIEU OF THE ACTUAL DOCUMENTATION.)

Ohio EPA used internal review and discussion, and the federal NOx SIP Call [October 27, 1998, 63 FR 57356] in developing the rule.

- (C) Is the proposed rule or rule amendment 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? Yes**

Is the proposed rule or rule amendment more stringent than its federal counterpart?
No Not Applicable

- (D) If this is a rule amendment that is being adopted under a state statute that establishes standards with which the amendment is to comply, is the proposed rule amendment more stringent than the rule that it is proposing to amend? No**

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 3745-14-08

Rule Type: Amendment

Rule Title/Tagline: Monitoring and reporting.

Agency Name: Ohio Environmental Protection Agency

Division: Division of Air Pollution Control (DAPC)

Address: 50 W. Town St. Suite 700 Columbus OH 43215

Contact: Amelia Brown **Phone:** 614-644-2790

Email: Amelia.Brown@epa.ohio.gov

I. Rule Summary

1. **Is this a five year rule review?** Yes
 - A. **What is the rule's five year review date?** 5/16/2024
2. **Is this rule the result of recent legislation?** No
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 3704.03(E)
5. **What statute(s) does the rule implement or amplify?** 3704.03(A), 3704.03(D), 3704.03(E)
6. **Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires?** No
 - A. **If so, what is the citation to the federal law or rule?** Not Applicable
7. **What are the reasons for proposing the rule?**

The rule is being proposed after a review to fulfill the requirements of ORC 106.03(5-yr review).
8. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

This rule contains the provisions and outlines the requirements owners and operators of affected units (NOx budget units) must follow to comply with the monitoring, record keeping, and reporting requirements of the NOx Budget trading program. The revisions to this rule establish provisions for an alternative to Part 75 monitoring and reporting.

9. **Does the rule incorporate material by reference? Yes**
10. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

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 online sources, including the Ohio EPA website, ORC 121.75 (A) exempts such references from the provisions of ORC 121.71 through 121.74.

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 paragraph (F) of rule 3745-14-01 of the Administrative Code.

11. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Not Applicable

II. Fiscal Analysis

12. **Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

0.00

Not applicable.

13. **What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

This rule contains the provisions and outlines the requirements owners and operators of affected units (NOx budget units) must follow to comply with the monitoring, record keeping, and reporting requirements of the NOx Budget program. The NOx Budget program required owners and operators of each NOx unit to install all monitoring systems required under the rule, certify the systems and record, quality-assure, and report the data for the monitoring systems to the administrator. All of the existing units in the program have had these monitoring systems installed and operating since the beginning of the program (2004). Newly installed NOx budget units either at existing facilities or completely new facilities, would need to install these monitoring systems, which consist of a continuous emission monitoring system (or "CEMS").

Ohio EPA estimates the capital cost for installing a CEMS is between \$56,000 and \$112,000, depending on the site-specific installation challenges. The estimated cost of the CEMS includes: NOx monitor, O2 monitor, probe/filter box, sample conditioner, heated sampler line (\$55/ft), climate controller rack, PC and software start-up service, and training. The actual cost can exceed the values listed above if the stack servicing the unit does not currently have proper shelter for the equipment and available electric hook-ups which would therefore need to be installed. Annual average operating costs for most systems is estimated to be between \$15,000 and \$20,000 addressing maintenance, calibration gasses as well as certifications and audits. Costs may be more for systems subject to more extreme conditions. However, there are existing options for requesting an alternative within the framework of Part 75 that could reduce these costs. Also, there would be some minor costs associated with the quarterly reporting and compliance certification requirements of this rule for emissions of NOx and heat input data to be performed by the designated representative. Ohio EPA estimates these reporting requirements for affected units require at most 20 man-hours per year at a rate of \$50 per hour, or approximately \$1,000. This cost represents personnel costs only. Ultimately, the requirements imposed by these rules are incorporated into air pollution permits. These permits are already required under a different chapter of the revised code. These requirements will also include the methods for maintaining records and submitting reports. The estimated costs discussed above include any additional costs associated with the permit process as well as the cost of any record keeping or reporting required to fulfill the requirements of these rules.

For electric generating units (EGUs), the requirements of this rule are satisfied through the federal CSAPR program, so there are no direct costs of this rule for EGUs.

For non-EGUs, the revisions to this rule offer an additional alternative to the existing monitoring and reporting requirements which will dramatically reduce the costs of compliance. With the approval of alternative monitoring and reporting,

the costs noted above for operating and maintaining CEMS, quarterly reporting, and replacement costs when the existing CEMS have reached the end of their useful life, will no longer be incurred. Instead, costs would include those associated with obtaining a permit, monitoring heat input and fuel use, conducting stack tests, reporting data, and maintaining records. Costs for obtaining a permit include personnel costs to prepare the application including development of the emission factor analysis, and in some cases an application fee.

Depending on the type of facility, either a permit-to-install (PTI) and Title V operating permit application or a Permit-to-Install-and-Operate (PTIO) application is required. Applications may be prepared and submitted by facility representatives, or a facility may hire a consultant to prepare their application so that a facility representative can submit the application. The decision to hire a consultant often depends on the size of the facility, type of facility, and how complicated/ extensive the permitting action and analysis is. An application may take a facility a few hours to prepare and comprise 30 pages or less, or it could take several months to prepare and contain hundreds of pages of documents. The cost to prepare these applications (and comply with permit requirements) can vary across a wide range being as little as \$100 to \$30,000 (typical estimated cost to have a larger project application be completed by a consulting firm).

Ohio EPA does not charge an application fee for Title V permits. For PTIs and PTIOs, the application fee amount varies depending on the type of facility and project. Fee requirements are contained ORC 3745.11 and range from \$50 to thousands of dollars. Costs to monitor heat input and fuel use include capital costs for initial installation of a new monitoring system of approximately \$10,000 to \$50,000, depending on the type of equipment purchased and site-specific installation needs. Annual average operating and maintenance costs for most systems is estimated to be between \$2,000 and \$10,000. Some facilities may already conduct monitoring for fuel use and/or heat input as part of their normal operations and therefore would not incur the capital costs. Stack testing typically costs up to fifteen thousand dollars per testing event and will need to be repeated every five years. Ozone season NO_x emissions data will be reported as part of the Fee Emissions Reports (FER) which are currently required under OAC Chapter 3745-78. There will be minimal additional personnel costs associated with reporting additional emissions data on the FER. Costs to maintain records of daily heat input and fuel use and daily NO_x emissions are expected to be significantly less than records maintenance costs under the existing requirements.

Overall, the alternative monitoring and reporting requirements will provide a cost savings of tens of thousands of dollars in annual operating costs, as well as \$56,000 to \$112,000 for capital replacement costs, as compared to the existing current requirements while providing the same level of environmental protection.

14. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). Yes**
15. **Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). Yes**
16. **If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

Not applicable.

III. Common Sense Initiative (CSI) Questions

17. **Was this rule filed with the Common Sense Initiative Office? Yes**
18. **Does this rule have an adverse impact on business? Yes**

- A. **Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? Yes**

This rule requires approval for use of an alternative to Part 75 monitoring and reporting requirements to be established in a permit.

- B. **Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No**

- C. **Does this rule require specific expenditures or the report of information as a condition of compliance? Yes**

This rule contains the provisions and outlines the requirements owners and operators of affected units (NOx budget units) must follow to comply with the monitoring, record keeping, and reporting requirements of the NOx budget program.

- D. **Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No**

IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).

19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes

A. How many new regulatory restrictions do you propose adding to this rule? 0

B. How many existing regulatory restrictions do you propose removing from this rule? 15

(A)(1) For purposes of complying with such requirements, the definitions in paragraph (B) of rule 3745-14-01 of the Administrative Code and in 40 CFR 72.2 shall apply, and the terms "affected unit" and "continuous emission monitoring system" (or "CEMS") in 40 CFR Part 75 shall be replaced by the terms "NOx budget unit" and "continuous emission monitoring system" (or "CEMS"), respectively, as defined in paragraph (B) of rule 3745-14-01 of the Administrative Code.

(B)(2)(a) The owner or operator shall ensure that each monitoring system required by 40 CFR Part 75, Subpart H (which includes the automated data acquisition and handling system) successfully completes all of the initial certification testing required under 40 CFR 75.20 by the applicable deadline in paragraph (A)(3) of this rule.

(B)(2)(c)(iv) The director shall issue a written notice of approval or disapproval of the certification application to the owner or operator within one hundred twenty days of receipt of the complete certification application under paragraph (B)(2)(c)(ii) of this rule.

(B)(2)(c)(iv) In the event the director does not issue such a notice within such one hundred twenty-day period, each monitoring system that meets the applicable performance requirements of 40 CFR Part 75 and is included in the certification application shall be deemed certified for use under the NOx budget program.

(B)(2)(c)(iv)(a) If the certification application is complete and shows that each monitoring system meets the applicable performance requirements of 40 CFR Part 75, then the director shall issue a written notice of approval of the certification application within one hundred twenty days of receipt.

(B)(2)(c)(iv)(b) A certification application shall be considered complete when all of the applicable information required to be submitted under paragraph (B)(2)(c)(ii) of this rule has been received by the director.

(B)(2)(c)(iv)(b) If the certification application is not complete, then the director shall issue a written notice of incompleteness that sets a reasonable date by which the designated representative shall submit the additional information required to complete the certification application.

(B)(2)(c)(iv)(b) The one hundred twenty-day review period shall not begin prior to receipt of a complete certification application.

(B)(2)(c)(iv)(c) If the certification application shows that any monitoring system or component thereof does not meet the performance requirements of this chapter, or if the certification application is incomplete and the requirement for disapproval under paragraph (B)(2)(c)(iv)(b) of this rule has been met, then the director shall issue a written notice of disapproval of the certification application.

(B)(4) The requirements of 40 CFR 75.20(f) shall apply to such alternative monitoring system.

(E)(4)(a) If a unit is subject to an acid rain emission limitation or if the owner or operator of the NO_x budget unit chooses to meet the annual reporting requirements of paragraphs (A) to (G) of this rule, the designated representative shall submit a quarterly report for each calendar quarter beginning with the following:

(E)(4)(b) If a NO_x budget unit is not subject to an acid rain emissions limitation then the designated representative shall do either of the following:

(E)(4)(c) The designated representative shall submit each quarterly report to the administrator within thirty days following the end of the calendar quarter covered by the report.

(E)(4)(c) Quarterly reports shall be submitted in the manner specified in 40 CFR Part 75, Subpart H and 40 CFR 75.64, as follows:

(E)(4)(d) The designated representative shall submit to the administrator a compliance certification in support of each quarterly report based on reasonable inquiry of those persons with primary responsibility for ensuring that all of the units' emissions are correctly and fully monitored.

C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.

D. Please justify the adoption of the new regulatory restriction(s).

Not Applicable

Rule Summary and Fiscal Analysis

Part B - Local Governments Questions

1. Does the rule increase costs for:

A. Public School Districts	No
B. County Government	Yes
C. Township Government	Yes
D. City and Village Governments	Yes

2. Please estimate the total cost, in dollars, of compliance with the rule for the affected local government(s). If you cannot give a dollar cost, explain how the local government is financially impacted.

This rule contains the provisions and outlines the requirements owners and operators of affected units (NOx budget units) must follow to comply with the monitoring, record keeping, and reporting requirements of the NOx Budget program. The NOx Budget program required owners and operators of each NOx unit to install all monitoring systems required under the rule, certify the systems and record, quality-assure, and report the data for the monitoring systems to the administrator. All of the existing units in the program have had these monitoring systems installed and operating since the beginning of the program (2004). Newly installed NOx budget units either at existing facilities or completely new facilities, would need to install these monitoring systems, which consist of a continuous emission monitoring system (or "CEMS").

Ohio EPA estimates the capital cost for installing a CEMS is between \$56,000 and \$112,000, depending on the site-specific installation challenges. The estimated cost of the CEMS includes: NOx monitor, O2 monitor, probe/filter box, sample conditioner, heated sampler line (\$55/ft), climate controller rack, PC and software start-up service, and training. The actual cost can exceed the values listed above if the stack servicing the unit does not currently have proper shelter for the equipment and available electric hook-ups which would therefore need to be installed. Annual average operating costs for most systems is estimated to be between \$15,000 and \$20,000 addressing maintenance, calibration gasses as well as certifications and audits. Costs may be more for systems subject to more extreme conditions. However, there are existing options for requesting an alternative within the framework of Part 75 that could reduce these costs. Also, there would be some minor costs associated with the quarterly reporting and compliance certification requirements of this rule for emissions of NOx and heat input data to be performed by the designated

representative. Ohio EPA estimates these reporting requirements for affected units require at most 20 man-hours per year at a rate of \$50 per hour, or approximately \$1,000. This cost represents personnel costs only. Ultimately, the requirements imposed by these rules are incorporated into air pollution permits. These permits are already required under a different chapter of the revised code. These requirements will also include the methods for maintaining records and submitting reports. The estimated costs discussed above include any additional costs associated with the permit process as well as the cost of any recordkeeping or reporting required to fulfill the requirements of these rules.

For electric generating units (EGUs), the requirements of this rule are satisfied through the federal CSAPR program, so there are no direct costs of this rule for EGUs.

For non-EGUs, the revisions to this rule offer an additional alternative to the existing monitoring and reporting requirements which will dramatically reduce the costs of compliance. With the approval of alternative monitoring and reporting, the costs noted above for operating and maintaining CEMS, quarterly reporting, and replacement costs when the existing CEMS have reached the end of their useful life, will no longer be incurred. Instead, costs would include those associated with obtaining a permit, monitoring heat input and fuel use, conducting stack tests, reporting data, and maintaining records. Costs for obtaining a permit include personnel costs to prepare the application including development of the emission factor analysis, and in some cases an application fee.

Depending on the type of facility, either a permit-to-install (PTI) and Title V operating permit application or a Permit-to-Install-and-Operate (PTIO) application is required. Applications may be prepared and submitted by facility representatives, or a facility may hire a consultant to prepare their application so that a facility representative can submit the application. The decision to hire a consultant often depends on the size of the facility, type of facility, and how complicated/ extensive the permitting action and analysis is. An application may take a facility a few hours to prepare and comprise 30 pages or less, or it could take several months to prepare and contain hundreds of pages of documents. The cost to prepare these applications (and comply with permit requirements) can vary across a wide range being as little as \$100 to \$30,000 (typical estimated cost to have a larger project application be completed by a consulting firm).

Ohio EPA does not charge an application fee for Title V permits. For PTIs and PTIOs, the application fee amount varies depending on the type of facility and project. Fee requirements are contained ORC 3745.11 and range from \$50 to thousands of dollars. Costs to monitor heat input and fuel use include capital costs for initial installation of a new monitoring system of approximately \$10,000 to \$50,000, depending on the type of equipment purchased and site-specific installation needs. Annual average

operating and maintenance costs for most systems is estimated to be between \$2,000 and \$10,000. Some facilities may already conduct monitoring for fuel use and/or heat input as part of their normal operations and therefore would not incur the capital costs. Stack testing typically costs up to fifteen thousand dollars per testing event and will need to be repeated every five years. Ozone season NO_x emissions data will be reported as part of the Fee Emissions Reports (FER) which are currently required under OAC Chapter 3745-78. There will be minimal additional personnel costs associated with reporting additional emissions data on the FER. Costs to maintain records of daily heat input and fuel use and daily NO_x emissions are expected to be significantly less than records maintenance costs under the existing requirements.

Overall, the alternative monitoring and reporting requirements will provide a cost savings of tens of thousands of dollars in annual operating costs, as well as \$56,000 to \$112,000 for capital replacement costs, as compared to the existing current requirements while providing the same level of environmental protection.

3. **Is this rule the result of a federal government requirement?** No
 - A. **If yes, does this rule do more than the federal government requires?** *Not Applicable*
 - B. **If yes, what are the costs, in dollars, to the local government for the regulation that exceeds the federal government requirement?**
Not Applicable
4. **Please provide an estimated cost of compliance for the proposed rule if it has an impact on the following:**
 - A. **Personnel Costs**
See above response.
 - B. **New Equipment or Other Capital Costs**
See above response.
 - C. **Operating Costs**
See above response.
 - D. **Any Indirect Central Service Costs**
See above response.

E. Other Costs

See above response.

5. Please explain how the local government(s) will be able to pay for the increased costs associated with the rule.

There are two municipally owned groups operating ten units that were subject to these rule requirements. These facilities pay for the cost of compliance through the sale of electricity. For these EGUs, the requirements of this rule are satisfied through the federal CSAPR program, so there are no direct costs of this rule for EGUs.

6. What will be the impact on economic development, if any, as the result of this rule?

There is no anticipated impact on economic development.

Rule Summary and Fiscal Analysis

Part C - Environmental Rule Questions

Pursuant to Am. Sub. H.B. 106 of the 121st General Assembly, prior to adopting a rule or an amendment to a rule dealing with environmental protection, or containing a component dealing with environmental protection, a state agency shall:

- (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 rule amendment.
- (3) Specifically identify whether the proposed rule or rule 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 rule amendment is more stringent than its federal counterpart, and, if the proposed rule or rule amendment is more stringent, the rationale for not incorporating its federal counterpart.
- (4) Include with the proposed rule or rule amendment and rule summary and fiscal analysis required to be filed with the Joint Committee on Agency Rule Review information relevant to the previously listed requirements.

(A) Were organizations that represent political subdivisions, environmental interests, business interests, and other persons affected by the proposed rule or amendment consulted? Yes

Please list each contact.

These rules were sent out for a 30-day draft comment period ending April 12, 2024. The rules were released to Ohio EPA's electronic interested parties list, posted on Ohio EPA's regulations website and shared with interested industry parties. No comments were received.

(B) Was documentation that is relevant to the need for, the environmental benefits or consequences of, other benefits of, and the technological feasibility of the proposed rule or amendment considered? Yes

Please list the information provided and attach a copy of each piece of documentation to this form. (A SUMMARY OR INDEX MAY BE ATTACHED IN LIEU OF THE ACTUAL DOCUMENTATION.)

Ohio EPA used internal review and discussion, and the federal NOx SIP Call [October 27, 1998, 63 FR 57356] in developing the rule.

- (C) Is the proposed rule or rule amendment 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? Yes**

Is the proposed rule or rule amendment more stringent than its federal counterpart?
No Not Applicable

- (D) If this is a rule amendment that is being adopted under a state statute that establishes standards with which the amendment is to comply, is the proposed rule amendment more stringent than the rule that it is proposing to amend? No**

Article III
Attachment D
JCARR Agenda

JOINT COMMITTEE ON AGENCY RULE REVIEW

Agenda - 6/25/2024 - 9:00 AM

Senate South Hearing Room



FINAL REGULAR AGENDA

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1 Bureau of Workers' Compensation •

Total Rules: 3 Original Filing Date: 5/13/2024

Jurisdiction Ends: 7/17/2024 Public Hearing: 6/13/2024

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	Yes	No	4123-6-21.2	Pharmacy and therapeutics committee.
Amendment	Original Filing	Yes	No	4123-6-21.3	Outpatient medication formulary.
Amendment	Original Filing	Yes	No	4123-6-21.6	First fill of outpatient medications.

2 Department of Administrative Services • Division of Human Resources

Total Rules: 9 Original Filing Date: 5/15/2024

Jurisdiction Ends: 7/19/2024 Public Hearing: 6/18/2024

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	No	Yes	123:1-9-01	Examination guidelines.
Amendment	Original Filing	No	Yes	123:1-9-02	Subjects, weights, and pass point.
Amendment	Original Filing	No	Yes	123:1-9-03	Medical or psychological examination as a requirement for appointment to the classified service.
Amendment	Original Filing	No	Yes	123:1-25-01	Transfers and intra-transfers in classified service.
Amendment	Original Filing	No	Yes	123:1-25-02	Reinstatements after resignation.
Amendment	Original Filing	No	Yes	123:1-25-04	Seasonal positions.
Amendment	Original Filing	No	Yes	123:1-25-07	Temporary reassignment of duties.
Amendment	Original Filing	No	Yes	123:1-27-04	General principles of the employee recognition program.
Rescission	Original Filing	No	Yes	123:1-27-05	Employee recognition award.

3 Department of Agriculture • Food Safety

Total Rules: 7 Original Filing Date: 4/26/2024

Jurisdiction Ends: 6/30/2024 Public Hearing: 5/29/2024

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	Yes	Yes	901:3-6-01	Authority of the director of agriculture; Definitions.
Amendment	Original Filing	Yes	Yes	901:3-6-02	Food.

Click on the rule number in blue above to view the rule in its entirety on the *Register of Ohio* website.

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Amendment	Original Filing	Yes	Yes	901:3-6-03	Equipment and facilities.
Amendment	Original Filing	Yes	Yes	901:3-6-04	Wash, rinse, and bactericidal treatment.
Amendment	Original Filing	Yes	Yes	901:3-6-05	Hand washing.
Amendment	Original Filing	Yes	Yes	901:3-6-07	Right of entry.
Amendment	Original Filing	Yes	Yes	901:3-6-08	Retail food establishment referral.

4 Department of Commerce • Division of Industrial Compliance

Total Rules: 7 Original Filing Date: 4/26/2024 Jurisdiction Ends: 6/30/2024 Public Hearing: 5/28/2024

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
New Rule	Original Filing	Yes	No	1301:3-10-01	Definitions.
New Rule	Original Filing	Yes	No	1301:3-10-02	Scope; Interpretation.
New Rule	Original Filing	Yes	No	1301:3-10-03	Applications for license or government certification for out-of-state applicants.
New Rule	Original Filing	Yes	No	1301:3-10-04	Denial of a license or government certification to an out-of-state applicant.
New Rule	Original Filing	Yes	No	1301:3-10-05	Restricted or limited license or government certifications.
New Rule	Original Filing	Yes	No	1301:3-10-06	Application fees for out-of-state applicants.
New Rule	Original Filing	Yes	No	1301:3-10-07	Expiration and renewal of license or government certification issued to out-of-state applicants.

5 Department of Health •

Total Rules: 3 Original Filing Date: 4/25/2024 Jurisdiction Ends: 6/29/2024 Public Hearing: 5/30/2024

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	Yes	Yes	3701-3-28	Report of bite of dog or other mammal.
Amendment	Original Filing	Yes	Yes	3701-3-29	Biting animal to be confined; veterinarian to report.
Amendment	Original Filing	Yes	Yes	3701-3-30	Report of suspected rabid mammal.

6 Department of Health •

Total Rules: 21 Original Filing Date: 4/25/2024 Date of Revised Filing: 5/28/2024 Jurisdiction Ends: 6/29/2024 Public Hearing: 5/30/2024

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Revised Filing	Yes	Yes	3701-16-01	Definitions.
Amendment	Revised Filing	Yes	Yes	3701-16-02	General provisions and prohibitions.
Rescission	Revised Filing	Yes	Yes	3701-16-03	Residential care facility licensure application and renewal procedures; revocation.
New Rule	Revised Filing	Yes	No	3701-16-03	Initial, renewal, and change of operator license applications; fees; issuance; revocation; notice.

Click on the rule number in blue above to view the rule in its entirety on the *Register of Ohio* website.

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Amendment	Revised Filing	Yes	Yes	3701-16-03.1	Expedited initial licensure inspections.
Amendment	Revised Filing	Yes	Yes	3701-16-04	Inspections and investigations; correction.
Amendment	Revised Filing	Yes	Yes	3701-16-05	Personnel requirements.
Amendment	Revised Filing	Yes	Yes	3701-16-06	Qualifications and health of personnel.
Amendment	Revised Filing	Yes	Yes	3701-16-07	Resident agreement; other information to be provided upon admission; risk agreements.
Amendment	Revised Filing	Yes	Yes	3701-16-08	Resident health assessments.
Amendment	Revised Filing	Yes	Yes	3701-16-09	Personal care services; medication administration; resident medications; application of dressings; supervision of therapeutic diets.
Amendment	Revised Filing	Yes	Yes	3701-16-09.1	Skilled nursing care.
Amendment	Revised Filing	Yes	Yes	3701-16-10	Dietary services; supervision of therapeutic diets.
Amendment	Revised Filing	Yes	Yes	3701-16-11	Resident life enrichment; finances; pets; laundry.
Amendment	Revised Filing	Yes	Yes	3701-16-12	Changes in residents' health status; incidents; infection control; tuberculosis control plan.
Amendment	Revised Filing	Yes	Yes	3701-16-13	Building, plumbing, fire and carbon monoxide safety requirements.
Amendment	Revised Filing	Yes	Yes	3701-16-14	Space requirements.
Amendment	Revised Filing	Yes	Yes	3701-16-15	Building maintenance, equipment and supplies.
Amendment	Revised Filing	Yes	Yes	3701-16-16	Temperature regulation in residential care facilities.
Amendment	Revised Filing	Yes	Yes	3701-16-17	Records and reports.
Amendment	Revised Filing	Yes	Yes	3701-16-18	Variances.

7 Department of Health •

Total Rules: 10 Original Filing Date: 4/25/2024

Jurisdiction Ends: 6/29/2024

Public Hearing: 5/30/2024

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	Yes	Yes	3701-8-01	Definitions.
Amendment	Original Filing	Yes	Yes	3701-8-02	Home visiting program eligibility.
Amendment	Original Filing	Yes	Yes	3701-8-03	Standards and procedures for determining initial eligibility and expansion of home visiting providers.
Amendment	Original Filing	Yes	Yes	3701-8-04	Personnel and supervision requirements.
Amendment	Original Filing	Yes	Yes	3701-8-05	Provision of home visiting services.
Amendment	Original Filing	Yes	Yes	3701-8-06	Quality assurance and monitoring of providers.
Amendment	Original Filing	Yes	Yes	3701-8-07	Data and maintenance of records.

Click on the rule number in blue above to view the rule in its entirety on the *Register of Ohio* website.

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Amendment	Original Filing	Yes	Yes	3701-8-08	Rights and privacy practices.
Amendment	Original Filing	Yes	Yes	3701-8-09	Criteria for reimbursement of home visiting services.
Amendment	Original Filing	Yes	Yes	3701-8-10	Central intake and referral system.

8 Department of Health •

Total Rules: 1 Original Filing Date: 4/26/2024 Date of Revised Filing: 5/28/2024 Jurisdiction Ends: 6/30/2024 Public Hearing: 5/30/2024

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Revised Filing	Yes	Yes	3701-31-03	Responsibilities of the licensor.

Total Rules: 1 Original Filing Date: 4/26/2024 Date of Refiled Filing: 6/14/2024 Jurisdiction Ends: 7/14/2024 Public Hearing: 5/30/2024

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Refiled Filing	Yes	Yes	3701-31-04	Responsibilities of the licensee.

9 Department of Job and Family Services • Division of Food Stamps

Total Rules: 5 Original Filing Date: 5/3/2024 Jurisdiction Ends: 7/7/2024 Public Hearing:

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	No	No	5101:4-2-02	Food assistance: categorically eligible assistance groups.
Amendment	Original Filing	No	No	5101:4-2-09	Food assistance: verification procedure.
Amendment	Original Filing	No	No	5101:4-4-31	Food assistance: anticipating income.
Amendment	Original Filing	No	No	5101:4-5-03	Food assistance: establishing certification periods.
Amendment	Original Filing	No	No	5101:4-7-01	Food assistance: reporting requirements during the certification period.

10 Department of Job and Family Services • Division of Food Stamps

Total Rules: 2 Original Filing Date: 5/3/2024 Jurisdiction Ends: 7/7/2024 Public Hearing:

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	No	No	5101:4-1-03	Food assistance: definitions.
Amendment	Original Filing	No	No	5101:4-6-04	Food assistance: student enrolled in an institution of higher education.

11 Department of Job and Family Services • Division of Food Stamps

Total Rules: 36 Original Filing Date: 5/3/2024 Jurisdiction Ends: 7/7/2024 Public Hearing: 6/6/2024

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	No	No	5101:4-2-07	Food assistance: initial interview process.
Rescission	Original Filing	No	Yes	5101:4-3-11	Food assistance: work registration and exemptions.

Click on the rule number in blue above to view the rule in its entirety on the *Register of Ohio* website.

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New Rule	Original Filing	No	No	5101:4-3-11	Screening for exemptions from work requirements.
Rescission	Original Filing	No	Yes	5101:4-3-11.1	Food assistance: work registration requirements.
Rescission	Original Filing	No	Yes	5101:4-3-11.2	Food assistance: work registration sanctions and compliance.
New Rule	Original Filing	No	No	5101:4-3-12	General work requirements.
New Rule	Original Filing	No	No	5101:4-3-13	ABAWD work requirement and time-limited participation.
Rescission	Original Filing	No	Yes	5101:4-3-19	Food assistance: voluntary quit and reduction of work effort.
Rescission	Original Filing	No	Yes	5101:4-3-20	Food assistance: able-bodied adults without dependents.
Rescission	Original Filing	No	Yes	5101:4-3-20.1	Food assistance: regaining eligibility.
Rescission	Original Filing	No	Yes	5101:4-3-29	Food assistance employment and training: case management.
Rescission	Original Filing	No	Yes	5101:4-3-30	Food assistance employment and training program.
Rescission	Original Filing	No	Yes	5101:4-3-31	Food assistance employment and training: required hours.
Rescission	Original Filing	No	Yes	5101:4-3-32	Food assistance employment and training: supportive services.
Rescission	Original Filing	No	Yes	5101:4-3-33	Food assistance employment and training: supervised job search.
Rescission	Original Filing	No	Yes	5101:4-3-34	Food assistance employment and training: work experience program.
Rescission	Original Filing	No	Yes	5101:4-3-34.1	Food assistance: work experience program participation and overpayments.
Rescission	Original Filing	No	Yes	5101:4-3-35	Food assistance employment and training: education and training activities.
Rescission	Original Filing	No	Yes	5101:4-3-36	Food assistance employment and training: displacement of other persons.
Rescission	Original Filing	No	Yes	5101:4-3-38	Food assistance employment and training: conciliation process.
Rescission	Original Filing	No	Yes	5101:4-3-39	Food assistance employment and training: job retention.
Rescission	Original Filing	No	Yes	5101:4-3-40	Food assistance employment and training: work-based learning.
New Rule	Original Filing	No	No	5101:4-9-01	SNAP employment and training program.
New Rule	Original Filing	No	No	5101:4-9-02	SNAP E&T comprehensive assessment.
New Rule	Original Filing	No	No	5101:4-9-03	SNAP E&T supportive services.
New Rule	Original Filing	No	No	5101:4-9-04	SNAP E&T case management.
New Rule	Original Filing	No	No	5101:4-9-05	SNAP E&T progress monitoring.
New Rule	Original Filing	No	No	5101:4-9-06	SNAP E&T disenrollment.
New Rule	Original Filing	No	No	5101:4-9-07	SNAP E&T components.
New Rule	Original Filing	No	No	5101:4-9-07.1	SNAP E&T supervised job search.
New Rule	Original Filing	No	No	5101:4-9-07.2	SNAP E&T job search training.
New Rule	Original Filing	No	No	5101:4-9-07.3	SNAP E&T workfare.

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New Rule	Original Filing	No	No	5101:4-9-07.4	SNAP E&T education.
New Rule	Original Filing	No	No	5101:4-9-07.5	SNAP E&T job retention.
New Rule	Original Filing	No	No	5101:4-9-07.6	SNAP E&T work experience.
New Rule	Original Filing	No	No	5101:4-9-08	SNAP E&T federal reporting.

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

Total Rules: 1 Original Filing Date: 5/1/2024 Jurisdiction Ends: 7/5/2024 Public Hearing: 6/6/2024

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	No	Yes	5101:2-47-18	Title IV-E foster care maintenance (FCM) program reimbursability: Reimbursements related to the difficulty of care needs of a child placed in a foster home, relative home, or pre-finalized adoptive home.

13 Department of Job and Family Services - Unemployment Compensation •

Total Rules: 8 Original Filing Date: 5/2/2024 Jurisdiction Ends: 7/6/2024 Public Hearing: 6/6/2024

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	No	Yes	4141-17-01	Successor in interest.
Rescission	Original Filing	Yes	Yes	4141-17-02	Voluntary successorship: clearly segregable and identifiable portion.
New Rule	Original Filing	Yes	No	4141-17-02	Mandatory transfer.
Rescission	Original Filing	Yes	Yes	4141-17-03	Voluntary successorship: substantially all of the assets.
New Rule	Original Filing	Yes	No	4141-17-03	Voluntary transfer.
Rescission	Original Filing	Yes	Yes	4141-17-04	Automatic successorship.
Rescission	Original Filing	Yes	Yes	4141-17-05	Mandatory partial transfer of experience.
Rescission	Original Filing	No	Yes	4141-30-01	Separation pay.

14 Ohio Department of Medicaid •

Total Rules: 1 Original Filing Date: 4/23/2024 Jurisdiction Ends: 6/27/2024 Public Hearing: 5/24/2024

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	No	Yes	5160-48-01	Medicaid coverage of targeted case management services provided to individuals with developmental disabilities.

15 Ohio Environmental Protection Agency •

Total Rules: 6 Original Filing Date: 4/29/2024 Jurisdiction Ends: 7/3/2024 Public Hearing: 6/6/2024

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
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Click on the rule number in blue above to view the rule in its entirety on the *Register of Ohio* website.

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Amendment	Original Filing	Yes	Yes	3745-1-10	Grand river drainage basin.		
Amendment	Original Filing	Yes	Yes	3745-1-13	Central Ohio tributaries drainage basin.		
Amendment	Original Filing	Yes	Yes	3745-1-14	Ashtabula river drainage basin.		
Amendment	Original Filing	Yes	Yes	3745-1-24	Muskingum river drainage basin.		
Amendment	Original Filing	Yes	Yes	3745-1-27	Black river drainage basin.		
Amendment	Original Filing	Yes	Yes	3745-1-28	Vermilion river drainage basin.		
Total Rules: 1	Original Filing Date: 4/29/2024			Date of Refiled Filing: 6/21/2024	Jurisdiction Ends: 7/21/2024	Public Hearing: 6/6/2024	

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Refiled Filing	Yes	Yes	3745-1-24	Muskingum river drainage basin.

16 Ohio Environmental Protection Agency •

Total Rules: 6	Original Filing Date: 5/2/2024				Jurisdiction Ends: 7/6/2024	Public Hearing: 6/5/2024
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<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	Yes	Yes	3745-84-01	Definitions.
Amendment	Original Filing	Yes	Yes	3745-84-02	Application for a license to operate or maintain a public water system.
Amendment	Original Filing	Yes	Yes	3745-84-03	Expiration and renewal of license to operate or maintain a public water system.
Amendment	Original Filing	Yes	Yes	3745-84-04	Format and display of license to operate or maintain a public water system.
Amendment	Original Filing	Yes	Yes	3745-84-05	Fees for operating or maintaining a public water system.
Amendment	Original Filing	Yes	Yes	3745-84-06	Conditioning, denial, suspension and revocation of a license to operate or maintain a public water system.

17 Ohio Environmental Protection Agency •

Total Rules: 1	Original Filing Date: 4/1/2024			Date of Refiled Filing: 6/20/2024	Jurisdiction Ends: 7/20/2024	Public Hearing: 5/9/2024
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<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
New Rule	Refiled Filing	Yes	No	3745-32-04	Mitigation for impacts to streams.

18 Ohio Environmental Protection Agency •

Total Rules: 2	Original Filing Date: 5/16/2024				Jurisdiction Ends: 7/20/2024	Public Hearing: 6/21/2024
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<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	Yes	Yes	3745-23-01	Definitions.
Amendment	Original Filing	Yes	Yes	3745-23-02	Methods of measurement.

19 Ohio Environmental Protection Agency •

Click on the rule number in blue above to view the rule in its entirety on the *Register of Ohio* website.

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Total Rules: 2 Original Filing Date: 5/16/2024

Jurisdiction Ends: 7/20/2024 Public Hearing: 6/21/2024

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	Yes	Yes	3745-14-01	Definitions and general provisions.
Amendment	Original Filing	Yes	Yes	3745-14-08	Monitoring and reporting.

20 Ohio Environmental Protection Agency •

Total Rules: 1 Original Filing Date: 5/16/2024

Jurisdiction Ends: 7/20/2024 Public Hearing: 6/21/2024

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	Yes	Yes	3745-114-01	Toxic air contaminants.

21 Ohio Ethics Commission •

Total Rules: 1 Original Filing Date: 5/2/2024

Jurisdiction Ends: 7/6/2024 Public Hearing:

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	No	No	102-11-02	Settlement negotiations.

22 Ohio Police and Fire Pension Fund •

Total Rules: 2 Original Filing Date: 5/13/2024

Jurisdiction Ends: 7/17/2024 Public Hearing:

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	No	No	742-9-10	Employer reporting requirements.
Amendment	Original Filing	No	No	742-9-17	Summary of payment remittance information form(recap form).

23 Public Utilities Commission of Ohio • Utilities

Total Rules: 47 Original Filing Date: 4/30/2024

Jurisdiction Ends: 7/4/2024 Public Hearing:

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	Yes	Yes	4901:1-21-01	Definitions.
Amendment	Original Filing	Yes	Yes	4901:1-21-02	Purpose and scope.
Amendment	Original Filing	Yes	Yes	4901:1-21-04	Records and record retention.
Amendment	Original Filing	Yes	Yes	4901:1-21-05	Marketing, solicitation, and customer information.
Amendment	Original Filing	Yes	Yes	4901:1-21-06	Customer enrollment and consent.
Amendment	Original Filing	Yes	Yes	4901:1-21-08	Customer access, slamming complaints, and complaint handling procedures.
Amendment	Original Filing	Yes	Yes	4901:1-21-09	Environmental disclosure.
Amendment	Original Filing	Yes	Yes	4901:1-21-10	Customer information.
Amendment	Original Filing	Yes	Yes	4901:1-21-11	Contract administration.

Click on the rule number in blue above to view the rule in its entirety on the *Register of Ohio* website.

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Amendment	Original Filing	Yes	Yes	4901:1-21-14	Customer billing and payments.
Amendment	Original Filing	Yes	Yes	4901:1-21-16	Formation and operation of an opt-out governmental aggregation.
Amendment	Original Filing	Yes	Yes	4901:1-21-17	Opt-out disclosure requirements.
Amendment	Original Filing	Yes	Yes	4901:1-21-18	Consolidated billing requirements.
Rescission	Original Filing	Yes	Yes	4901:1-21-19	Disclosures of renewable energy resource compliance costs.
New Rule	Original Filing	Yes	No	4901:1-21-19	Disclosures of renewable energy resource compliance costs.
Amendment	Original Filing	Yes	Yes	4901:1-23-02	Staff notice of probable noncompliance, proposed corrective action, and proposed forfeiture.
Amendment	Original Filing	Yes	Yes	4901:1-23-04	Settlement agreements and stipulations.
Amendment	Original Filing	Yes	Yes	4901:1-23-05	Commission proceedings.
Amendment	Original Filing	Yes	Yes	4901:1-23-06	Payment of forfeitures and other payments.
Amendment	Original Filing	Yes	Yes	4901:1-24-01	Definitions.
Amendment	Original Filing	Yes	Yes	4901:1-24-04	Expired certificates.
Amendment	Original Filing	Yes	Yes	4901:1-24-07	Motions.
Amendment	Original Filing	Yes	Yes	4901:1-24-08	Protective orders.
Amendment	Original Filing	Yes	Yes	4901:1-24-09	Certification renewal.
Amendment	Original Filing	Yes	Yes	4901:1-24-12	Transfer or abandonment of a certificate.
Amendment	Original Filing	Yes	Yes	4901:1-27-01	Definitions.
Amendment	Original Filing	Yes	Yes	4901:1-27-02	Purpose and scope.
Amendment	Original Filing	Yes	Yes	4901:1-27-04	Expired certificates.
Amendment	Original Filing	Yes	Yes	4901:1-27-05	Application content.
Amendment	Original Filing	Yes	Yes	4901:1-27-07	Motions.
Amendment	Original Filing	Yes	Yes	4901:1-27-08	Protective orders.
Amendment	Original Filing	Yes	Yes	4901:1-27-09	Certification renewal.
Amendment	Original Filing	Yes	Yes	4901:1-27-13	Certification suspension, rescission, or conditional rescission.
Amendment	Original Filing	Yes	Yes	4901:1-28-01	Definitions.
Amendment	Original Filing	Yes	Yes	4901:1-28-05	Cooperation between natural gas companies and certified governmental aggregators.
Amendment	Original Filing	Yes	Yes	4901:1-29-02	Purpose and scope.
Amendment	Original Filing	Yes	Yes	4901:1-29-04	Records and retention.
Amendment	Original Filing	Yes	Yes	4901:1-29-06	Customer enrollment and consent.

Click on the rule number in blue above to view the rule in its entirety on the *Register of Ohio* website.

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Amendment	Original Filing	Yes	Yes	4901:1-29-08	Customer access and complaint handling.
Amendment	Original Filing	Yes	Yes	4901:1-29-09	Customer information.
Amendment	Original Filing	Yes	Yes	4901:1-29-10	Contract administration and renewals.
Amendment	Original Filing	Yes	Yes	4901:1-29-12	Customer billing and payments.
Rescission	Original Filing	Yes	Yes	4901:1-29-13	Coordination between natural gas companies and retail natural gas suppliers and governmental aggregators.
Amendment	Original Filing	Yes	Yes	4901:1-30-01	Regulatory assessment and reporting requirements.
Amendment	Original Filing	Yes	Yes	4901:1-33-01	Not-for-profit customer declarations of nonmercantile status.
Amendment	Original Filing	Yes	Yes	4901:1-34-04	Service of staff notices of probable noncompliance, proposed corrective action, proposed forfeiture, and service of staff investigative reports.
Amendment	Original Filing	Yes	Yes	4901:1-34-05	Stipulations.

24 School Employees Retirement System •

Total Rules: 1 Original Filing Date: 4/22/2024 Jurisdiction Ends: 6/26/2024 Public Hearing:

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
New Rule	Original Filing	No	No	3309-1-69	Cybersecurity incident notification responsibilities.

25 School Employees Retirement System •

Total Rules: 1 Original Filing Date: 4/22/2024 Jurisdiction Ends: 6/26/2024 Public Hearing:

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
New Rule	Original Filing	No	No	3309-1-70	Contribution Based Benefit Cap.

26 State Board of Pharmacy • Controlled Substances and Drugs of Concern

Total Rules: 2 Original Filing Date: 4/24/2024 Jurisdiction Ends: 6/28/2024 Public Hearing: 5/28/2024

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	Yes	Yes	4729:9-1-01	Schedule I controlled substances.
Amendment	Original Filing	Yes	Yes	4729:9-1-04	Schedule IV controlled substances.

27 State Board of Pharmacy • Distributors of Dangerous Drugs

Total Rules: 3 Original Filing Date: 3/19/2024 Date of Refiled Filing: 6/3/2024 Jurisdiction Ends: 7/3/2024 Public Hearing: 4/23/2024

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Refiled Filing	Yes	Yes	4729:6-6-01	Virtual wholesalers - general operations.
Amendment	Refiled Filing	Yes	Yes	4729:6-7-01	Brokers - general operations.

Click on the rule number in blue above to view the rule in its entirety on the *Register of Ohio* website.

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Amendment Refiled Filing Yes Yes [4729:6-11-01](#)

Third party logistics providers - general operations.

28 State Board of Pharmacy • Distributors of Dangerous Drugs

Total Rules: 2 Original Filing Date: 4/24/2024

Jurisdiction Ends: 6/28/2024 Public Hearing: 5/28/2024

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>
Rescission	Original Filing	Yes	Yes	4729:6-2-05
New Rule	Original Filing	Yes	No	4729:6-2-05

<u>Rule Title</u>
Change in description of a distributor of dangerous drugs.
Change in description of a distributor of dangerous drugs.

29 State Board of Pharmacy • Drug Database

Total Rules: 1 Original Filing Date: 5/9/2024

Jurisdiction Ends: 7/13/2024 Public Hearing: 6/11/2024

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>
New Rule	Original Filing	No	No	4729:8-4-04

<u>Rule Title</u>
Access to overdose data provided by the Ohio department of health.

30 State Board of Pharmacy • Terminal Distributors of Dangerous Drugs

Total Rules: 1 Original Filing Date: 5/9/2024

Jurisdiction Ends: 7/13/2024 Public Hearing: 6/11/2024

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>
Amendment	Original Filing	Yes	No	4729:5-5-02.3

<u>Rule Title</u>
Requests for additional staff and reports of staffing concerns in an outpatient pharmacy.

31 State Board of Pharmacy • Terminal Distributors of Dangerous Drugs

Total Rules: 5 Original Filing Date: 4/24/2024

Jurisdiction Ends: 6/28/2024 Public Hearing: 5/28/2024

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>
Rescission	Original Filing	Yes	Yes	4729:5-2-03
New Rule	Original Filing	Yes	No	4729:5-2-03
Amendment	Original Filing	Yes	Yes	4729:5-2-04
New Rule	Original Filing	Yes	No	4729:5-3-23
Amendment	Original Filing	Yes	Yes	4729:5-5-18

<u>Rule Title</u>
Change in description of a terminal distributor of dangerous drugs.
Change in description of a terminal distributor of dangerous drugs.
Procedure for discontinuing business as a terminal distributor of dangerous drugs.
Mobile clinics or medication units.
Dispensing customized patient medication packages by an outpatient pharmacy.

32 State Lottery Commission • Lottery Commission

Total Rules: 5 Original Filing Date: 5/16/2024

Jurisdiction Ends: 7/20/2024 Public Hearing: 6/20/2024

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>
Amendment	Original Filing	No	Yes	3770:1-9-53
Amendment	Original Filing	No	Yes	3770:1-9-55
Amendment	Original Filing	No	Yes	3770:1-9-955

<u>Rule Title</u>
Game rule number fifty-three.
Game rule number fifty-five.
Game rule nine hundred fifty-five.

Click on the rule number in blue above to view the rule in its entirety on the *Register of Ohio* website.

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Amendment	Original Filing	No	Yes	3770:1-9-958	Game rule number nine hundred fifty-eight.
Amendment	Original Filing	No	Yes	3770:1-9-959	Game rule number nine hundred fifty-nine.

33 State Lottery Commission • Lottery Commission

Total Rules: 3 Original Filing Date: 5/16/2024 Jurisdiction Ends: 7/20/2024 Public Hearing: 6/20/2024

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Rescission	Original Filing	No	Yes	3770:1-9-941	Game number nine hundred forty-one.
Rescission	Original Filing	No	Yes	3770:1-9-942	Game rule nine hundred forty-two.
Rescission	Original Filing	No	Yes	3770:1-9-949	Game rule number nine hundred forty-nine.

34 State Lottery Commission • Lottery Commission

Total Rules: 4 Original Filing Date: 5/16/2024 Jurisdiction Ends: 7/20/2024 Public Hearing: 6/20/2024

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	No	Yes	3770:1-2-02	Administrative Procedure Act.
Amendment	Original Filing	No	Yes	3770:1-2-03	Adoption, amendment or rescission of rules by the commission.
Amendment	Original Filing	No	Yes	3770:1-5-03	Powers and duties of the commission.
Amendment	Original Filing	No	Yes	3770:1-5-10	Financial administration.

35 State Lottery Commission •

Total Rules: 1 Original Filing Date: 5/16/2024 Jurisdiction Ends: 7/20/2024 Public Hearing: 6/20/2024

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	No	Yes	3770-4-09	Compensation and reimbursement of expenses to be paid licensed lottery sales agents.

36 Treasurer of State •

Total Rules: 1 Original Filing Date: 5/14/2024 Date of Revised Filing: 6/6/2024 Jurisdiction Ends: 7/18/2024 Public Hearing: 6/18/2024

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Revised Filing	No	No	113-30-02	Notice of meetings of the STABLE account program advisory board.

To Be Refiled

37 Department of Agriculture • Livestock Environmental Permitting

Click on the rule number in blue above to view the rule in its entirety on the *Register of Ohio* website.

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Total Rules: 24 Original Filing Date: 4/23/2024 Date of To Be Refiled: 6/6/2024 Jurisdiction Ends: Public Hearing: 5/29/2024

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	To Be Refiled	Yes	Yes	901:10-1-01	Definitions.
Amendment	To Be Refiled	Yes	Yes	901:10-1-04	Fees.
Amendment	To Be Refiled	Yes	Yes	901:10-1-06	Certified livestock manager.
Amendment	To Be Refiled	Yes	Yes	901:10-2-03	Geological explorations.
Amendment	To Be Refiled	Yes	Yes	901:10-2-07	Contents of a permit to operate and NPDES applications.
Amendment	To Be Refiled	Yes	Yes	901:10-2-15	Manure management plan and the plan for the disposal of dead livestock.
Amendment	To Be Refiled	Yes	Yes	901:10-2-16	Permit to operate and operating record requirements.
Amendment	To Be Refiled	Yes	Yes	901:10-2-17	Emergency response plan.
Amendment	To Be Refiled	Yes	Yes	901:10-2-18	Closure plan requirements.
Amendment	To Be Refiled	Yes	Yes	901:10-3-02	Effluent limitations definitions and applicability.
Amendment	To Be Refiled	Yes	Yes	901:10-3-03	Horses and sheep.
Amendment	To Be Refiled	Yes	Yes	901:10-3-05	Effluent limitations for ducks category of feedlots.
Amendment	To Be Refiled	Yes	Yes	901:10-3-06	Swine, poultry, and veal calves.
Amendment	To Be Refiled	Yes	Yes	901:10-3-10	Standard permit terms and conditions.
Rescission	To Be Refiled	Yes	Yes	901:10-3-11	Stormwater permits general and individual.
Amendment	To Be Refiled	Yes	Yes	901:10-4-01	General permit to operate requirements.
Amendment	To Be Refiled	Yes	Yes	901:10-4-03	Notification of coverage.
Rescission	To Be Refiled	Yes	Yes	901:10-4-04	Criteria for issuing and renewing NPDES general permit to operate.
Amendment	To Be Refiled	Yes	Yes	901:10-5-01	Complaints.
Amendment	To Be Refiled	Yes	Yes	901:10-5-02	Right to enter property for investigations and inspections.
Amendment	To Be Refiled	Yes	Yes	901:10-5-03	Enforcement procedures.
Amendment	To Be Refiled	Yes	Yes	901:10-5-04	Civil penalties.
Amendment	To Be Refiled	Yes	Yes	901:10-6-05	NPDES fact sheets.
Amendment	To Be Refiled	Yes	Yes	901:10-6-06	Public information.

Click on the rule number in blue above to view the rule in its entirety on the *Register of Ohio* website.

Article III

Attachment E

Final Adoption Notice to LSC
Director and Secretary of
State



ELECTRONIC RULE-FILING SYSTEM

FILING OF OHIO ADMINISTRATIVE RULES AND RULE-RELATED DOCUMENTS

The Honorable Frank LaRose
Secretary of State
180 Civic Center Drive
Columbus, OH 43215

Wendy Zhan, Director
Legislative Service Commission
77 South High St., 9th Floor
Columbus, OH 43215

Ian Dollenmayer, Executive Director
Joint Committee on Agency Rule Review
77 South High St., Concourse Level
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: 202592
File Date and Time: 07/29/2024 8:52 AM
Confirmation Number: cf2d31bca3b84c3b407ebfd9f880b9

FINAL FILE

Rule Number	Type	FYR	CSI	JE Date	Eff Date	Next FYR	Tagline
3745-14-01	Amendment	Y	Y	07/20/2024	08/15/2024	05/16/2029	Definitions and general provisions.
3745-14-08	Amendment	Y	Y	07/20/2024	08/15/2024	05/16/2029	Monitoring and reporting.

Article IV

Hearing Summary



Hearing Summary

Rule Package: NOx Budget Program

Original filing date: 5/16/24

Public comment start date: 5/16/24

Public comment end date: 6/21/24

Public hearing date: 6/21/24

List of Rules: 3745-14-01 & 3745-14-08

Were there any participants in this public hearing beyond Ohio EPA staff or JCARR staff?

Yes No

Were there comments received during the public comment period outside of those presented at this hearing?

Yes No

This hearing summary has been compiled to meet the requirements of Section 119.03 of the Revised Code.

This hearing summary includes this cover sheet and the following attachments:

1. **Attachment A** - A copy of the public notice for this hearing.
2. **Attachment B** - A copy of the sign-in sheet for this hearing.
3. **Attachment C** - A copy of the script read into the record to begin and end the hearing.

Ohio EPA's response to comments document includes the comments received, who commented, the agency response to comments, and a statement of whether or not the rule was changed due to the comments.

Ohio EPA digitally records all public hearings for rules. The digital recordings are available upon request. These recordings may be sent out for transcription if necessary.

Article V

Response to Comments

Note: Ohio EPA received no comments on the proposed amendments to this rule during the rulemaking process. Subsequently, Ohio EPA did not prepare a response to comments document.