

Early Stakeholder Outreach – OAC 3745-14 NOx Budget Program

Ohio EPA prepares early stakeholder outreach fact sheets to ensure stakeholders are brought into the review process as early as possible and to obtain additional input and discussion before development of interested party draft rules.

What does OAC 3745-14 cover?

Ohio Administrative Code (OAC) Chapter 3745-14 establishes Ohio's Nitrogen Oxides (NOx) Budget Program (NBP). These rules were promulgated to satisfy the federal NOx SIP Call, which required 22 states and the District of Columbia to submit state implementation plans to set statewide NOx budgets [October 27, 1998, 63 FR 57356].

Why are these rules being sent out for Early Stakeholder Outreach?

The first step in the rule-making process is for Ohio EPA to identify that a rule needs to be amended, rescinded, or created. Ohio EPA has added an additional step to ensure stakeholders are brought into the rule process as early as possible. This additional interested party notification and request for information will allow for early feedback before the rule language has been developed by the Agency.

What changes are being considered?

Ohio EPA will be performing a general review of the rules in this chapter to fulfill the requirements of Ohio Revised Code (ORC) 106.03 and 106.31 (5-year review). Other than various minor changes for clarification, to fix typographical errors, and to meet state and agency formatting standards, Ohio EPA is not aware of major modifications needed to these rules.

Who will be regulated by these rules?

Generally, units subject to these rules include fossil-fuel fired stationary boilers, combustion turbines, or combined cycle systems, including EGUs serving a generator with a nameplate capacity greater than 25 MWe and producing electricity for sale to the grid, and non-EGUs with a maximum design heat input greater than 250 mMBTU/hr, that do not serve a generator producing electricity for sale.

What is the rulemaking schedule?

Upon completion of the Early Stakeholder Outreach portion of this rulemaking, Ohio EPA will make any changes necessary to the rule language and make a draft of the rule language available to the public for a 30-day review.

What input is the Agency seeking?

The following questions may help guide you as you develop your comments.

How can I provide input?

The Agency is seeking stakeholder input on the OAC 3745-14 NOx Budget Program.

When preparing your comments, be sure to:

- Explain your views as clearly as possible
- Describe any assumptions used
- Provide any technical information and/or data used to support your views
- Explain how you arrived at your estimate for potential burdens, benefits or costs
- Provide specific examples to illustrate your views and
- Offer alternatives

Written comments will be accepted through close of business **Tuesday, October 17, 2023**. Please submit input to:

Mr. Paul Braun
Ohio EPA Division of Air Pollution Control
PO Box 1049
Columbus, Ohio 43216-1049
(614)644-3734
DAPC-Comments@epa.ohio.gov

What if I have questions?

The text of the above-mentioned rules can be found for review on DAPC's regulations webpage at: <https://epa.ohio.gov/divisions-and-offices/air-pollution-control/regulations/effective-rules>

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- Is the general regulatory framework proposed the most appropriate? Should the Agency consider any alternative framework?
- What options are available for improving an identified concept? What options are available for improving the existing rules?
- Are there considerations the Agency should consider when updating the existing rules? Are there considerations the Agency should take into account when developing a specific concept?
- Is there any information or data the Agency should be aware of when developing program concepts or rule language?

Contact

For more information, contact Amelia Brown at amelia.brown@epa.ohio.gov or 614-644-3622.