

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 3745-23 into Ohio's State Implementation Plan (SIP)**

Dear Ms. Shore:

On August 15, 2024, Ohio EPA adopted amended rules in Ohio Administrative Code Chapter 3745-23, “Nitrogen Oxide Standards”, created as part of Ohio’s SIP for the attainment and maintenance of the National Ambient Air Quality Standards (NAAQS) for nitrogen dioxide (NO<sub>2</sub>). 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. The amendments to the rules 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 address 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,



Anne M. Vogel

Director, Ohio Environmental Protection Agency

cc: Bob Hodanbosi, Chief Division of Air Pollution Control

Attachments

# Article I

## Certified Copy of Rules

3745-23-01

**Definitions.**

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

(B) "USEPA" means the United States environmental protection agency.

(C) Referenced materials. This chapter includes references to certain 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/or or~~ the particular edition or version of the material is included in this rule. For materials subject to change, only the specific versions 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 applicable unless and until this rule has been amended to specify the new dates.

(1) Availability. The referenced materials are available as follows:

(a) 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 [www.ecfr.gov](http://www.ecfr.gov). The CFR compilations are also available for inspection and use at most public libraries and "The State Library of Ohio."

(2) Referenced materials:

(a) 40 CFR 50.11; "National Primary and Secondary Ambient Air Quality Standards for Nitrogen Dioxide; as published in the July 1, ~~2013~~ 2023 Code of Federal Regulations.

(b) 40 CFR Part 50, Appendix F; "Measurement Principle and Calibration Procedure for the measurement of Nitrogen Dioxide in the Atmosphere (Gas Phase Chemiluminescence); as published in the July 1, ~~2013~~ 2023 Code of Federal Regulations.

(c) 40 CFR Part 53; "Ambient Air Monitoring Reference and Equivalent Methods;" as published in the July 1, ~~2013~~ 2023 Code of Federal Regulations.

Effective: 8/15/2024

Five Year Review (FYR) Dates: 5/16/2024 and 08/15/2029

**CERTIFIED ELECTRONICALLY**

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**Certification**

07/29/2024

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**Date**

Promulgated Under: 119.03  
Statutory Authority: 3704.03(D)  
Rule Amplifies: 3704.03(A), 3704.03(D)  
Prior Effective Dates: 02/15/1972, 09/23/2002, 05/15/2006, 04/18/2009,  
09/08/2014

3745-23-02

**Methods of measurement.**

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see paragraph (C) of rule 3745-23-01 of the Administrative Code titled "Referenced materials."]

- (A) For purposes of ascertaining, defining, and measuring ambient air quality, nitrogen dioxide shall be measured by the methods stated in paragraph (B) of this rule or by such other methods as may be approved by the director. ~~Such measurements shall be and~~ corrected to standard conditions for purposes of comparing measurements with the ambient air quality standard set forth in rule 3745-25-02 of the Administrative Code.
- (B) Concentrations of nitrogen dioxide shall be determined through the use of a reference method required by 40 CFR 50.11 based on 40 CFR Part 50, Appendix F, or through the use of continuous sampling and recording devices as approved by USEPA in accordance with 40 CFR Part 53 and designated reference or equivalent methods.

Effective: 8/15/2024

Five Year Review (FYR) Dates: 5/16/2024 and 08/15/2029

**CERTIFIED ELECTRONICALLY**

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**Certification**

07/29/2024

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**Date**

Promulgated Under: 119.03

Statutory Authority: 3704.03(D)

Rule Amplifies: 3704.03(A), 3704.03(D)

Prior Effective Dates: 02/15/1972, 09/23/2002, 05/15/2006, 04/18/2009,  
09/08/2014

## Article II

Copy of Public Notice and  
Director's Findings & Orders

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

**Rules Governing**

**Nitrogen Oxide (NOx) Standards, OAC Chapter 3745-23**

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:

<b><u>Rule #</u></b>	<b><u>Title:</u></b>
3745-23-01	Definitions
3745-23-02	Methods of Measurements

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

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

Ohio EPA 07/29/2024

Entered Director's Journal

By: Anne M. Vogel Date: 07/29/2024 BEFORE THE

## OHIO ENVIRONMENTAL PROTECTION AGENCY

In The Matter Of:

The Adoption of the following amended rules of the Ohio

Administrative Code:

**Rule #:** **Title:**

3745-23-01 Definitions

3745-23-02 Method of Measurements

:  
:  
:  
:  
:

## FINDINGS AND ORDERS

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

1. That due notice of a public hearing, pursuant to the Administrative Procedure Act was given, that a public hearing was held on June 21, 2024, in Columbus, Ohio, and that all interested persons were afforded the opportunity to be heard; and
2. That upon due consideration, adoption in final form of the proposed rules of the Ohio Administrative Code cited above is reasonable and lawful and within the purview of authority provided by law.

It is therefore

ORDERED that proposed 3745-23-01 and 3745-23-02 of the Ohio Administrative Code be adopted in final form.

It is further

ORDERED that the effective date of the adopted rules shall be August 15, 2024.

It is further

ORDERED that copies of these Findings and Orders and certified copies of said rules, in final form, shall be filed with the Secretary of State, the Joint Committee on Agency Rule Review, and the Legislative Service Commission, as required by law.

## APPEAL RIGHTS

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  
30 East Broad Street, 4<sup>th</sup> Floor  
Columbus, Ohio 43215



Anne M. Vogel, Director  
Ohio Environmental Protection Agency

Issued at Columbus, Ohio on the date indicated below:

07/29/2024

# 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 18 (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 18, 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 15, 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 3745-23, "Nitrogen Oxide Standards"**

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:

3745-23-01 Definitions.

3745-23-02 Methods of measurement.

These rules address the requirements under which Ohio EPA will monitor for nitrogen oxides (NOx) as part of Ohio's State Implementation Plan for the attainment of the National Ambient Air Quality Standard. These standards also apply in the rare instance where a facility would need to perform NOx monitoring as part of a compliance requirement for a permit.

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 3745-23-01 and 3745-23-02 are needed and the rule is still necessary. The planned revisions to the rule are minor, primarily administrative and to remove restriction language, and do not affect the content or intent of the rules.

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 11:00am**. 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/9035005243542209622>

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](mailto: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](mailto: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:** 202590

**File Date and Time:** 05/16/2024 9:36 AM

**Confirmation Number:** af697019a2841374de1bab3a9d9e33fb

## ORIGINAL FILE

Rule Number	Type	FYR	CSI	JE Date	Eff Date	Next FYR	Tagline
3745-23-01	Amendment	Y	Y	07/20/2024			Definitions.
3745-23-02	Amendment	Y	Y	07/20/2024			Methods of measurement.

Article III

Attachment C

RSFAs

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 3745-23-01

**Rule Type:** Amendment

**Rule Title/Tagline:** Definitions.

**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(D)**

**5. What statute(s) does the rule implement or amplify? 3704.03(A), 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 and information on items referenced in the rules of this chapter.

- 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.

- 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 definitions for terms used in this chapter. There is no cost of compliance 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? No

- A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No
- 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? No
- 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? 1
  - (A) Except as otherwise provided in this rule, the definitions in rule 3745-15-01 of the Administrative Code shall apply to this chapter.
- 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.

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**(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.**

A draft of these rules was released on March 18, 2024 for a 30-day public comment and review period. 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.)**

40 CFR Part 50, 40 CFR Part 53, Clean Air Act were reviewed to determine if changes at the federal level needed to be incorporated at the state level.

**(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:** 3745-23-02

**Rule Type:** Amendment

**Rule Title/Tagline:** Methods of measurement.

**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(D)**

**5. What statute(s) does the rule implement or amplify? 3704.03(A), 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 requirements for establishing a monitor to record ambient concentrations of nitrogen oxides in the atmosphere. One minor change is being made in paragraph (A) to remove restriction language.

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 (C) of OAC rule 3745-23-01.

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 requirements for establishing a monitor to record ambient concentrations of nitrogen oxides in the atmosphere. This rule primarily describes how Ohio EPA establishes stations for monitoring concentrations of nitrogen oxides in the atmosphere to determine if the state is in attainment of the national ambient air quality standard for nitrogen dioxide.

On rare occasions, Ohio EPA requires large stationary sources to monitor their emission to determine compliance with an emission standard. The estimated cost for establishing a monitoring station is approximately \$15,000 for the monitor and associated equipment and approximately \$5,000 per year for operation and maintenance of the monitor.

- 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 contains requirements for establishing a monitor to record ambient concentrations of nitrogen oxides in the atmosphere. This rule primarily describes how Ohio EPA establishes stations for monitoring concentrations of nitrogen oxides in the atmosphere to determine if the state is in attainment of the national ambient air quality standard for nitrogen dioxide.

On rare occasions, Ohio EPA requires large stationary sources to monitor their emission to determine compliance with an emission standard. The estimated cost for establishing a monitoring station is approximately \$15,000 for the

monitor and associated equipment and approximately \$5,000 per year for operation and maintenance of the monitor.

- 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? No
- 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? 1
  - (A) For purposes of ascertaining, defining, and measuring ambient air quality, nitrogen dioxide shall be measured by the methods stated in paragraph (B) of this rule or by such other methods as may be approved by the director. Such measurements shall be and corrected to standard conditions for purposes of comparing measurements with the ambient air quality standard set forth in rule 3745-25-02 of the Administrative Code.
- 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.

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**(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.**

A draft of these rules was released on March 18, 2024 for a 30-day public comment and review period. 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.)**

40 CFR Part 50, 40 CFR Part 53, Clean Air Act were reviewed to determine if changes at the federal level needed to be incorporated at the state level.

**(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

## FINAL REGULAR AGENDA

### 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>
Amendment	Original Filing	Yes	No	<a href="#">4123-6-21.2</a>
Amendment	Original Filing	Yes	No	<a href="#">4123-6-21.3</a>
Amendment	Original Filing	Yes	No	<a href="#">4123-6-21.6</a>

#### Rule Title

Pharmacy and therapeutics committee.  
Outpatient medication formulary.  
`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>
Amendment	Original Filing	No	Yes	<a href="#">123:1-9-01</a>
Amendment	Original Filing	No	Yes	<a href="#">123:1-9-02</a>
Amendment	Original Filing	No	Yes	<a href="#">123:1-9-03</a>
Amendment	Original Filing	No	Yes	<a href="#">123:1-25-01</a>
Amendment	Original Filing	No	Yes	<a href="#">123:1-25-02</a>
Amendment	Original Filing	No	Yes	<a href="#">123:1-25-04</a>
Amendment	Original Filing	No	Yes	<a href="#">123:1-25-07</a>
Amendment	Original Filing	No	Yes	<a href="#">123:1-27-04</a>
Rescission	Original Filing	No	Yes	<a href="#">123:1-27-05</a>

#### Rule Title

Examination guidelines.  
Subjects, weights, and pass point.  
Medical or psychological examination as a requirement for appointment to the classified service.  
Transfers and intra-transfers in classified service.  
Reinstatements after resignation.  
Seasonal positions.  
Temporary reassignment of duties.  
General principles of the employee recognition program.  
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>
Amendment	Original Filing	Yes	Yes	<a href="#">901:3-6-01</a>
Amendment	Original Filing	Yes	Yes	<a href="#">901:3-6-02</a>

#### Rule Title

Authority of the director of agriculture; Definitions.  
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	<a href="#">901:3-6-03</a>	Equipment and facilities.
Amendment	Original Filing	Yes	Yes	<a href="#">901:3-6-04</a>	Wash, rinse, and bactericidal treatment.
Amendment	Original Filing	Yes	Yes	<a href="#">901:3-6-05</a>	Hand washing.
Amendment	Original Filing	Yes	Yes	<a href="#">901:3-6-07</a>	Right of entry.
Amendment	Original Filing	Yes	Yes	<a href="#">901:3-6-08</a>	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	<a href="#">1301:3-10-01</a>	Definitions.
New Rule	Original Filing	Yes	No	<a href="#">1301:3-10-02</a>	Scope; Interpretation.
New Rule	Original Filing	Yes	No	<a href="#">1301:3-10-03</a>	Applications for license or government certification for out-of-state applicants.
New Rule	Original Filing	Yes	No	<a href="#">1301:3-10-04</a>	Denial of a license or government certification to an out-of-state applicant.
New Rule	Original Filing	Yes	No	<a href="#">1301:3-10-05</a>	Restricted or limited license or government certifications.
New Rule	Original Filing	Yes	No	<a href="#">1301:3-10-06</a>	Application fees for out-of-state applicants.
New Rule	Original Filing	Yes	No	<a href="#">1301:3-10-07</a>	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	<a href="#">3701-3-28</a>	Report of bite of dog or other mammal.
Amendment	Original Filing	Yes	Yes	<a href="#">3701-3-29</a>	Biting animal to be confined; veterinarian to report.
Amendment	Original Filing	Yes	Yes	<a href="#">3701-3-30</a>	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	<a href="#">3701-16-01</a>	Definitions.
Amendment	Revised Filing	Yes	Yes	<a href="#">3701-16-02</a>	General provisions and prohibitions.
Rescission	Revised Filing	Yes	Yes	<a href="#">3701-16-03</a>	Residential care facility licensure application and renewal procedures; revocation.
New Rule	Revised Filing	Yes	No	<a href="#">3701-16-03</a>	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	<a href="#">3701-16-03.1</a>	Expedited initial licensure inspections.
Amendment	Revised Filing	Yes	Yes	<a href="#">3701-16-04</a>	Inspections and investigations; correction.
Amendment	Revised Filing	Yes	Yes	<a href="#">3701-16-05</a>	Personnel requirements.
Amendment	Revised Filing	Yes	Yes	<a href="#">3701-16-06</a>	Qualifications and health of personnel.
Amendment	Revised Filing	Yes	Yes	<a href="#">3701-16-07</a>	Resident agreement; other information to be provided upon admission; risk agreements.
Amendment	Revised Filing	Yes	Yes	<a href="#">3701-16-08</a>	Resident health assessments.
Amendment	Revised Filing	Yes	Yes	<a href="#">3701-16-09</a>	Personal care services; medication administration; resident medications; application of dressings; supervision of therapeutic diets.
Amendment	Revised Filing	Yes	Yes	<a href="#">3701-16-09.1</a>	Skilled nursing care.
Amendment	Revised Filing	Yes	Yes	<a href="#">3701-16-10</a>	Dietary services; supervision of therapeutic diets.
Amendment	Revised Filing	Yes	Yes	<a href="#">3701-16-11</a>	Resident life enrichment; finances; pets; laundry.
Amendment	Revised Filing	Yes	Yes	<a href="#">3701-16-12</a>	Changes in residents' health status; incidents; infection control; tuberculosis control plan.
Amendment	Revised Filing	Yes	Yes	<a href="#">3701-16-13</a>	Building, plumbing, fire and carbon monoxide safety requirements.
Amendment	Revised Filing	Yes	Yes	<a href="#">3701-16-14</a>	Space requirements.
Amendment	Revised Filing	Yes	Yes	<a href="#">3701-16-15</a>	Building maintenance, equipment and supplies.
Amendment	Revised Filing	Yes	Yes	<a href="#">3701-16-16</a>	Temperature regulation in residential care facilities.
Amendment	Revised Filing	Yes	Yes	<a href="#">3701-16-17</a>	Records and reports.
Amendment	Revised Filing	Yes	Yes	<a href="#">3701-16-18</a>	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	<a href="#">3701-8-01</a>	Definitions.
Amendment	Original Filing	Yes	Yes	<a href="#">3701-8-02</a>	Home visiting program eligibility.
Amendment	Original Filing	Yes	Yes	<a href="#">3701-8-03</a>	Standards and procedures for determining initial eligibility and expansion of home visiting providers.
Amendment	Original Filing	Yes	Yes	<a href="#">3701-8-04</a>	Personnel and supervision requirements.
Amendment	Original Filing	Yes	Yes	<a href="#">3701-8-05</a>	Provision of home visiting services.
Amendment	Original Filing	Yes	Yes	<a href="#">3701-8-06</a>	Quality assurance and monitoring of providers.
Amendment	Original Filing	Yes	Yes	<a href="#">3701-8-07</a>	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	<a href="#">3701-8-08</a>	Rights and privacy practices.
Amendment	Original Filing	Yes	Yes	<a href="#">3701-8-09</a>	Criteria for reimbursement of home visiting services.
Amendment	Original Filing	Yes	Yes	<a href="#">3701-8-10</a>	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	<a href="#">3701-31-03</a>
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	<a href="#">3701-31-04</a>

**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>
Amendment	Original Filing	No	No
			<a href="#">5101:4-2-02</a>
Amendment	Original Filing	No	No
			<a href="#">5101:4-2-09</a>
Amendment	Original Filing	No	No
			<a href="#">5101:4-4-31</a>
Amendment	Original Filing	No	No
			<a href="#">5101:4-5-03</a>
Amendment	Original Filing	No	No
			<a href="#">5101:4-7-01</a>

**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>
Amendment	Original Filing	No	No
			<a href="#">5101:4-1-03</a>
Amendment	Original Filing	No	No
			<a href="#">5101:4-6-04</a>

**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>
Amendment	Original Filing	No	No
			<a href="#">5101:4-2-07</a>
Rescission	Original Filing	No	Yes
			<a href="#">5101:4-3-11</a>

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

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

# JOINT COMMITTEE ON AGENCY RULE REVIEW

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New Rule	Original Filing	No	No	<a href="#">5101:4-9-07.4</a>	SNAP E&T education.
New Rule	Original Filing	No	No	<a href="#">5101:4-9-07.5</a>	SNAP E&T job retention.
New Rule	Original Filing	No	No	<a href="#">5101:4-9-07.6</a>	SNAP E&T work experience.
New Rule	Original Filing	No	No	<a href="#">5101:4-9-08</a>	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		
Rule Type	Action	CSI	FYR	Rule Number	Rule Title
Amendment	Original Filing	No	Yes	<a href="#">5101:2-47-18</a>	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		
Rule Type	Action	CSI	FYR	Rule Number	Rule Title
Amendment	Original Filing	No	Yes	<a href="#">4141-17-01</a>	Successor in interest.
Rescission	Original Filing	Yes	Yes	<a href="#">4141-17-02</a>	Voluntary successorship: clearly segregable and identifiable portion.
New Rule	Original Filing	Yes	No	<a href="#">4141-17-02</a>	Mandatory transfer.
Rescission	Original Filing	Yes	Yes	<a href="#">4141-17-03</a>	Voluntary successorship: substantially all of the assets.
New Rule	Original Filing	Yes	No	<a href="#">4141-17-03</a>	Voluntary transfer.
Rescission	Original Filing	Yes	Yes	<a href="#">4141-17-04</a>	Automatic successorship.
Rescission	Original Filing	Yes	Yes	<a href="#">4141-17-05</a>	Mandatory partial transfer of experience.
Rescission	Original Filing	No	Yes	<a href="#">4141-30-01</a>	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		
Rule Type	Action	CSI	FYR	Rule Number	Rule Title
Amendment	Original Filing	No	Yes	<a href="#">5160-48-01</a>	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		
Rule Type	Action	CSI	FYR	Rule Number	Rule Title

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

# JOINT COMMITTEE ON AGENCY RULE REVIEW

**FINAL REGULAR AGENDA**

6/25/2024 - 9:00 AM

Senate South Hearing Room

**FINAL REGULAR AGENDA**

Amendment	Original Filing	Yes	Yes	<a href="#">3745-1-10</a>	Grand river drainage basin.
Amendment	Original Filing	Yes	Yes	<a href="#">3745-1-13</a>	Central Ohio tributaries drainage basin.
Amendment	Original Filing	Yes	Yes	<a href="#">3745-1-14</a>	Ashtabula river drainage basin.
Amendment	Original Filing	Yes	Yes	<a href="#">3745-1-24</a>	Muskingum river drainage basin.
Amendment	Original Filing	Yes	Yes	<a href="#">3745-1-27</a>	Black river drainage basin.
Amendment	Original Filing	Yes	Yes	<a href="#">3745-1-28</a>	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
<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	<a href="#">3745-1-24</a>	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
<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	<a href="#">3745-84-01</a>	Definitions.
Amendment	Original Filing	Yes	Yes	<a href="#">3745-84-02</a>	Application for a license to operate or maintain a public water system.
Amendment	Original Filing	Yes	Yes	<a href="#">3745-84-03</a>	Expiration and renewal of license to operate or maintain a public water system.
Amendment	Original Filing	Yes	Yes	<a href="#">3745-84-04</a>	Format and display of license to operate or maintain a public water system.
Amendment	Original Filing	Yes	Yes	<a href="#">3745-84-05</a>	Fees for operating or maintaining a public water system.
Amendment	Original Filing	Yes	Yes	<a href="#">3745-84-06</a>	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			Jurisdiction Ends: 7/20/2024	Public Hearing: 5/9/2024
<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	<a href="#">3745-32-04</a>	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
<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	<a href="#">3745-23-01</a>	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.

# JOINT COMMITTEE ON AGENCY RULE REVIEW

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FINAL REGULAR AGENDA

Senate South Hearing Room

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>
Amendment	Original Filing	Yes	Yes	<a href="#">3745-14-01</a>
Amendment	Original Filing	Yes	Yes	<a href="#">3745-14-08</a>

Rule Title

Definitions and general provisions.

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>
Amendment	Original Filing	Yes	Yes	<a href="#">3745-114-01</a>

Rule Title

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>
Amendment	Original Filing	No	No	<a href="#">102-11-02</a>

Rule Title

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>
Amendment	Original Filing	No	No	<a href="#">742-9-10</a>
Amendment	Original Filing	No	No	<a href="#">742-9-17</a>

Rule Title

Employer reporting requirements.

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>
Amendment	Original Filing	Yes	Yes	<a href="#">4901:1-21-01</a>
Amendment	Original Filing	Yes	Yes	<a href="#">4901:1-21-02</a>
Amendment	Original Filing	Yes	Yes	<a href="#">4901:1-21-04</a>
Amendment	Original Filing	Yes	Yes	<a href="#">4901:1-21-05</a>
Amendment	Original Filing	Yes	Yes	<a href="#">4901:1-21-06</a>
Amendment	Original Filing	Yes	Yes	<a href="#">4901:1-21-08</a>
Amendment	Original Filing	Yes	Yes	<a href="#">4901:1-21-09</a>
Amendment	Original Filing	Yes	Yes	<a href="#">4901:1-21-10</a>
Amendment	Original Filing	Yes	Yes	<a href="#">4901:1-21-11</a>

Rule Title

Definitions.

Purpose and scope.

Records and record retention.

Marketing, solicitation, and customer information.

Customer enrollment and consent.

Customer access, slamming complaints, and complaint handling procedures.

Environmental disclosure.

Customer information.

Contract administration.

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

# JOINT COMMITTEE ON AGENCY RULE REVIEW

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

# JOINT COMMITTEE ON AGENCY RULE REVIEW

FINAL REGULAR AGENDA

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

## 24 School Employees Retirement System •

Total Rules: 1      Original Filing Date: 4/22/2024

Rule Type	Action	CSI	FYR	Rule Number
New Rule	Original Filing	No	No	<a href="#">3309-1-69</a>

Jurisdiction Ends: 6/26/2024      Public Hearing:

Rule Title

Cybersecurity incident notification responsibilities.

## 25 School Employees Retirement System •

Total Rules: 1      Original Filing Date: 4/22/2024

Rule Type	Action	CSI	FYR	Rule Number
New Rule	Original Filing	No	No	<a href="#">3309-1-70</a>

Jurisdiction Ends: 6/26/2024      Public Hearing:

Rule Title

Contribution Based Benefit Cap.

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

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

Rule Type	Action	CSI	FYR	Rule Number
Amendment	Original Filing	Yes	Yes	<a href="#">4729:9-1-01</a>
Amendment	Original Filing	Yes	Yes	<a href="#">4729:9-1-04</a>

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

Rule Title

Schedule I controlled substances.

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

Rule Type	Action	CSI	FYR	Rule Number
Amendment	Refiled Filing	Yes	Yes	<a href="#">4729:6-6-01</a>
Amendment	Refiled Filing	Yes	Yes	<a href="#">4729:6-7-01</a>

Rule Title

Virtual wholesalers - general operations.

Brokers - general operations.

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

# JOINT COMMITTEE ON AGENCY RULE REVIEW

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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

Rule Type Action CSI FYR Rule Number

Rescission Original Filing Yes Yes [4729:6-2-05](#)

New Rule Original Filing Yes No [4729:6-2-05](#)

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

Rule Title

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

Rule Type Action CSI FYR Rule Number

New Rule Original Filing No No [4729:8-4-04](#)

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

Rule Title

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

Rule Type Action CSI FYR Rule Number

Amendment Original Filing Yes No [4729:5-5-02.3](#)

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

Rule Title

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

Rule Type Action CSI FYR Rule Number

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](#)

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

Rule Title

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

Rule Type Action CSI FYR Rule Number

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](#)

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

Rule Title

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.

# JOINT COMMITTEE ON AGENCY RULE REVIEW

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Amendment	Original Filing	No	Yes	<a href="#">3770:1-9-958</a>	Game rule number nine hundred fifty-eight.
Amendment	Original Filing	No	Yes	<a href="#">3770:1-9-959</a>	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>
Rescission	Original Filing	No	Yes
Rescission	Original Filing	No	Yes
Rescission	Original Filing	No	Yes

[3770:1-9-941](#) Game number nine hundred forty-one.

[3770:1-9-942](#) Game rule nine hundred forty-two.

[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>
Amendment	Original Filing	No	Yes
Amendment	Original Filing	No	Yes
Amendment	Original Filing	No	Yes
Amendment	Original Filing	No	Yes

[3770:1-2-02](#) Administrative Procedure Act.

[3770:1-2-03](#) Adoption, amendment or rescission of rules by the commission.

[3770:1-5-03](#) Powers and duties of the commission.

[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>
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>
Amendment	Revised Filing	No	No	<a href="#">113-30-02</a>

[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.

**JOINT COMMITTEE ON AGENCY RULE REVIEW****FINAL REGULAR AGENDA**

6/25/2024 - 9:00 AM

**FINAL REGULAR AGENDA**

Senate South Hearing Room

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	<a href="#">901:10-1-01</a>	Definitions.
Amendment	To Be Refiled	Yes	Yes	<a href="#">901:10-1-04</a>	Fees.
Amendment	To Be Refiled	Yes	Yes	<a href="#">901:10-1-06</a>	Certified livestock manager.
Amendment	To Be Refiled	Yes	Yes	<a href="#">901:10-2-03</a>	Geological explorations.
Amendment	To Be Refiled	Yes	Yes	<a href="#">901:10-2-07</a>	Contents of a permit to operate and NPDES applications.
Amendment	To Be Refiled	Yes	Yes	<a href="#">901:10-2-15</a>	Manure management plan and the plan for the disposal of dead livestock.
Amendment	To Be Refiled	Yes	Yes	<a href="#">901:10-2-16</a>	Permit to operate and operating record requirements.
Amendment	To Be Refiled	Yes	Yes	<a href="#">901:10-2-17</a>	Emergency response plan.
Amendment	To Be Refiled	Yes	Yes	<a href="#">901:10-2-18</a>	Closure plan requirements.
Amendment	To Be Refiled	Yes	Yes	<a href="#">901:10-3-02</a>	Effluent limitations definitions and applicability.
Amendment	To Be Refiled	Yes	Yes	<a href="#">901:10-3-03</a>	Horses and sheep.
Amendment	To Be Refiled	Yes	Yes	<a href="#">901:10-3-05</a>	Effluent limitations for ducks category of feedlots.
Amendment	To Be Refiled	Yes	Yes	<a href="#">901:10-3-06</a>	Swine, poultry, and veal calves.
Amendment	To Be Refiled	Yes	Yes	<a href="#">901:10-3-10</a>	Standard permit terms and conditions.
Rescission	To Be Refiled	Yes	Yes	<a href="#">901:10-3-11</a>	Stormwater permits general and individual.
Amendment	To Be Refiled	Yes	Yes	<a href="#">901:10-4-01</a>	General permit to operate requirements.
Amendment	To Be Refiled	Yes	Yes	<a href="#">901:10-4-03</a>	Notification of coverage.
Rescission	To Be Refiled	Yes	Yes	<a href="#">901:10-4-04</a>	Criteria for issuing and renewing NPDES general permit to operate.
Amendment	To Be Refiled	Yes	Yes	<a href="#">901:10-5-01</a>	Complaints.
Amendment	To Be Refiled	Yes	Yes	<a href="#">901:10-5-02</a>	Right to enter property for investigations and inspections.
Amendment	To Be Refiled	Yes	Yes	<a href="#">901:10-5-03</a>	Enforcement procedures.
Amendment	To Be Refiled	Yes	Yes	<a href="#">901:10-5-04</a>	Civil penalties.
Amendment	To Be Refiled	Yes	Yes	<a href="#">901:10-6-05</a>	NPDES fact sheets.
Amendment	To Be Refiled	Yes	Yes	<a href="#">901:10-6-06</a>	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:** 202590

**File Date and Time:** 07/29/2024 8:54 AM

**Confirmation Number:** 2159baf79186bd80b62c85c67af98

## FINAL FILE

Rule Number	Type	FYR	CSI	JE Date	Eff Date	Next FYR	Tagline
3745-23-01	Amendment	Y	Y	07/20/2024	08/15/2024	08/15/2029	Definitions.
3745-23-02	Amendment	Y	Y	07/20/2024	08/15/2024	08/15/2029	Methods of measurement.

# Article IV

# Hearing Summary



## Hearing Summary

Rule Package: Nitrogen Oxide Standards

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: 3745-23-01 & 3745-23-02

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

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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.

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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.