

APPENDIX B

Amendments to OAC Chapter 3745-110 (NOx RACT)

Effective March 25, 2022, Ohio EPA adopted revisions to Ohio Administrative Code (OAC) Chapter 3745-21 to adopt mandatory Reasonably Available Control Technology (RACT) requirements for Cincinnati and Cleveland 2015 ozone nonattainment areas.

The Cleveland and Cincinnati nonattainment areas are currently classified as marginal nonattainment for the 2015 ozone standard. The areas were required to meet the ozone standard by August 3, 2021, based on ozone monitoring data collected during the 2018-2020 ozone monitoring seasons, which extend from March 1 to October 31 each year. The Cleveland and Cincinnati areas failed to meet the ozone standard during the 2018-2020 ozone monitoring seasons as required and Ohio EPA anticipates that the areas will be reclassified to moderate nonattainment by U.S. EPA in accordance with the Clean Air Act (CAA). Reclassification to moderate nonattainment triggers additional CAA requirements, including VOC RACT requirements.

Ohio EPA has also made minor revisions to these rules as needed for clarification and agency and state formatting protocols.

At this time, Ohio EPA is requesting U.S. EPA approval of these changes for incorporation into the SIP, to the extent requested in the cover letter for this submittal.

The transmittal letter for this documentation should 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 plan in the State code or body of regulations; or issued the permit, order, consent agreement (hereafter "document") in final form. That evidence shall include the date of adoption or final issuance as well as the effective date of the plan, if different from the adoption/issuance date.

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

A copy of the actual regulation, or document submitted for approval and incorporation by reference into the plan, including indication of the changes made to the existing approved plan, where applicable. The submittal shall be a copy of the official State regulation /document signed, stamped, 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 plan. The copies are included as evidence that the State has adopted the body of regulations in final form. This submittal includes copies of the official State regulations signed, stamped, and dated by the appropriate State official indicating that they are fully enforceable by the State. The effective date of each 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 of the procedural requirements of the State's laws and constitution in conducting and completing the adoption/issuance of the plan.

Article Four

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

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

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

Article Five

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

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

Copies of the Response to Comments documents for the draft language is attached. No comments were received during the public comment period and public hearing on the proposed rules.

Ohio EPA asks that the above mentioned rules be accepted as revisions and additions into Ohio's SIP, to the extent requested in the cover letter for this submittal.

Article I

Certified Copy of Rules

3745-110-01 **Definitions.**

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

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

(B) As used in this chapter:

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

- (10) "Diesel fuel" means a low sulfur fuel oil of grades 1-D or 2-D, as defined by ASTM D975, "Standard Specification for Diesel Fuel Oils."
- (11) "Distillate oil" means fuel oil that complies with the specifications for fuel oil number one or two, as defined by ASTM D396, "Standard Specification for Fuel Oils."
- (12) "Dry bottom" means a boiler design in which the coal-fired unit is equipped with an ash disposal hopper bottom with sufficient cooling surface so that the ash particles impinging on the furnace walls or hopper bottom can be removed in a dry state.
- (13) "Dual fuel" means a mixture of diesel fuel or distillate oil and gaseous fuels.
- (14) "Engine testing operation" means the activities, or the apparatus used in conducting testing of an internal combustion engine for the purpose of quality assurance/quality control in the manufacturing process of the engine, or for evaluating the pollutant emissions emitted by the engine.
- (15) "Gaseous fuels" means natural gas, blast furnace gas, coke oven gas or refinery fuel gas.
- (16) "Industrial boiler" means a steam generating unit that generates steam to supply power or heat to an industrial, institutional, or commercial operation. This term does not include boilers that serve electrical generating units and cogeneration facilities.
- (17) "Internal combustion engine" means any engine in which power, produced by heat and/or pressure developed in the engine cylinder by burning a mixture of air and fuel (including diesel fuel), is subsequently converted to mechanical work by means of one or more pistons.
- (18) "Lb per mmBtu" or "lb/mmBtu" means pound per million British thermal units.
- (19) "Large boiler" means an industrial boiler with a maximum heat input capacity greater than one hundred mmBtu/hr and equal to or less than two hundred fifty mmBtu/hr.
- (20) "Lean burn engine" means an internal combustion engine where the amount of oxygen in the exhaust gases is one per cent or more, by weight.
- (21) "Low NO_x burner" means a burner designed to reduce flame turbulence by the mixing of fuel and air and by establishing fuel-rich zones for initial combustion, thereby reducing the formation of NO_x.

- (22) "Mid-size boiler" means an industrial boiler with a maximum heat input capacity greater than fifty mmBtu/hr and equal to or less than one hundred mmBtu/hr.
- (23) "MmBtu/hr" means million British thermal units per hour.
- (24) "Municipal solid waste" means household, commercial/retail, ~~and/or~~ or institutional waste. Household waste includes material discarded by single and multiple residential dwellings, hotels, motels, and other similar permanent or temporary housing establishments or facilities. Commercial/retail waste includes material discarded by stores, offices, restaurants, warehouses, non-manufacturing activities at industrial facilities, and similar establishments or facilities. Institutional waste includes material discarded by schools, hospitals, non-manufacturing facilities and other similar establishments or facilities. Household, commercial/retail, and institutional wastes do not include sewage, wood pallets, construction and demolition wastes, or motor vehicles (including motor vehicle parts or vehicle fluff). Municipal solid waste does include motor vehicle maintenance materials, limited to vehicle batteries, used motor oil, and tires. Municipal solid waste does not include wastes that are solely segregated medical wastes. However any mixture of segregated wastes which contain more than thirty per cent medical waste discards is considered to be municipal solid waste.
- (25) "Municipal waste combustor" means any device that combusts any solid, liquid, or gasified municipal solid waste.
- (26) "N/A" means not applicable.
- (27) "Natural gas" means a naturally occurring mixture of hydrocarbon and non-hydrocarbon gases found in geologic formations beneath the earth's surface, of which the principal constituent is methane.
- (28) "Nitrogen oxides" or "NO_x" means all oxides of nitrogen which are determined to be ozone precursors, including, but not limited to, nitrogen oxide and nitrogen dioxide, but excluding nitrous oxide, collectively expressed as nitrogen dioxide.
- (29) "Oil" means crude oil or petroleum, or a liquid fuel derived from crude oil or petroleum, including distillate oil and residual oil.
- (30) "Overfeed stoker-fired" means a boiler design that employs a moving grate assembly where the coal is fed into a hopper and then onto a continuous grate that conveys the coal into the furnace. As coal moves through the furnace, it passes over several air zones for staged burning.

- (31) "Peaking unit" means any electric generating unit that operates at a capacity factor of less than ten per cent between April first and October thirty-first of any calendar year.
- (32) "Potential to emit" means the maximum capacity of a facility or stationary source to emit NO_x under its physical and operational design. Any physical or operational limitation on the capacity of the facility or stationary source to emit NO_x, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored or processed, is treated as part of its design if the limitation or the effect it would have on emissions is federally enforceable or ~~legally and practicably enforceable by the state.~~
- (33) "Ppmvd" means parts per million by volume on a dry basis.
- (34) "RACT" means the lowest emissions limitation that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility.
- (35) "Reheat furnace" means a furnace in which metal ingots, billets, slabs, beams, blooms and other similar products are heated to the temperature needed for hot-working.
- (36) "Research and development sources" means a research or laboratory facility the primary purpose of which is to conduct research and development into new processes and products, that is operated under the close supervision of technically trained personnel, and that is not engaged in the manufacture of products for sale or exchange for commercial profit, except in a de-minimis manner.
- (37) "Residual oil" means crude oil, fuel oil that does not comply with the specifications under the definition of "distillate oil," and all fuel oil numbers four, five, or six, as defined by ASTM D396, "Standard Specification for Fuel Oils."
- (38) "Rich burn engine" means an internal combustion engine where the amount of oxygen in the engine exhaust gases is less than one per cent, by weight.
- (39) "Small boiler" means an industrial boiler with a maximum heat input capacity greater than twenty mmBtu/hr and equal to or less than fifty mmBtu/hr.
- (40) "Space heating unit " means any fuel burning equipment that is used only for space heating purposes during the period from November first through March thirty-first or during other periods of cold weather conditions.

- (41) "Spreader stoker-fired" means a boiler design where mechanical or pneumatic feeders distribute coal uniformly over the surface of a moving grate.
- (42) "Stand-by fuel burning equipment" means any fuel burning equipment which is used only as a direct substitution for other fuel burning equipment for a limited period due to unpredictable breakdown or failure, or routine scheduled maintenance of such other fuel burning equipment or its associated air pollution control system. Stand-by fuel burning equipment includes engines that meet the definition of emergency stationary internal combustion engine under 40 CFR Part 60, Subpart IIII and 40 CFR Part 60, Subpart JJJJ or the definition of emergency stationary RICE under 40 CFR Part 63, Subpart ZZZZ.
- (43) "Start-up unit" means a unit operated only to start up larger electric generating units.
- (44) "Stationary combustion turbine" means any simple cycle combustion turbine, regenerative cycle combustion turbine, or any combustion turbine portion of a combined cycle steam/electric generating system that is not self-propelled, but which may be mounted on a vehicle for portability.
- (45) "Stationary internal combustion engine" means any reciprocating internal combustion engine that is not self propelled, but which may be mounted on a vehicle for portability.
- (46) "Tangential-fired" means a furnace firing design where the burners are mounted at the corners of the furnace chamber.
- (47) "Tune-up" means adjustments made to a burner or boiler in accordance with procedures supplied by the manufacturer (or approved specialist) to optimize the combustion efficiency.
- (48) "Very large boiler" means an industrial boiler with a maximum heat input capacity greater than two hundred fifty mmBtu/hr.
- (49) "Wall-fired" means a furnace firing design in which the burners are mounted in an array on one or more vertical walls, including:
- (a) Opposed firing, where the burners are mounted on two opposite walls; and
 - (b) Single-wall firing, where the burners are mounted on only one wall.
- [Comment: Wall-fired does not include cell burner configurations.]

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

(C) 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, 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) American Society for Testing Materials (ASTM). Information and copies of documents may be obtained by writing to: "ASTM International, 100 Bar Harbor Drive, P.O. Box C700, West Conshohocken, Pennsylvania 19426- 2959." These documents are also available for purchase at www.astm.org. ASTM documents are also available for inspection and copying at most public libraries and "The State Library of Ohio."
- (b) Code of Federal Regulations (CFR). Information and copies may be obtained by writing to: "Superintendent of Documents, Attn: New Orders, PO Box 371954, Pittsburgh, PA 15250-7954." The full text of the CFR is also available in electronic format at <http://www.ecfr.gov>. The CFR compilations are also available for inspection and copying at most public libraries and "The State Library of Ohio."
- (c) Federal Register (FR). Information and copies may be obtained by writing to: "Superintendent of Documents, Attn: New Orders, PO Box 371954, Pittsburgh, PA 15250-7954." Online access to the Federal Register is available at <http://www.gpo.gov/fdsys/>. A copy of the Federal Register is also available for inspection and copying at most public libraries and "The State Library of Ohio."
- (d) "EPA Air Pollution Control Cost Manual;" United States Environmental Protection Agency. Information and copies of this document may be obtained by writing to: "United States Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina 27711." This document is also available

for viewing at <https://www.epa.gov/economic-and-cost-analysis-air-pollution-regulations/cost-reports-and-guidance-air-pollution#cost%20manual>

- (e) "Federal Consent Decree:" Civil Action No. 5:14-cv-00884. Copies may be obtained upon written request to: Consent Decree Library, U.S. DOJ-ENRD, P.O. Box 7611, Washington, DC 20044-7611. Electronic copies may be examined and downloaded at the following web address: http://www.usdoj.gov/enrd/Consent_Decrees.html
- (f) "Guidance for Estimating Capital and Annual Costs of Air Pollution Systems;" Ohio environmental protection agency "Engineering Guide 46." Information and copies of this document may be obtained by writing to: "Ohio environmental protection agency, division of air pollution control, 50 West Town Street, Suite 700, Columbus, Ohio, 43215." This document is also available for viewing at <http://www.epa.ohio.gov/dapc/engineer/eguides.aspx>

(2) Referenced materials.

- (a) 40 CFR Part 60; "Standards of Performance for New Stationary Sources;" as published in the July 1, ~~2019~~2021 Code of Federal Regulations.
- (b) 40 CFR Part 60, Appendix F; "Quality Assurance Procedures;" as published in the July 1, ~~2019~~2021, Code of Federal Regulations.
- (c) 40 CFR Part 60, Subpart IIII, "Standards of Performance for Stationary Compression Ignition Internal Combustion Engines", as published in the July 1, ~~2019~~2021 Code of Federal Regulations.
- (d) 40 CFR Part 60, Subpart JJJJ, "Standards of Performance for Stationary Spark Ignition Internal Combustion Engines" as published in the July 1, ~~2019~~2021 Code of Federal Regulations.
- (e) 40 CFR Part 60.13, "Monitoring Requirements" as published in the July 1, ~~2019~~2021 Code of Federal Regulations.
- (f) 40 CFR Part 63, Subpart ZZZZ, "National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines" as published in the July 1, ~~2019~~2021 Code of Federal Regulations.
- (g) 40 CFR Part 75; "Continuous emission monitoring;" as published in the July 1, ~~2019~~2021 Code of Federal Regulations.

- (h) 40 CFR Part 97, Subpart AAAAA, "CSAPR NO_x Annual Trading Program" as published in the July 1, ~~2019~~2021 Code of Federal Regulations.
- (i) 40 CFR Part 97, Subpart BBBBB, "CSAPR NO_x Ozone Season Group 1 Trading Program" as published in the July 1, ~~2019~~2021 Code of Federal Regulations.
- (j) 40 CFR Part 97, Subpart EEEEE, "CSAPR NO_x Ozone Season Group 2 Trading Program" as published in the July 1, ~~2019~~2021 Code of Federal Regulations.
- (k) ASTM D388-19; "Standard Classification of Coals by Rank;" updated 2018.
- (l) ASTM D396-19 "Standard Specifications for Fuel Oils;" updated 2019.
- (m) ASTM D975-19a; "Standard Specification for Diesel Fuel Oils;" updated 2019.
- (n) "EPA Air Pollution Control Cost Manual;" EPA/452/B-02-001, Sixth Edition, January 2002.
- (o) "Federal Consent Decree:" Civil Action No. 5:14-cv-00884, as published on July 14, 2014.
- (p) "Guidance for Estimating Capital and Annual Costs of Air Pollution Systems;" Ohio environmental protection agency Engineering Guide 46; March 1983.
- (q) Performance Specification 2; contained in 40 CFR Part 60, Appendix B; "Specifications and Test Procedures for SO₂ and NO_x Continuous Emission Monitoring Systems in Stationary Sources;" as published in the July 1, ~~2019~~2021 Code of Federal Regulations.
- (r) Performance Specification 3; contained in 40 CFR Part 60, Appendix B; "Specifications and Test Procedures for O₂ and CO₂ Continuous Emission Monitoring Systems in Stationary Sources;" as published in the July 1, ~~2019~~2021 Code of Federal Regulations.
- (s) Performance Specification 16; contained in 40 CFR Part 60, Appendix B; "Specifications and Test Procedures for Predictive Emission Monitoring Systems in Stationary Sources;" as published in the July 1, 2021 Code of Federal Regulations.

- (s)(t) 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, ~~2019~~2021 Code of Federal Regulations.
- (t)(u) 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, ~~2019~~2021 Code of Federal Regulations.
- (u)(v) 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, ~~2019~~2021 Code of Federal Regulations.
- (v)(w) USEPA method 7d; contained in 40 CFR Part 60, Appendix A; "Determination of nitrogen oxide emissions from stationary sources-Alkaline-permanganate/ion chromatographic method;" as published in the July 1, ~~2019~~2021 Code of Federal Regulations.
- (w)(x) 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, ~~2019~~2021 Code of Federal Regulations.

Effective: 3/25/2022

Five Year Review (FYR) Dates: 6/18/2025

CERTIFIED ELECTRONICALLY

Certification

03/15/2022

Date

Promulgated Under: 119.03
Statutory Authority: 3704.03(E)
Rule Amplifies: 3704.03(A), 3704.03(E)
Prior Effective Dates: 12/22/2007, 05/12/2011, 07/18/2013, 06/18/2020

3745-110-02

Applicability.

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

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

(1) Existing sources.

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

(b) The source is located in Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Medina, Portage, or Summit county as of December 22, 2007 or the date of initial startup of the source, whichever is later.

(c) The source is located in Butler, Clermont, Hamilton or Warren County as of the effective date of this rule or the date of the initial startup of the source, whichever is later.

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

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

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

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

- (B) Any owner or operator of a stationary source of NO_x emissions that no longer meets an applicable exemption under paragraph (K) of rule 3745-110-03 of the Administrative Code immediately becomes subject to the provisions of this chapter.

Effective: 3/25/2022

Five Year Review (FYR) Dates: 6/18/2025

CERTIFIED ELECTRONICALLY

Certification

03/15/2022

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3745-110-03

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

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

(A) Small boilers.

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

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

(B) Mid-size boilers.

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

Emissions limitations [pounds of NO_x emissions per mmBtu]

Fuel Type	Tangential-fired	Wall-fired	Cyclone-fired	Spreader Stoker-fired	Overfeed Stoker-fired
Gas Only	0.10 <u>0.08</u>	0.10 <u>0.08</u>	N/A	N/A	N/A
Distillate Oil	0.12 <u>0.10</u>	0.12 <u>0.10</u>	0.12 <u>0.10</u>	N/A	N/A
Residual Oil	0.23 <u>0.20</u>	0.23 <u>0.20</u>	0.23 <u>0.20</u>	N/A	N/A
Coal (Wet Bottom)	0.30	0.30	0.30	N/A	N/A
Coal (Dry Bottom)	0.30	0.30	0.30	0.30	0.30

(C) Large boilers.

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

Emissions limitations [pounds of NO_x emissions per mmBtu]

Fuel Type	Tangential-fired	Wall-fired	Cyclone-fired	Spreader Stoker-fired	Overfeed Stoker-fired
Gas Only	0.10 <u>0.08</u>	0.10 <u>0.08</u>	N/A	N/A	N/A
Distillate Oil	0.12 <u>0.10</u>	0.12 <u>0.10</u>	0.12 <u>0.10</u>	N/A	N/A
Residual Oil	0.23 <u>0.20</u>	0.23 <u>0.20</u>	0.23 <u>0.20</u>	N/A	N/A
Coal (Wet Bottom)	0.30	0.30	0.30	N/A	N/A
Coal (Dry Bottom)	0.30	0.30	0.30	0.30	0.30

(D) Very large boilers.

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

Emissions limitations [pounds of NO_x emissions per mmBtu]

Fuel Type	Tangential-fired	Wall-fired	Cyclone-fired	Spreader Stoker-fired	Overfeed Stoker-fired
Gas Only	0.10 <u>0.08</u>	0.10 <u>0.08</u>	N/A	N/A	N/A
Distillate Oil	0.12 <u>0.10</u>	0.12 <u>0.10</u>	0.12 <u>0.10</u>	N/A	N/A
Residual Oil	0.23 <u>0.20</u>	0.23 <u>0.20</u>	0.23 <u>0.20</u>	N/A	N/A
Coal (Wet Bottom)	0.30	0.30	0.30	N/A	N/A

Coal (Dry Bottom)	0.30	0.30	0.30	0.30	0.30
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(E) Stationary combustion turbine.

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

(1) Simple cycle turbines.

(a) Less than 3.5 megawatts.

- (i) 150.0 ppmvd, corrected to fifteen per cent oxygen, for combustion turbines firing only natural gas fuel, for both mechanical drive and electrical generation.
- (ii) 200.0 ppmvd corrected to fifteen per cent oxygen, for combustion turbines firing distillate oil or diesel fuel, for both mechanical drive and electrical generation.

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

- (i) ~~42.0~~25.0 ppmvd, corrected to fifteen per cent oxygen, for combustion turbines firing only natural gas fuel, for both mechanical drive and electrical generation.
- (ii) ~~96.0~~65.0 ppmvd, corrected to fifteen per cent oxygen, for combustion turbines firing distillate oil or diesel fuel, for both mechanical drive and electrical generation.

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

- (i) ~~42.0~~25.0 ppmvd, corrected to fifteen per cent oxygen, for combustion turbines firing only natural gas fuel.
- (ii) ~~96.0~~65.0 ppmvd, corrected to fifteen per cent oxygen, for combustion turbines firing distillate oil or diesel fuel.

(d) Equal to or greater than 50.0 megawatts.

- (i) ~~42.0~~25.0 ppmvd, corrected to fifteen per cent oxygen, for combustion turbines firing only natural gas fuel.

- (ii) ~~96.065.0~~ ppmvd, corrected to fifteen per cent oxygen, for combustion turbines firing distillate oil or diesel fuel.

(2) Combined cycle turbines.

(a) Less than 3.5 megawatts.

- (i) 150.0 ppmvd, corrected to fifteen per cent oxygen, for combustion turbines firing only natural gas fuel, for both mechanical drive and electrical generation.
- (ii) 200.0 ppmvd corrected to fifteen per cent oxygen, for combustion turbines firing distillate oil or diesel fuel, for both mechanical drive and electrical generation.

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

- (i) ~~42.025.0~~ ppmvd, corrected to fifteen per cent oxygen, for combustion turbines firing only natural gas fuel, for both mechanical drive and electrical generation.
- (ii) ~~96.065.0~~ ppmvd, corrected to fifteen per cent oxygen, for combustion turbines firing distillate oil or diesel fuel, for both mechanical drive and electrical generation.

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

- (i) ~~42.025.0~~ ppmvd, corrected to fifteen per cent oxygen, for combustion turbines firing only natural gas fuel.
- (ii) ~~96.065.0~~ ppmvd, corrected to fifteen per cent oxygen, for combustion turbines firing distillate oil or diesel fuel.

(d) Equal to or greater than 50.0 megawatts.

- (i) ~~42.025.0~~ ppmvd, corrected to fifteen per cent oxygen, for combustion turbines firing only natural gas fuel.
- (ii) ~~96.065.0~~ ppmvd, corrected to fifteen per cent oxygen, for combustion turbines firing distillate oil or diesel fuel.

(F) Stationary internal combustion engine.

Except as otherwise provided in paragraphs (J) to (L) of this rule, on and after the compliance deadline specified by rule 3745-110-04 of the Administrative Code, no

owner or operator of a stationary internal combustion engine shall allow or permit the discharge into the ambient air of any NO_x emissions in excess of the following:

- (1) For rich burn engines which burn only gaseous fuels, 3.0 grams per horsepower-hour for engines which are greater than ~~two thousand~~ five hundred horsepower.
- (2) For lean burn engines which burn only gaseous fuels, 3.0 grams per horsepower-hour for engines which are greater than ~~two thousand~~ five hundred horsepower.
- (3) For engines which burn only diesel fuel or distillate oil, 3.0 grams per horsepower-hour for engines which are greater than ~~two thousand~~ five hundred horsepower.
- (4) For engines which burn dual fuels, 3.0 grams per horsepower-hour for engines which are greater than ~~two thousand~~ five hundred horsepower.

(G) Reheat furnaces.

Except as otherwise provided in paragraphs (J) to (L) of this rule, and excluding furnaces subject to a source-specific NO_x emissions limitation established in this rule, on and after the compliance deadline specified by rule 3745-110-04 of the Administrative Code, no owner or operator of a reheat furnace with a maximum heat input capacity of greater than 50.0 mmBtu/hr shall allow or permit the discharge into the ambient air of any NO_x emissions in excess of 0.09 lb/mmBtu.

(H) The emissions limitations specified in paragraphs (A) to (G) of this rule or pursuant to paragraph (J) of this rule shall be based on one or more of the following:

- (1) The average of three one-hour stack test runs if stack testing is used to demonstrate compliance in accordance with paragraph (A) of rule 3745-110-05 of the Administrative Code.
- (2) A twenty-four-hour daily heat input-weighted average if a permanent continuous emissions monitor is used to demonstrate compliance in accordance with paragraph (A) of rule 3745-110-05 of the Administrative Code. A thirty-day rolling heat input-weighted average emission rate may be used to demonstrate compliance with the appropriate emissions limitation from October first to April thirtieth.

Determine the twenty-four-hour daily heat input-weighted average NO_x emission rate based on the heat input-weighted average of the block hourly arithmetic average emission rates during each twenty-four-hour daily period from twelve a.m. to twelve a.m. the following day using continuous emissions monitor data. The block hourly heat input-weighted average emission rate shall be calculated for each one-hour period starting with the period twelve a.m. to

one a.m. and continuing through until the last period eleven p.m. to twelve a.m.; or, starting with the period twelve p.m. to one p.m. and continuing through the last period eleven a.m. to twelve p.m. The thirty-day rolling heat input-weighted average shall be the average of the twenty-four-hour daily heat input-weighted NOx emission rate.

- (3) A thirty-day heat input-weighted average emission rate based on the twenty-four-hour daily heat input-weighted averages if a temporary continuous emissions monitor is used to demonstrate compliance in accordance with paragraph (C) of rule 3745-110-05 of the Administrative Code.

Determine the twenty-four-hour daily heat input-weighted average NOx emission rate based on the heat input-weighted average of the block hourly arithmetic average emission rates during each twenty-four-hour daily period from twelve a.m. to twelve a.m. the following day using continuous emissions monitor data. The block hourly heat input-weighted average emission rate shall be calculated for each one-hour period starting with the period twelve a.m. to one a.m. and continuing through until the last period eleven p.m. to twelve a.m.; or, starting with the period twelve p.m. to one p.m. and continuing through the last period eleven a.m. to twelve p.m.

- (4) A daily, twenty-four-hour arithmetic average of all the block hourly mass emission rates (in pounds per hour) or concentrations (in parts per million by volume) during each calendar day, if a permanent continuous emissions monitor is used to demonstrate compliance in accordance with paragraph (A) of rule 3745-110-05 of the Administrative Code. The block hourly mass emission rate or concentration shall be calculated for each one-hour period starting with the period twelve a.m. to one a.m. and continuing through until the last period eleven p.m. to twelve a.m.; or, starting with the period twelve p.m. to one p.m. and continuing through the last period eleven a.m. to twelve p.m.

(I) Emission averaging programs.

- (1) An owner or operator of a source which is subject to this chapter may propose an emission averaging program in lieu of the applicable emissions limitations specified in paragraphs (A) to (G) of this rule or established in accordance with paragraph (J) of this rule. Both affected sources under rule 3745-110-02 of the Administrative Code and non-affected sources are allowed to be utilized in the averaging program, to the extent that reductions are real, quantifiable and enforceable and are in excess of any state or federal requirements. Any proposed emission averaging program shall comply with all of the following requirements:

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

(J) RACT studies for stationary sources.

- (1) For any affected source of NO_x emissions at an affected facility that is not subject to the emissions limitations specified in paragraphs (A) to (G) of this rule and is not exempt under paragraph (K) of this rule, or that is subject to the emissions limitations specified in paragraphs (A) to (G) of this rule but the owner or operator claims that an applicable emissions limitation is technically infeasible or economically unreasonable (not cost-effective) to achieve, the owner or operator shall conduct a detailed engineering study to determine the technical and economic feasibility of reducing the NO_x emissions and to define RACT for the source. The detailed engineering study shall be conducted by an engineering consulting firm or other person or persons experienced in the field of air pollution control, and provide the following information:
- (a) The complete facility name, Ohio EPA air program facility identification number, and address.
 - (b) The name, title, address and telephone number of the owner or operator's representative within the company who is the contact person for this facility regarding the engineering study and affected sources.
 - (c) The name, title, address and telephone number of the official who is responsible for approval of the engineering study.
 - (d) The standard industrial classification code and source classification code number numbers which are applicable to the facility's operation.
 - (e) The following general information for each affected source:
 - (i) Ohio environmental protection agency application number~~;~~.
 - (ii) Company ~~identifications~~identification and Ohio EPA emissions unit identification number.
 - (iii) Source ~~descriptions~~description.
 - (iv) Month and year installed.
 - (v) Normal operating schedule (hours per day, days per week, and weeks per year).
 - (vi) Annual production rates for each of the three full calendar years preceding the effective date of this rule.
 - (vii) Average and maximum daily production rates for each of the three full calendar years preceding the effective date of this rule.

- (viii) The type of control equipment employed and the date installed.
- (f) A plot plan which shows the general layout of the facility and the affected source.
- (g) The following emissions data for each affected source:
- (i) Average daily NO_x emissions (pounds per day of operation) based upon the highest average daily production rate for each of the three full calendar years preceding the effective date of this rule or any other year that may be representative of the highest average daily emissions.
- [Comment: The average daily production rate for a calendar year may be calculated in the following manner:
- Average daily production rate = [(total production rate during the calendar year) / (number of days production occurred during the calendar year)]
- Repeat the calculation for each of the three calendar years preceding the effective date of this rule. The highest value of these three years is the representative value used to calculate the average daily NO_x emissions per year.]
- (ii) Maximum daily NO_x emissions (pounds per day of operation) based upon the highest maximum daily production rate for each of the three full calendar years preceding the effective date of this rule or any year that may be more representative of the highest maximum daily emissions.
- (iii) Annual NO_x emissions (tons per year) based upon the highest annual production rate for each of the three full calendar years preceding the effective date of this rule or any year period that may be more representative of the annual production rate.
- (iv) Documentation of the efficiency of the existing control equipment.
- (v) Documentation of any emissions testing which has been performed.
- (h) A detailed discussion of the technical feasibility of employing each of the following types of control measures for each affected source (or combination of sources):

- (i) Low-NOx burners.
- (ii) Close coupled or separated over-fire ports.
- (iii) Flue gas recirculation.
- (iv) Low NOx burners with external flue gas recirculation.
- (v) Burners out of service.
- (vi) Steam/water injection.
- (vii) Dry low-NOx burners.
- (viii) Ignition timing retard.
- (ix) Separate circuit after-cooling.
- (x) Fuel emulsification.
- (xi) Selective noncatalytic reduction.
- (xii) Nonselective catalytic reduction.
- (xiii) Selective catalytic reduction using urea ammonia and methane as reducing agents.
- (xiv) Incineration (for sources other than boilers).
- (xv) Scrubbing (for sources other than boilers).
- (xvi) Process modification.
- (xvii) Fuel switching.
- (xviii) Adjustment of air/fuel ratio (for internal combustion engines only).
- (xix) Low excess air.
- (xx) Mid-kiln firing.
- (xxi) Mid-kiln air injection.
- (xxii) Gaseous fuels reburn.

(xxiii) Any other such RACT alternatives not listed in paragraph (J)(1)(h) of this rule that may be applicable to an affected source, or as are proposed by the owner or operator.

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

- (i) For each type of control measure that is determined to be technically feasible, an estimate of the control efficiency that can be achieved.
- (j) For each control measure that is determined to be technically feasible, an estimate of the capital cost, annualized cost (including capital and operating costs), and the cost-effectiveness (annual dollars per ton of NO_x removed annually).
- (k) A comparison and discussion of the advantages and disadvantages of the control options that are determined to be technically feasible.
- (l) A recommended definition of RACT for the source, including one or more of the following:
 - (i) Enforceable production limitations.
 - (ii) Emissions limitations.
 - (iii) Control efficiencies.
 - (iv) Operating requirements.
- (m) An expeditious schedule for implementing the recommended definition of RACT, including milestones for awarding contracts, initiating construction, completing construction, and performing emissions testing, if necessary, to demonstrate compliance with the approved definition of RACT.
- (n) ~~In the engineering study,~~ Clean and detailed documentation of all calculations of the NO_x emissions, including all assumptions made, ~~shall be documented clearly and in detail. In addition, the capital and operating costs and the cost-effectiveness estimates shall be calculated in a manner that is consistent with the Ohio environmental protection agency, division of air pollution control document entitled "Guidance for Estimating Capital and Annual Costs of Air Pollution Systems," or the most recent edition of the "United States environmental protection agency air pollution control cost manual."~~

(o) Capital and operating costs and the cost-effectiveness estimates calculated in a manner consistent with the most recent edition of the "United States environmental protection agency air pollution control cost manual".

~~(2) Any definition of RACT and schedule of compliance for an affected source that are approved by the director shall be submitted to and approved by the United States environmental protection agency as a revision of the Ohio state implementation plan.~~

~~(3)~~(2) For any source that is subject to an emissions limitation contained in paragraphs (A) to (G) of this rule, if the director approves a definition of RACT and a schedule of compliance for the source pursuant to paragraph (J) of this rule, the source shall no longer be subject to the emissions limitations contained in paragraphs (A) to (G) of this rule.

For any source that is subject to an emissions limitation contained in paragraph (A) to (G) of this rule, if the director disapproves a definition of RACT and a schedule of compliance for the source pursuant to paragraph (J) of this rule, or if the RACT study determines the applicable NO_x emissions limitations contained in paragraphs (A) to (G) of this rule is technically feasible and economically reasonable (i.e., cost-effective) to achieve, or if the director disapproves of a variance application pursuant to paragraph (L) of this rule, the source remains subject to the emissions limitations contained in paragraphs (A) to (G) of this rule and the applicable compliance deadline specified in paragraph (B) of rule 3745-110-04 of the Administrative Code.

~~(4)~~(3) If, within the five years prior to December 22, 2007 for sources located in Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Medina, Portage, or Summit county, or within the five years prior to the effective date of this rule for sources located in Butler, Clermont, Hamilton or Warren county, the Ohio environmental protection agency has defined best available technology, pursuant to section 3704.01 of the Revised Code, for NO_x emissions from a source which is subject to paragraph (J) of this rule, and the owner or operator is employing or has committed to employ the best available technology, the owner or operator may provide the following information to the director in satisfaction of paragraph (J)(1) of this rule:

(a) All information required by paragraphs (J)(1)(a), (J)(1)(b), (J)(1)(d), (J)(1)(e) and (J)(1)(g) of this rule.

(b) Copies of the documents and technical information that support the existing best available technology determination.

- (c) The name, title, address and telephone number of the official who is responsible for the information submitted in accordance with paragraph (J)(4) of this rule.

If upon review of this information, the director determines that the information does not or may not indicate that the definition of best available technology satisfies the requirements of this chapter, the director shall so notify the owner or operator, and the owner or operator shall conduct a full RACT engineering study in accordance with paragraph (J)(1) of this rule.

- (4) Any definition of RACT and schedule of compliance for an affected source that are approved by the director shall be submitted to the United States environmental protection agency as a revision of the Ohio state implementation plan.

(K) Paragraphs (A) to (G) of this rule shall not apply to the following sources:

- (1) Any industrial boiler having a maximum heat input of less than or equal to twenty mmBtu/hr.
- (2) Any standby boiler, stationary internal combustion engine, or stationary combustion turbine which operates less than five hundred hours during any consecutive twelve-month period. However, the owner or operator of the standby engine, boiler, or turbine shall maintain for a period of not less than three years, in a bound log book, or other format acceptable to the director, a list of the dates and number of hours the standby engine, boiler, or turbine operated.
- (3) Any stationary internal combustion engine having an energy output capacity of less than ~~two thousand~~ five hundred horsepower.
- (4) Any stationary combustion turbine having an energy input capacity of less than twenty mmBtu/hr.
- (5) Any start-up unit located at an electric generating facility.
- (6) Any black start unit located at an electric generating facility.
- (7) Any peaking unit.
- (8) Any space heating unit.
- (9) Any auxiliary boiler.
- (10) Any CO boiler.

- (11) Any research and development source.
 - (12) Any jet engine test cell.
 - (13) Any engine testing operation.
 - (14) Any air pollution control device.
 - (15) Any municipal waste combustor.
 - (16) Any source other than a boiler, gas turbine or internal combustion engine that has the potential to emit less than twenty-five tons per year of NOx.
 - (17) Any affected source issued a valid air operating permit by Ohio environmental protection agency that restricts such affected source to twenty-five tons per year or less of NOx emissions.
 - ~~(18) Any boiler, stationary internal combustion engine, or stationary combustion turbine subject to the United States environmental protection agency cross-state air pollution rule contained in 40 CFR Part 97, Subpart AAAAA, 40 CFR Part 97, Subpart BBBBB or 40 CFR Part 97, Subpart EEEEE.~~
 - ~~(19) Any boiler subject to paragraph (C)(1) of rule 3745-14-01 of the Administrative Code (NOx budget program).~~
 - ~~(20)~~(18) Any affected source that is has been issued a permit-to-install that is subject to best available control technology or lowest achievable emission rate standards.
 - ~~(21)~~(19) Any affected source whose utilization in less than ten per cent of its capacity factor on an annual average basis over a three-year rolling period and less than twenty per cent of its capacity factor in any year of the three-year rolling period.
- (L) Any affected facility that cannot comply with the applicable requirements set forth in this rule because of extraordinary reasons beyond the affected facility's reasonable control may apply in writing to the director for a variance. The variance application shall be prepared in accordance with the provisions specified in rule 3745-31-09 of the Administrative Code and shall only be granted provided the requirements of paragraph (C)(1)(b) of rule 3745-31-09 of the Administrative Code are met. No variance may be granted under this paragraph that does not provide for eventual compliance with this rule.
- (M) [Reserved].

(N) On and after May 12, 2011, "ArcelorMittal Cleveland Inc." (13-18-00-1613) or any subsequent owner or operator of the "ArcelorMittal Cleveland Inc." facility located at 3060 Eggers avenue, Cleveland, Ohio shall comply with the following NOx emissions limitations:

Emissions Unit	Description	NOx Emissions Limitations
P049	Anneal - North	0.10 lb/mmBtu
P050	Anneal - South	0.10 lb/mmBtu
P071	Continuous Galvanizing Line	0.23 lb/mmBtu
P903	C5 Blast Furnace: Stoves	0.06 lb/mmBtu
P904	C6 Blast Furnace: Stoves	0.06 lb/mmBtu
P905 and P906	No. 1 BOF: Ladle Preheaters	0.10 lb/mmBtu
P925 and P926	No. 2 BOF: Ladle Preheaters	0.10 lb/mmBtu
P046	Slab-Pusher Reheat Furnace No. 1 rated at 602.6 mmBtu/hr	0.35 lb/mmBtu
P047	Slab-Pusher Reheat Furnace No. 2 rated at 602.6 mmBtu/hr	0.35 lb/mmBtu
P048	Slab-Pusher Reheat Furnace No. 3 rated at 602.6 mmBtu/hr	0.35 lb/mmBtu

(O) On and after May 12, 2011, "Republic Engineered Products" or any subsequent owner or operator of the "Republic Engineered Products" facility located at 1807 East 28th street, Lorain, Ohio shall comply with the following NOx emissions limitations:

Emissions Unit	Description	NOx Emissions Limitations
P071	Walking beam furnace, rated at two hundred six mmBtu/hr	0.15 lb/mmBtu

P081	Bloom reheat furnace, rated at 421.6 mmBtu/hr	0.132 lb/mmBtu
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(P) "United States Steel Lorain Tubular Operations" or any subsequent owner or operator of the "United States Steel Lorain Tubular Operations" facility located at 2199 East 28th street, Lorain, Ohio shall comply with the NOx emission limitations as follows:

Compliance date	Emissions Unit	Description	NOx Emissions Limitations
On or after May 12, 2011	P003	Number 3 seamless mill Q and T tempering furnace, rated at one hundred twelve mmBtu/hr	0.068 lb/mmBtu
On or after May 12, 2011	P037	Number 3 seamless mill number 2 reheat furnace, rated at 58.8 mmBtu/hr	0.15 lb/mmBtu
On or after May 12, 2011	P040	Number 4 seamless mill reheat furnace, rated at 50.9 mmBtu/hr	0.15 lb/mmBtu
On or after the effective date of this rule	P039	Number 4 seamless mill rotary reheat furnace, rated at 195.4 mmBtu/hr	0.08 lb/mmBtu
On or after the effective date of this rule	P035	Number 3 seamless mill rotary reheat furnace, rated at 296.0 mmBtu/hr	0.12 lb/mmBtu, compliance with this emissions limitation shall be demonstrated in accordance with the test methods and procedures specified in paragraphs (C) and (H)(3) of this rule or rule 3745-110-05 if the Administrative Code.

(Q) On and after July 18, 2013, "Charter Steel" or any subsequent owner or operator of the "Charter Steel" facility located at 4300 East 49th street, Cuyahoga Heights, Ohio : NOx emissions for bar mill reheat furnace PO29, rated at 165.0 mmBtu/hr, shall not exceed 0.11 lb/mmBtu.

(R) "BASF Corporation" or any subsequent owner or operator of the "BASF Corporation" facility located at 120 Pine Street, Elyria, Ohio; shall comply with the NOx emission limitations as follows:

(1) On and after July 18, 2013, up to the effective date of this rule:

Emissions Units	NOx Emissions Limitations
Calciners P009, P010, P080, P102, and P103	1.86 lbs/hr (200.0 ppmvd) when operating the selective catalytic reduction (SCR) system
Calciners P009, P010, P080, P102, and P103	3.4 lbs/hr (250.0 ppmvd) when operating the caustic/chemical Tri-Mer scrubber

(2) On and after the effective date of this rule, the NOx emissions from calciners P009, P010, P080, P092, P102, and P103, shall be vented to either of the following:

- (a) The TriMer caustic scrubber, the emissions from which shall not exceed a controlled NOx emissions limitation of 250.0 ppmvd, as a three-hour block average, based on the average of three, one-hour stack test runs, if stack testing is used to demonstrate compliance.
- (b) A selective catalytic reduction system, the emissions from which shall not exceed a controlled NOx emissions limitation of 200.0 ppmvd, as a three-hour block average, except that if a continuous emission monitoring system, which complies with the requirements of 40 CFR Part 60, is employed by the owner or operator to demonstrate ongoing compliance with the allowable NOx emissions limitation, the averaging time for the NOx emissions limitation shall be a twenty-four-hour arithmetic average for each calendar day. The arithmetic average shall be based upon CEMS data for only those hours during which one or more emissions units are operating and, as a result, could be based upon less than twenty-four hours. (If a CEMS is employed, pursuant to 40 CFR Part 60.13(h), at least one valid data point in each fifteen-minute quadrant of the hour in which the emissions unit operates is required to calculate the hourly average emission rate. Also, if more than one valid data point is obtained during a fifteen-minute quadrant, all of the valid data points obtained shall be used to calculate the hourly average emission rate.)

[Comment: The above-mentioned NOx emissions limitations do not include the NOx emissions from the combustion of natural gas for the indirect heating of each calciner. The NOx RACT study approved by

Ohio EPA on February 11, 2010 contained calculations supporting the conclusion that NOx emissions from the combustion of natural gas for the indirect heating of each calciner to be less than ten pounds per day.]

- (S) On and after July 18, 2013, "Carmeuse Lime, Inc., Grand River Operation" or any subsequent owner or operator of the "Carmeuse Lime, Inc., Grand River Operation" facility located at 15 Williams street, Grand River, Ohio : NOx emissions for Rotary lime kilns P001 and P002 (kilns #4 and #5), with a maximum process weight rate of 54.5 tons/hr of limestone per kiln, shall not exceed a rate of 6.0 lbs/ton of lime produced.
- (T) On and after July 18, 2013, "Ross Incineration Services, Inc.," or any subsequent owner or operator of the "Ross Incineration Services, Inc.," facility located at 36790 Giles road, Grafton, Ohio : NOx emissions for Hazardous waste incinerator N001, with a rated maximum capacity of 26,057.0 lbs/hr of waste materials, shall not exceed 158.1 lbs/hour, based on a rolling twenty-four hour average.
- (U) [Reserved.]
- (V) On and after the effective date of this rule, "The University of Akron," or any subsequent owner or operator of the "The University of Akron," facility located at 145 Hill Street, Akron, Ohio shall comply with the following NOx emissions limitations when burning number two fuel oil, and shall not burn number two fuel oil for more than a maximum of fourteen days per calendar year:

Emissions Unit	Description	NOx Emissions Limitations
B031	Boiler, rated at 89.1 mmBtu/hr	0.18 lb/mmBtu
B033	Boiler, rated at 89.1 mmBtu/hr	0.20 lb/mmBtu

Effective: 3/25/2022

Five Year Review (FYR) Dates: 6/18/2025

CERTIFIED ELECTRONICALLY

Certification

03/15/2022

Date

Promulgated Under: 119.03
Statutory Authority: 3704.03(E)
Rule Amplifies: 3704.03(A), 3704.03(E)
Prior Effective Dates: 12/22/2007, 05/12/2011, 07/18/2013, 06/18/2020

3745-110-04 **Compliance deadlines.**

(A) Certification and permit application requirements.

(1) Within one hundred twenty days of becoming subject to this chapter, any owner or operator of a source subject to paragraphs (A) to (G) of rule 3745-110-03 of the Administrative Code and which is not subject to paragraph (A)(2) of this rule shall do one of the following:

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

(b) Submit an application for a permit-to-operate or an application for a modification to a permit-to-operate in accordance with either rule 3745-31-02 of the Administrative Code or Chapter 3745-77 of the Administrative Code. Such application shall include a compliance program which will bring the source into compliance with all the requirements of rule 3745-110-03 of the Administrative Code as expeditiously as practicable, but in no event later than the date specified in paragraph (B) of this rule.

(2) Within one year of becoming subject to this chapter, any owner or operator of a source subject to paragraph (J) of rule 3745-110-03 of the Administrative Code shall submit a complete RACT study to the Ohio environmental protection agency.

(3) Any source located in Butler, Clermont, Cuyahoga, Geauga, Hamilton, Lake, Lorain, Medina, Portage, Summit, or Warren county for which the director has established a site-specific definition of RACT in accordance with paragraph (J) of rule 3745-110-03 of the Administrative Code shall submit an updated RACT study to the Ohio environmental protection agency within one year of the effective date of this rule.

(B) RACT compliance deadline.

Any owner or operator of a source which is subject to the requirements of rule 3745-110-03 of the Administrative Code, including any source for which the director approves a definition of RACT pursuant to paragraph (J) of rule 3745-110-03 of the

Administrative Code and has not approved an alternative schedule for implementing the RACT, shall achieve and demonstrate compliance with said emissions limitations and control requirements as expeditiously as practicable, but in no event later than the following, and ~~shall~~ maintain compliance thereafter:

- (1) For facilities conducting a RACT study in accordance with paragraph (A)(2) of this rule, or updating a RACT study in accordance with paragraph (A)(3) of this rule, one of the following:
 - (a) By not later than two years after approval by the director of the RACT study, if combustion modifications are required to demonstrate compliance with the applicable NOx emissions limitations.
 - (b) By not later than three years after approval by the director of the RACT study, if add-on controls are required to demonstrate compliance with the applicable emissions limitations.
- (2) For facilities not conducting a new or updated RACT study, one of the following:
 - (a) By not later than two years of becoming subject to this chapter or becoming subject to an emissions limitation that was revised as of the effective date of this rule, if combustion modifications are required to demonstrate compliance with the applicable emissions limitations.
 - (b) By not later than three years of becoming subject to this chapter or becoming subject to an emissions limitation that was revised as of the effective date of this rule, if add-on controls are required to demonstrate compliance with the applicable emissions limitations.

[Comment: Several emissions limitations in this chapter were revised as of the effective date of this rule. Facilities that were subject to this chapter prior to the effective date of this rule are required to comply with the emissions limitations in the previously effective versions of this rule until such time as a new compliance deadline is applicable in accordance with paragraph (B) of this rule.]

Effective: 3/25/2022

Five Year Review (FYR) Dates: 6/18/2025

CERTIFIED ELECTRONICALLY

Certification

03/15/2022

Date

Promulgated Under: 119.03
Statutory Authority: 3704.03(E)
Rule Amplifies: 3704.03(A), 3704.03(E)
Prior Effective Dates: 12/22/2007, 07/18/2013, 06/18/2020

3745-110-05

Compliance methods.

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

Any owner or operator of a source which is subject to the requirements of rule 3745-110-03 of the Administrative Code shall demonstrate compliance with the applicable emissions limit(s) limitations in accordance with one of the following:

- (A) Installing a permanent continuous emissions monitoring system for NO_x and, if necessary, a diluent (carbon dioxide or oxygen) that is employed to ensure ongoing compliance with an applicable emissions limitation. The permanent continuous emissions monitoring system shall meet the requirements of performance specification 2 and performance specification 3, 40 CFR Part 60, Appendix B and quality assurance procedures contained in 40 CFR Part 60, Appendix F or 40 CFR Part 75.
- (B) Perform emission tests in accordance with USEPA method 7, 7a, 7c, 7d, or 7e, and any additional approved USEPA methods as applicable. The owner or operator shall obtain any additional test data (such as flow rates, oxygen concentrations, moisture contents, etc.), continuous diluent monitoring data (carbon dioxide or oxygen), or source fuel usage or horsepower data, concurrent with the compliance demonstration in order to convert the emission test results or monitoring data to the units of the applicable emissions limitation. Compliance demonstrations shall be performed that are representative of the normal operating modes, including fuel types or fuel blends employed and shall exclude periods of startup, shutdown, malfunction, and low load operating conditions as follows:
 - (1) For paragraphs (B), (C), and (D) of rule 3745-110-03 of the Administrative Code, compliance demonstrations shall be performed while the affected boiler is operating at or as close as possible to its maximum permitted operating capacity.
 - (2) For paragraph (E) of rule 3745-110-03 of the Administrative Code, compliance demonstrations shall be performed while the affected stationary combustion turbine is operating at or as close as possible to its maximum permitted operating capacity.
 - (3) For paragraph (F) of rule 3745-110-03 of the Administrative Code, compliance demonstrations shall be performed while the affected internal combustion engine is operating at or as close as practically possible to its maximum permitted operating capacity.

- (4) For paragraph (G) of rule 3745-110-03 of the Administrative Code, compliance demonstrations shall be performed while the affected reheat furnace is operating at or as close as practically possible to its maximum permitted operating capacity.
- (C) For a source not installing a permanent continuous emissions monitoring system in accordance with paragraph (A) of this rule, installing a temporary continuous emissions monitoring system for thirty operating days that is capable of measuring and recording NO_x and, if necessary, a diluent (carbon dioxide or oxygen) concentration in addition to calculating NO_x lb/mmBtu data in an ongoing basis. The continuous emissions monitoring system shall do the following:
- (1) Be temporarily installed, calibrated, maintained and operated in an approved manner and location where representative emissions measurements from the stack can be made. Prior to installation, the owner or operator shall submit, for approval by the director, a continuous emissions monitoring protocol that includes, at a minimum, the location of, and specifications for, each instrument or device, as well as procedures for calibration, operation, data recording, data evaluation, and data reporting.
 - (2) Meet the requirements of performance specification 2 and performance specification 3, 40 CFR Part 60, Appendix B, and quality assurance procedures contained in 40 CFR Part 60, Appendix F, procedure 1 (including relative accuracy test audit and cylinder gas audit requirements).
 - (3) Operate for a thirty-day period under normal operating modes. The thirty-days do not have to be consecutive.
- (D) An owner or operator of a source subject to this rule may request to monitor NO_x emissions for compliance determination purposes using a predictive emission monitoring system (PEMS) in accordance with the requirements of 40 CFR 60, subpart A and appendix B, Performance Specification 16, with written approval of the director, provided the source is not otherwise required to operate a continuous emissions monitoring system under another legal authority.

Effective: 3/25/2022

Five Year Review (FYR) Dates: 6/18/2025

CERTIFIED ELECTRONICALLY

Certification

03/15/2022

Date

Promulgated Under: 119.03
Statutory Authority: 3704.03(E)
Rule Amplifies: 3704.03(A), 3704.03(E)
Prior Effective Dates: 12/22/2007, 07/18/2013, 06/18/2020

Article II

Copy of Public Notice and
Director's Findings & Orders

NOTICE OF ADOPTION OF RULES
OHIO ENVIRONMENTAL PROTECTION AGENCY
OHIO ADMINISTRATIVE CODE CHAPTER 3745-110 "NITROGEN OXIDES – REASONABLY
AVAILABLE CONTROL TECHNOLOGY"

Notice is hereby given that the Director of the Ohio Environmental Protection Agency (Ohio EPA) has adopted amended rules contained in Ohio Administrative Code (OAC) Chapter 3745-110 "Nitrogen Oxides – Reasonably Available Control Technology".

The rules in OAC Chapter 3745-110 are intended to assist Ohio in attaining and maintaining the national ambient air quality standard (NAAQS) for ozone by limiting the emissions of Nitrogen Oxides (NOx) from stationary industrial sources such as, but not limited to, boilers, combustion turbines and internal combustion engines. NOx emissions are a pollutant that leads to the formation of ozone. The purpose of this rulemaking was to adopt mandatory Reasonably Available Control Technology (RACT) requirements for the Cincinnati and Cleveland 2015 ozone nonattainment areas. Ohio EPA is also amending these rules to address minor changes needed for clarification and Legislative Service Commission (LSC) formatting protocol.

The Director's order of adoption was issued on March 15, 2022. These amended rules will become effective on **March 25, 2022**.

Copies of the new and amended rules can be found on Ohio EPA's website at:
<https://epa.ohio.gov/dapc/DAPCrules>

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 30-day draft comment period ending June 22, 2021, the proposal comment period ending January 3, 2022 and the public hearing conducted by Ohio EPA on January 3, 2022, as well as comments received during the draft 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
30 East Broad St., 4th Floor
Columbus, Ohio 43215

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, 4th Floor
Columbus, OH 43215



Laurie A. Stevenson, Director
Ohio Environmental Protection Agency

Issued at Columbus, Ohio this 15th day of March, 2022.

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 Ohio Register when rules are proposed. A copy of the Public Hearing notice is included (Attachment A). The Public Hearing notice was placed in the Ohio Register on November 29, 2021. Ohio EPA held a public hearing on January 3, 2022 in Columbus, Ohio. This hearing was held thirty-five days after the notice was placed in the register. The ORC 119.03 requirements for public notice contents were met as evidenced by comparing the public notice and ORC 119.03 (A)(1)-(4). In addition to the Register of Ohio, Ohio EPA also placed an advertisement in the major newspapers throughout the state. Copies can be provided upon request.

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).

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

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

Ohio EPA conducted the public hearing on January 3, 2022 as identified in the Public Hearing notice. A copy of the hearings transcript may be provided upon request.

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

The Joint Committee on Agency Rule Review (JCARR) oversees agency rule making in Ohio. A hearing was held with JCARR on January 25, 2022 where these rules were placed on the consent agenda as item 35 (Attachment D). No testimony, questions or invalidation of the rules occurred during this hearing. JCARR jurisdiction expired on February 2, 2022 as evidenced by the JCARR consent agenda.

Ohio EPA issued the order to adopt the rules on March 15, 2022 as evidenced by the Director's Findings & Orders and the Public Notice (both contained in Article 2). The Secretary of the State and Director of the LSC once again received a letter of notice (Attachment E).

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 and through an e-mail notice to all interested parties on March 15, 2022. 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). 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 May 20, 2021 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 33-day comment period closing June 22, 2021. 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 each rule, Ohio EPA stated the adoption of this rule is required in order to maintain approval to administer a federal environmental law.

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

Article III

Attachment A

Public Hearing Notice

Public Notice and Public Hearing
Ohio Environmental Protection Agency
Ohio Administrative Code (OAC) Chapter 3745-110,
“Nitrogen Oxides - Reasonably Available Control Technology”
Reasonably Available Control Technology (RACT) for the Cincinnati and Cleveland 2015 Ozone
Moderate Nonattainment Areas

Notice is hereby given that the Ohio Environmental Protection Agency, Division of Air Pollution Control (DAPC) is planning to amend rules in Ohio Administrative Code (OAC) Chapter 3745-110, “Nitrogen Oxides - Reasonably Available Control Technology” for the Cincinnati and Cleveland 2015 Ozone Moderate Nonattainment Areas.

Ohio EPA has drafted revisions to OAC chapter 3745-110 to adopt mandatory Reasonably Available Control Technology (RACT) requirements for Cincinnati and Cleveland 2015 ozone nonattainment areas. The Cleveland and Cincinnati nonattainment areas are currently classified as marginal nonattainment for the 2015 ozone standard. The areas are required to meet the ozone standard by August 3, 2021, based on ozone monitoring data collected during the 2018-2020 ozone monitoring seasons, which extend from March 1 to October 31 each year.

The Cleveland and Cincinnati areas have failed to meet the ozone standard during the 2018-2020 ozone monitoring seasons as required and Ohio EPA anticipates that the areas will be reclassified to moderate nonattainment by U.S. EPA in accordance with the Clean Air Act (CAA). Reclassification to moderate nonattainment triggers additional CAA requirements, including NOx RACT requirements.

Please see the rule synopsis, available electronically at the web address below, for a complete summary of the proposed rule amendments.

Pursuant to Section 121.39 of the Ohio Revised Code, DAPC was required to consult with interested parties affected by the rules before the Division formally adopts them. On May 20, 2021, these rules went out for a 30-day review by interested parties. Please see the rule synopsis, available electronically at the web address below, for a complete summary of the proposed rule amendments.

Ohio EPA has also prepared a draft RACT State Implementation Plan (SIP) which will be submitted to U.S. EPA along with the above-mentioned rules. Ohio EPA is also seeking public comment on the draft RACT SIP.

Pursuant to Part D of Title I of the CAA, Ohio EPA is required to establish a SIP for the attainment and maintenance of the NAAQS. The above-mentioned rules and RACT SIP are a part of Ohio’s SIP for attainment and maintenance of the 2015 ozone NAAQS and the proposed amendments and RACT SIP will be submitted to United States Environmental Protection Agency (U.S. EPA) as a modification of the SIP.

Ohio EPA will hold an in-person and virtual public hearing on the rules on **Monday, January 3, 2022 at 11:00 AM**. 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, comments may be submitted electronically and may be submitted verbally if participating in person.

To facilitate the scheduling of oral presentations, persons intending to give testimony in-person at the

hearing should notify Cathryn Allen at the Ohio EPA Public Interest Center, cathryn.allen@epa.ohio.gov or (614) 644-2160.

Citizens who want to participate virtually must register in advance for the meeting at: <https://register.gotowebinar.com/register/1092944664053914639>

All interested persons are entitled to attend or be represented at the hearing and give written or oral comments on these rule changes and SIP revisions. All oral comments presented at the hearing, and all written statements submitted at the hearing or by the close of business on January 3, 2022 will be considered by Ohio EPA prior to final action on this rule and SIP revisions. Written statements submitted after January 3, 2022 may be considered as time and circumstances permit but will not be part of the official record of the hearing.

These rules and associated rulemaking documents are available on DAPC's Web page for electronic downloading. The URL is: <https://epa.ohio.gov/dapc/DAPCRules>.

Questions regarding accessing the web site and any other questions or comments about these rules should be directed to Paul Braun at Ohio EPA, (614) 644-3734, paul.braun@epa.ohio.gov or mailed to Paul Braun, Ohio EPA, Division Air Pollution Control, Lazarus Government Center, P.O. Box 1049, Columbus, Ohio 43216-1049. Persons submitting comments electronically are encouraged to follow-up with a hard copy via regular mail.

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

Larry Wolpert, 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: 190303
File Date and Time: 11/29/2021 9:14 AM
Confirmation Number: 2ca9f43c22c2aef3f4e44579a37e2d9e

ORIGINAL FILE

Rule Number	Type	FYR	CSI	JE Date	Eff Date	Next FYR	Tagline
3745-110-01	Amendment	N	Y	02/02/2022			Definitions.
3745-110-02	Amendment	N	Y	02/02/2022			Applicability.
3745-110-03	Amendment	N	Y	02/02/2022			RACT requirements and/or limitations for emissions of NOx from stationary sources.
3745-110-04	Amendment	N	Y	02/02/2022			Compliance deadlines.
3745-110-05	Amendment	N	Y	02/02/2022			Compliance methods.



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

Larry Wolpert, 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 **revise filed** the following rule(s) pursuant to section 119.03 of the Ohio Revised Code.

Package Number: 190303
File Date and Time: 11/29/2021 10:46 AM
Confirmation Number: f5c65225c02cf3356b3375466ec67928

REVISE

Rule Number	Type	FYR	CSI	JE Date	Eff Date	Next FYR	Tagline
3745-110-01	Amendment	N	Y	02/02/2022			Definitions.
3745-110-02	Amendment	N	Y	02/02/2022			Applicability.
3745-110-03	Amendment	N	Y	02/02/2022			RACT requirements and/or limitations for emissions of NOx from stationary sources.
3745-110-04	Amendment	N	Y	02/02/2022			Compliance deadlines.
3745-110-05	Amendment	N	Y	02/02/2022			Compliance methods.

Article III

Attachment C

RSFAs

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 3745-110-01
Rule Type: Amendment
Rule Title/Tagline: Definitions.
Agency Name: Ohio Environmental Protection Agency
Division: Division of Air Pollution Control (DAPC)
Address: 50 West Town Street, Suite 700 PO Box 1049 Columbus OH 43216-1049
Contact: Alan Harness **Phone:** 614-644-2270
Email: alan.harness@epa.ohio.gov

I. Rule Summary

1. **Is this a five year rule review?** No
 - A. **What is the rule's five year review date?** 6/18/2025
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)
6. **What are the reasons for proposing the rule?**

This rule are being proposed to make changes due to the bump up of the Cleveland and Cincinnati 2015 ozone nonattainment areas from marginal to moderate nonattainment.

7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

The rule contains the definitions as applicable to the rules in this chapter. The rule also contains information on the version and availability of items referenced in this chapter.

8. **Does the rule incorporate material by reference?** Yes

9. **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 are generally available to the public through libraries and on-line sources, including the Ohio EPA website, ORC 121.76 (A) exempts such references from the provisions of ORC 121.71 through 121.75.

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

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

Ohio EPA's website is converting to the State of Ohio IOP platform during the comment period for this rule-making, therefore the link to the rules in the public notice would no longer work. Ohio EPA is revise filing to change the public notice to the updated web location.

II. **Fiscal Analysis**

11. **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

Not Applicable.

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

This rule contains definitions. There is no cost of compliance with this rule.

13. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No
14. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). Yes
15. 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

16. Was this rule filed with the Common Sense Initiative Office? Yes
17. 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 Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))

18. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? No
 - A. How many new regulatory restrictions do you propose adding?

Not Applicable

B. How many existing regulatory restrictions do you propose removing?

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 to interested parties for a 30-day day comment period ending June 22, 2021. Comments were received and a responsiveness summary prepared. The comment period was announced via posting on Ohio EPA's website, e-mail to Ohio EPA's electronic interested parties list, and the day comment period was announced via the state's e-notification system.

(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.)

Current Rule Language was reviewed for typos and formatting fixes.

Draft comments were received and considered and incorporated in the rule as necessary.

- (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: 3745-110-02

Rule Type: Amendment

Rule Title/Tagline: Applicability.

Agency Name: Ohio Environmental Protection Agency

Division: Division of Air Pollution Control (DAPC)

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

Contact: Alan Harness **Phone:** 614-644-2270

Email: alan.harness@epa.ohio.gov

I. Rule Summary

1. **Is this a five year rule review?** No
 - A. **What is the rule's five year review date?** 6/18/2025
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)
6. **What are the reasons for proposing the rule?**

This rule is being proposed to make changes due to the bump up of the Cleveland and Cincinnati 2015 ozone nonattainment areas from marginal to moderate nonattainment. Specifically, this rule is being proposed to expand the list of counties in Ohio subject to this rule.

7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

This rule defines the NOx emission sources and the specific counties in Ohio that are subject to this rule, unless such a source meets an applicable exemption.

The revisions to this rule consist of expanding the list of counties in Ohio subject to this rule.

- 8. Does the rule incorporate material by reference? Yes**
- 9. 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 121.76(A) exempts such references from the provisions of ORC 121.71 through 121.75.

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

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

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

Ohio EPA's website is converting to the State of Ohio IOP platform during the comment period for this rule-making, therefore the link to the rules in the public notice would no longer work. Ohio EPA is revise filing to change the public notice to the updated web location.

II. Fiscal Analysis

- 11. 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

Not Applicable.

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

This rule defines applicability, but does not directly require compliance activities, recordkeeping, or reporting. There is no cost of compliance with this rule.

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

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

15. **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

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

17. **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 Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))

18. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? No

A. How many new regulatory restrictions do you propose adding?

Not Applicable

B. How many existing regulatory restrictions do you propose removing?

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 to interested parties for a 30-day day comment period ending June 22, 2021. Comments were received and a responsiveness summary prepared. The comment period was announced via posting on Ohio EPA's website, e-mail to Ohio EPA's electronic interested parties list, and the draft comment period was announced via the state's e-notification system.

(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.)

Current Rule Language was reviewed for typos and formatting fixes.

Draft comments were received and considered and incorporated in the rule as necessary.

- (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: 3745-110-03

Rule Type: Amendment

Rule Title/Tagline: RACT requirements and/or limitations for emissions of NOx from stationary sources.

Agency Name: Ohio Environmental Protection Agency

Division: Division of Air Pollution Control (DAPC)

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

Contact: Alan Harness **Phone:** 614-644-2270

Email: alan.harness@epa.ohio.gov

I. Rule Summary

1. **Is this a five year rule review?** No
 - A. **What is the rule's five year review date?** 6/18/2025
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)
6. **What are the reasons for proposing the rule?**

This rule is being proposed to make changes due to the bump up of the Cleveland and Cincinnati 2015 ozone nonattainment areas from marginal to moderate nonattainment.

7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

This rule contains the requirements and/or limitations for reasonably available control technology (RACT) for emissions of nitrogen oxides (NOx) from stationary sources.

The following changes are being made to this rule:

Paragraphs (B) through (F) of this rule are being revised to update presumptive NOx RACT emissions limitations and applicability based on an updated review of the pollution control technology that is currently reasonably available and both technologically and economically feasible. Please see the NOx RACT analysis below:

Boilers:

The proposed revisions to the NOx emission limitations are based on review of these sources in the RACT/BACT Clearinghouse and consultation with National Boilers Works (NBW), Inc. located in Cleveland, Ohio. This company is in the business of installing new boilers, retrofitting existing boilers with pollution control equipment (e.g., low NOx burners, FGR etc.) and providing additional boiler operation services, as needed. As a result of our full review, the following NOx emission limitation changes are proposed:

- a. The current NOx emission limitation of 0.10 lb/MMBtu for gas-fired boilers be revised to 0.08 lb/MMBtu. This NOx emission limitation is consistent with performance standards that can be achieved by employing combustion controls (i.e., low NOx burner & flue gas recirculation).
- b. The current NOx emission limitation of 0.12 lb/MMBtu for distillate oil-fired boilers be revised to 0.10 lb/MMBtu. This NOx emission limitation is consistent with performance standards that can be achieved by employing combustion controls (i.e., low NOx burner & flue gas recirculation).
- c. The current NOx emission limitation of 0.23 lb/MMBtu for residual oil-fired boilers be revised to 0.20 lb/MMBtu. This NOx emission limitation is consistent with performance standards that can be achieved by employing combustion controls (i.e., low NOx burner & flue gas recirculation).
- d. No changes are proposed to the current NOx emission limitation of 0.30 lb/MMBtu for coal-fired boilers. Combustion controls such as flue gas recirculation and over-fired air (OFA) are still used to achieve the NOx emission limitation of 0.30 lb/MMBtu.

ICI Engines:

Ohio EPA's current NOx emission limitation is 3.0 grams/bhp-hour for ICI engines greater than 2000 hp. Ohio EPA is proposing to lower the applicability threshold from 2000 hp to 500 hp. The NOx emission limitation would stay the same but would capture more sources. This is consistent with applicability thresholds adopted by other

states (e.g., Wisconsin and Illinois). Wisconsin's current NOx emission limitation for ICI boilers is 3.0 grams/bhp-hr for ICI engines equal to or greater than 500 hp. Illinois current NOx emission limitation ranges from 150 ppmv to 660 ppmv for all ICI engines equal to or greater than 500 hp. This range in NOx emissions is specific to the fuel type used and the engine type.

The NOx emission limits can be met with combustion controls such as, ignition/injection timing retard, air/fuel adjustment and low-emission combustion (LEC). Ohio EPA believes the use of combustion controls is representative of RACT for ICI engines.

Combustion Turbines:

As a result of our full review, the following NOx emission limitations changes are proposed.

Combustion Turbines: For all simple and combined cycle gas-fired units greater than 3.5 MW, lower the NOx emission limitation from 42.0 ppmvd to 25.0 ppmvd.

For all simple and combined cycle distillate oil-fired and diesel fuel units greater than 3.5 MW, lower the NOx emission limitation from 96.0 ppmvd to 65.0 ppmvd.

The revised NOx emission limitations can be achieved with combustion controls such as dry low NOx burners or steam/water injection. Ohio EPA believes the use of combustion controls is representative of RACT for combustion turbines.

Reheat Furnaces:

No changes to the current NOx emission limitation of 0.09 lb/MMBtu are proposed for this source category. Reheat furnaces utilize multiple burners in various configurations and is dependent on the furnace design. Ohio's NOx emission limitation can, in most cases, be achieved using combustion controls such as low NOx burners and is representative of RACT for reheat furnaces.

States with similar NOx emission limitations for reheat furnaces include Wisconsin which has a NOx emission limitation of 0.08 lb/MMBtu for reheat furnaces and Illinois which has NOx emission limits ranging from 0.09 lb/MMBtu to 0.142 lb/MMBtu depending on the specific reheat furnace type.

Paragraph (J)(1) of this rule is being revised to make minor updates to the information submitted as part of a RACT study.

Paragraph (J)(2) of this rule is being moved to paragraph (J)(4) for improved flow.

Paragraph (J)(3) of this rule is being revised to clarify timelines related to use of best available technology for a NO_x RACT study in the Cleveland and Cincinnati nonattainment areas.

Paragraph (J)(4) of this rule was moved from paragraph (J)(2) for improved flow.

Paragraphs (K)(18) and (K)(19) of this rule are being rescinded to remove the exemption from NO_x RACT for sources subject to the Cross-State Air Pollution Rule (CSAPR) or the NO_x Budget Program. These current exemptions must be eliminated for the RACT program to be approvable by U.S. EPA. Sources previously exempted pursuant to these provisions will become subject to OAC Chapter 3745-110 upon the effective date of this rule pursuant to OAC rule 3745-110-02(B) and shall meet the compliance deadlines established in OAC rule 3745-110-04.

8. **Does the rule incorporate material by reference? Yes**
9. **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 121.76 (A) exempts such references from the provisions of ORC 121.71 through 121.75.

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

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

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

Ohio EPA's website is converting to the State of Ohio IOP platform during the comment period for this rule-making, therefore the link to the rules in the public notice would no longer work. Ohio EPA is revise filing to change the public notice to the updated web location.

II. Fiscal Analysis

- 11. 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

Not Applicable.

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

The rules in this chapter are applicable to very large, large, mid-size, and small boilers, stationary combustion turbines, or stationary internal combustion engines as defined in OAC rule 3745-110-01, and miscellaneous NOx emission sources located at facilities that emit or have the potential to emit a total of more than one hundred tons per year of NOx emissions from all sources at that facility; and the facility is located in Ashtabula, Butler, Clermont, Cuyahoga, Hamilton, Geauga, Lake, Lorain, Medina, Portage, Summit or Warren County. These rules are also applicable for new or modified units statewide.

Typical facilities at which these rules would be applicable are facilities that burn fossil fuels in a boiler such as mills, steam generating facilities, large stationary engines and combustion turbines used in a variety of industrial applications including the gas and oil industry. These rules can also be applicable at facilities where nitrogen oxides are a byproduct of the manufacturing process such as calcining facilities.

The cost of compliance with this chapter comes from the installation of control equipment and reporting for facilities which are required to meet the NOx emission limitations outlined in OAC rule 3745-110-03. Facilities may also choose to perform a "NOx RACT Study" under paragraph (J) of rule 3745-110-03 if the facility is not subject to the emissions limits specified in paragraphs (A) to (G) of rule 3745-110-03, or if the facility is subject to the emissions limits specified in paragraphs (A) to (G) of rule 3745-110-03 but the owner or operator claims that the applicable limit is technically infeasible and/or economically unreasonable (i.e. not cost-effective) to achieve.

Ohio EPA has determined that the upper limit for a cost-effective emission control technology is approximately \$5,000 per ton of pollutant controlled. For example, combined capital and installation cost for a typical emission control technology, such as a low NOx burner(s) ranges from \$500,000 to \$2 million depending on the size and number of burners required to retrofit the emission source in question. The cost of

the low NOx burners is divided by the estimated annual NOx emission reduction, in tons, to determine the cost-effectiveness as noted above.

13. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**
14. **Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). Yes**
15. **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

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

The cost of compliance with this chapter comes from the installation of control equipment and reporting for facilities which are required to meet the NOx emission limitations outlined in OAC rule 3745-110-03. Facilities may also choose to perform a "NOx RACT Study" under paragraph (J) of rule 3745-110-03 if the facility is not subject to the emissions limits specified in paragraphs (A) to (G) of rule 3745-110-03, or if the facility is subject to the emissions limits specified in paragraphs (A) to (G) of rule 3745-110-03 but the owner or operator claims that the applicable limit is technically infeasible and/or economically unreasonable (i.e. not cost-effective) to achieve.

- 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 Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))

18. 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? 1

OAC 3745-110-03(J)(4) - (shall):

"...that are approved by the director shall be submitted..."

This restriction was moved from OAC 3745-110-03(J)(2) verbatim. It does not need to be replaced.

B. How many existing regulatory restrictions do you propose removing? 2

OAC 3745-110-03(J)(1)(n) - (shall):

"... assumptions made., shall be documented clearly..."

Removed as unnecessary

OAC 3745-110-03(J)(1)(n) - (shall):

"...the cost-effectiveness estimates shall be calculated in a manner..."

Removed as unnecessary

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 to interested parties for a 30-day draft comment period ending June 22, 2021. Comments were received and a responsiveness summary prepared. The comment period was announced via posting on Ohio EPA's website, e-mail to Ohio EPA's electronic interested parties list, and the draft comment period was announced via the state's e-notification system.

(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.)

Current Rule Language was reviewed for typos and formatting fixes.

Draft comments were received and considered and incorporated in the rule as necessary.

- (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: 3745-110-04

Rule Type: Amendment

Rule Title/Tagline: Compliance deadlines.

Agency Name: Ohio Environmental Protection Agency

Division: Division of Air Pollution Control (DAPC)

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

Contact: Alan Harness **Phone:** 614-644-2270

Email: alan.harness@epa.ohio.gov

I. Rule Summary

1. **Is this a five year rule review?** No
 - A. **What is the rule's five year review date?** 6/18/2025
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)
6. **What are the reasons for proposing the rule?**

This rule is being proposed to make changes due to the bump up of the Cleveland and Cincinnati 2015 ozone nonattainment areas from marginal to moderate nonattainment.

7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

This rule specifies deadlines for compliance with the rules in this chapter for any subject sources. The following revisions have been made to this rule:

Paragraph (A)(3) of this rule is being revised to require facilities in the nonattainment areas that have existing site-specific RACT established to submit an updated RACT study within one year of the effective date of the rule.

Paragraphs (B)(1) and (B)(2) of this rule are being revised to clarify they apply to both new and updated RACT studies.

8. **Does the rule incorporate material by reference? Yes**
9. **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 121.76 (A) exempts such references from the provisions of ORC 121.71 through 121.75.

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

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

Ohio EPA's website is converting to the State of Ohio IOP platform during the comment period for this rule-making, therefore the link to the rules in the public notice would no longer work. Ohio EPA is revise filing to change the public notice to the updated web location.

II. Fiscal Analysis

11. **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

Not Applicable.

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

This rule specifies deadlines for compliance with the rules in this chapter for any subject sources. As part of this rule, subject sources are required to submit notifications to the director that the source is in compliance with the rule, or submit an application for a permit-to-operate in accordance with either rule 3745-31-02 of the Administrative Code or Chapter 3745-77 of the Administrative Code as applicable. The cost for this notification or application could be several thousand dollars and would be included in the cost of installing/retrofitting control technology discussed in the RSFA part A for OAC rule 3745-110-03 with this rulemaking.

13. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B).** No
14. **Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C).** Yes
15. **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

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

This rule specifies deadlines for compliance with the rules in this chapter for any subject sources. As part of this rule, subject sources are required to submit notifications to the director that the source is in compliance with the rule, or submit an application for a permit-to-operate in accordance with either rule 3745-31-02 of the Administrative Code or Chapter 3745-77 of the Administrative Code as applicable. The cost for this notification or application

could be several thousand dollars and would be included in the cost of installing/retrofitting control technology discussed in the RSFA part A for OAC rule 3745-110-03 with this rulemaking.

- 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 Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))

- 18. **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? 1**

OAC 3745-110-04(A)(3) - (shall):

"...in accordance with paragraph (J) of rule 3745-110-03 of the Administrative Code shall submit an updated..."

Replaces two restrictions removed in OAC 3745-110-03(J)(1)(n)

- B. **How many existing regulatory restrictions do you propose removing? 1**

OAC 3745-110-04(B) - (shall):

"... the following, and shall maintain compliance thereafter:"

Removed as unnecessary.

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 to interested parties for a 30-day comment period ending June 22, 2021. Comments were received and a responsiveness summary prepared. The comment period was announced via posting on Ohio EPA's website, e-mail to Ohio EPA's electronic interested parties list, and the draft comment period was announced via the state's e-notification system.

(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.)

Current Rule Language was reviewed for typos and formatting fixes.

Draft comments were received and considered and incorporated in the rule as necessary.

- (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: 3745-110-05

Rule Type: Amendment

Rule Title/Tagline: Compliance methods.

Agency Name: Ohio Environmental Protection Agency

Division: Division of Air Pollution Control (DAPC)

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

Contact: Alan Harness **Phone:** 614-644-2270

Email: alan.harness@epa.ohio.gov

I. Rule Summary

1. **Is this a five year rule review?** No
 - A. **What is the rule's five year review date?** 6/18/2025
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)
6. **What are the reasons for proposing the rule?**

This rule is being proposed to make changes due to the bump up of the Cleveland and Cincinnati 2015 ozone nonattainment areas from marginal to moderate nonattainment.

7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

This rule specifies the compliance methods to be employed. The following revisions are to be made to this rule:

Paragraph (D) is being added to this rule to allow use of predictive emission monitoring systems (PEMS) as an alternate compliance method upon approval by Ohio EPA.

8. **Does the rule incorporate material by reference? Yes**
9. **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 121.76 (A) exempts such references from the provisions of ORC 121.71 through 121.75.

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

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

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

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

Ohio EPA's website is converting to the State of Ohio IOP platform during the comment period for this rule-making, therefore the link to the rules in the public notice would no longer work. Ohio EPA is revise filing to change the public notice to the updated web location.

II. Fiscal Analysis

11. **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

Not Applicable.

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

Not Applicable.

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

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

- 15. 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

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

- 17. 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? 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? Yes

This rule specifies the compliance methods to be employed. There is a cost associated with compliance NOx emission testing that would be required on a periodic basis; typically once every 5 years to ensure an applicable emission source is in compliance with the NOx emission limitation. The cost associated

with this procedure would vary depending on which emission testing company is doing the job, but would typically be about \$7,000 per source.

- 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 Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))

18. **Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95?** No

- A. **How many new regulatory restrictions do you propose adding?**

Not Applicable

- B. **How many existing regulatory restrictions do you propose removing?**

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 to interested parties for a 30-day comment period ending June 22, 2021. Comments were received and a responsiveness summary prepared. The comment period was announced via posting on Ohio EPA's website, e-mail to Ohio EPA's electronic interested parties list, and the draft comment period was announced via the state's e-notification system.

(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.)

Current Rule Language was reviewed for typos and formatting fixes.

Draft comments were received and considered and incorporated in the rule as necessary.

- (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 - 1/25/2022 - 11:00 AM
Senate Finance Hearing Room (Finan Hearing Room)



FINAL REGULAR AGENDA

FINAL REGULAR AGENDA

1 Architects Board •

Total Rules: 18 Original Filing Date: 11/30/2021

Jurisdiction Ends: 2/3/2022

Public Hearing: 1/4/2022

<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	4703-1-01	Definitions.
Amendment	Original Filing	Yes	Yes	4703-1-02	Applications.
Amendment	Original Filing	Yes	Yes	4703-1-03	Certificates.
Amendment	Original Filing	Yes	Yes	4703-1-04	Fees.
Amendment	Original Filing	Yes	Yes	4703-2-01	Examination.
Rescission	Original Filing	Yes	Yes	4703-2-03	Educational requirements and credits.
New Rule	Original Filing	Yes	No	4703-2-03	Educational requirements and credits.
Amendment	Original Filing	Yes	Yes	4703-2-04	Training requirements.
Amendment	Original Filing	Yes	Yes	4703-2-05	Registration by reciprocity.
Amendment	Original Filing	Yes	Yes	4703-2-06	Program providing for reimbursement of IDP enrollment fees.
Amendment	Original Filing	Yes	Yes	4703-2-07	Continuing education.
Amendment	Original Filing	Yes	Yes	4703-2-08	Military provisions related to licensure.
Amendment	Original Filing	Yes	Yes	4703-3-01	Seal requirements.
Amendment	Original Filing	Yes	Yes	4703-3-02	Architectural firms.
Rescission	Original Filing	Yes	Yes	4703-3-04	Branch offices.
Amendment	Original Filing	Yes	Yes	4703-3-05	Interstate practice.
Amendment	Original Filing	Yes	Yes	4703-3-12	Design build.
Amendment	Original Filing	Yes	Yes	4703-3-13	Communication: prohibition of improper contacts.

2 Counselor, Social Worker, and Marriage and Family Therapist Board •

Total Rules: 25 Original Filing Date: 11/29/2021

Jurisdiction Ends: 2/2/2022

Public Hearing: 1/6/2022

<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.

Amendment	Original Filing	Yes	No	4757-1-04	Applications of first licensure.
Amendment	Original Filing	Yes	No	4757-1-07	Discipline actions that may include fines.
Amendment	Original Filing	No	No	4757-3-01	Definitions.
Amendment	Original Filing	Yes	No	4757-5-10	Standards of ethical practice and professional conduct: reporting unethical actions.
Amendment	Original Filing	No	Yes	4757-7-01	Renewal of license or certificate of registration.
Amendment	Original Filing	Yes	No	4757-9-05	Approval of continuing professional education programs required for renewal of licenses and certificates of registration issued by the board.
Amendment	Original Filing	No	No	4757-9-06	Sources of continuing professional education.
Amendment	Original Filing	No	No	4757-9-07	Documentation of continuing professional education required for renewal of a license or certificate of registration.
Amendment	Original Filing	No	Yes	4757-11-01	Denial, and disciplinary action for licenses or certificates of registration issued by the counselor, social worker, and marriage and family therapist board.
Amendment	Original Filing	No	No	4757-13-01	Education requirements for admission to the examination for licensed professional counselor.
Amendment	Original Filing	No	No	4757-13-04	Licensure and education requirements for admission of applicants holding a doctoral degree in counselor education to the examination for professional counselor, who do not meet the education requirements in rule 4757-13-01 of the Administrative Code.
Amendment	Original Filing	Yes	No	4757-13-05	Professional counselor and professional clinical counselor examination policy.
Amendment	Original Filing	Yes	Yes	4757-13-09	Counselor trainee registration.
New Rule	Original Filing	Yes	No	4757-13-10	Requirements for a Temporary Counselor License.
Amendment	Original Filing	Yes	No	4757-15-02	Scope of practice for a licensed professional clinical counselor.
Amendment	Original Filing	Yes	No	4757-17-01	Counseling supervision.
Amendment	Original Filing	Yes	No	4757-19-01	Requirements for licensure as a social worker.
Amendment	Original Filing	Yes	No	4757-19-03	Requirements for a certificate of registration as a social work assistant.
Amendment	Original Filing	Yes	No	4757-19-04	Social worker examination policy.
Amendment	Original Filing	Yes	Yes	4757-19-05	Social worker trainee applications.
Amendment	Original Filing	Yes	No	4757-19-06	Requirements for social work applicants wishing to obtain a temporary social work license.
Amendment	Original Filing	Yes	No	4757-21-02	Scope of practice for a social worker.
Amendment	Original Filing	Yes	No	4757-21-03	Scope of practice for an independent social worker.
Amendment	Original Filing	Yes	No	4757-25-03	General requirements for licensure as a marriage and family therapist.

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

Amendment Original Filing Yes Yes [4757-25-08](#) Marriage and family therapist trainee registration.

3 Department of Administrative Services • Division of Human Resources

Total Rules: 3 Original Filing Date: 11/30/2021 Jurisdiction Ends: 2/3/2022 Public Hearing: 1/3/2022

<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	123:1-32-01	Availability and charge of sick leave, vacation leave, and personal leave and compensation for sick leave of employees paid by warrant of the director of budget and management.
Amendment	Original Filing	No	No	123:1-46-03	Experimental leave and benefits program.
Amendment	Original Filing	No	No	123:1-71-03	Eligibility, contribution and withdrawal procedures.

4 Department of Aging •

Total Rules: 1 Original Filing Date: 10/4/2021 Date of Refiled Filing: 1/4/2022 Jurisdiction Ends: 2/3/2022 Public Hearing: 11/8/2021

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Refiled Filing	No	Yes	173-14-14	Staffing requirements, staff qualifications, and background checks.

5 Department of Aging •

Total Rules: 1 Original Filing Date: 11/23/2021 Jurisdiction Ends: 1/27/2022 Public Hearing: 12/27/2021

<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	173-14-28	Bed fee collection guidelines.

6 Department of Aging •

Total Rules: 2 Original Filing Date: 11/23/2021 Jurisdiction Ends: 1/27/2022 Public Hearing: 12/27/2021

<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	173-38-01	Assisted living program (medicaid-funded component): introduction and definitions.
Amendment	Original Filing	No	Yes	173-38-03	Assisted living program (medicaid-funded component): enrollment and reassessment of individuals.

7 Department of Aging •

Total Rules: 1 Original Filing Date: 11/23/2021 Jurisdiction Ends: 1/27/2022 Public Hearing: 12/27/2021

<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	173-42-06	PASSPORT program (medicaid-funded component): individuals' choices and responsibilities.

Total Rules: 1 Original Filing Date: 11/23/2021 Date of Revised Filing: 11/30/2021 Jurisdiction Ends: 1/27/2022 Public Hearing: 12/27/2021

<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	Yes	173-42-01	PASSPORT program (medicaid-funded component): introduction and definitions.

8 Department of Aging •

Total Rules: 2 Original Filing Date: 11/23/2021 Jurisdiction Ends: 1/27/2022 Public Hearing: 12/27/2021

<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	173-50-03	PACE: enrollment, plan of care, and reassessment.
Amendment	Original Filing	No	Yes	173-50-04	PACE: voluntary disenrollment.
Total Rules: 1		Original Filing Date: 11/23/2021		Date of Refiled Filing: 1/4/2022	Jurisdiction Ends: 2/3/2022 Public Hearing: 12/27/2021

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Refiled Filing	No	Yes	173-50-05	PACE: involuntary disenrollment.

9 Department of Aging •

Total Rules: 3 Original Filing Date: 11/30/2021 Jurisdiction Ends: 2/3/2022 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	Yes	173-40-01	PASSPORT program (state-funded component): introduction and definitions.
Amendment	Original Filing	No	Yes	173-40-02	PASSPORT program (state-funded component): individual eligibility requirements.
Amendment	Original Filing	No	Yes	173-40-03	PASSPORT program (state-funded component): individual disenrollment and other actions.

10 Department of Aging •

Total Rules: 3 Original Filing Date: 11/30/2021 Jurisdiction Ends: 2/3/2022 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	Yes	173-51-01	Assisted living program (state-funded component): introduction and definitions.
Amendment	Original Filing	No	Yes	173-51-02	Assisted living program (state-funded component): eligibility requirements.
Amendment	Original Filing	No	Yes	173-51-03	Assisted living program (state-funded component): disenrollment and other adverse actions.

11 Department of Commerce • Division of Real Estate

Total Rules: 7 Original Filing Date: 11/29/2021 Date of Revised Filing: 11/30/2021 Jurisdiction Ends: 2/2/2022 Public Hearing: 1/4/2022

<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	No	1301:5-1-12	Open public meetings.
Amendment	Revised Filing	Yes	No	1301:5-1-19	License reactivation and renewal.

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

Amendment	Revised Filing	Yes	No	1301:5-1-20	Annual brokerage assessment.
Amendment	Revised Filing	Yes	No	1301:5-5-01	Statement to be displayed in brokerage office and included in information pamphlets.
Amendment	Revised Filing	Yes	No	1301:5-7-03	Criteria for course approvals.
Amendment	Revised Filing	Yes	No	1301:5-7-04	Continuing education course completion and certificates.
Amendment	Revised Filing	Yes	No	1301:5-7-09	Post-licensing education.

12 Department of Commerce • Real Estate Appraiser Board

Total Rules: 1	Original Filing Date: 11/29/2021				Jurisdiction Ends: 2/2/2022	Public Hearing: 1/4/2022
<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	1301:11-7-04	Medical exception.	

13 Department of Higher Education •

Total Rules: 1	Original Filing Date: 11/29/2021				Jurisdiction Ends: 2/2/2022	Public Hearing: 1/4/2022
<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	3333-1-65.14	Student Eligibility Requirements.	

14 Department of Higher Education •

Total Rules: 1	Original Filing Date: 11/30/2021	Date of Revised Filing: 1/4/2022			Jurisdiction Ends: 2/3/2022	Public Hearing: 1/5/2022
<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>	
New Rule	Revised Filing	No	No	3333-1-09	Commercial Truck Driver Student Aid Program.	

15 Department of Insurance •

Total Rules: 9	Original Filing Date: 11/30/2021				Jurisdiction Ends: 2/3/2022	Public Hearing: 1/6/2022
<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	3901-1-07	Unfair trade practices.	
Amendment	Original Filing	Yes	Yes	3901-1-13	Mortgage guaranty insurance.	
Amendment	Original Filing	Yes	Yes	3901-1-24	Public insurance adjusters.	
Amendment	Original Filing	Yes	Yes	3901-1-48	"Ohio mine subsidence insurance underwriting association" and "mine subsidence insurance fund" plan of operation.	
Amendment	Original Filing	Yes	Yes	3901-1-54	Unfair property/casualty claims settlement practices.	
Rescission	Original Filing	Yes	Yes	3901-3-13	Health insurance reserves.	
New Rule	Original Filing	Yes	No	3901-3-13	Health insurance reserves.	

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

Amendment Original Filing Yes Yes [3901-3-19](#)
 Amendment Original Filing Yes Yes [3901-7-04](#)

Corporate governance annual disclosure.
 Title insurance controlled business arrangements.

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

Total Rules: 1 Original Filing Date: 11/23/2021

Jurisdiction Ends: 1/27/2022 Public Hearing: 12/28/2021

Rule Type Action CSI FYR Rule Number
 Amendment Original Filing No No [5101:2-52-10](#)

Rule Title
 Interstate placement requirements for Ohio courts, parents, or legal guardians when placing a child in a residential placement in another state or territory.

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

Total Rules: 3 Original Filing Date: 11/23/2021

Jurisdiction Ends: 1/27/2022 Public Hearing: 12/28/2021

Rule Type Action CSI FYR Rule Number
 Amendment Original Filing No Yes [5101:2-33-29](#)
 Amendment Original Filing No Yes [5101:2-47-03.1](#)
 Amendment Original Filing No Yes [5101:2-47-17](#)

Rule Title
 Verification of United States citizenship and immigration status for all children in foster care.
 Qualified and disqualified alien eligibility for foster care maintenance and independent living services.
 Title IV- E foster care maintenance (FCM) program reimbursability:
 Reimbursements for FCM and child care for public foster homes, relative homes, and pre-finalized adoptive homes.

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

Total Rules: 4 Original Filing Date: 11/23/2021

Jurisdiction Ends: 1/27/2022 Public Hearing: 12/28/2021

Rule Type Action CSI FYR Rule Number
 Amendment Original Filing No Yes [5101:2-25-01](#)
 Amendment Original Filing No Yes [5101:2-25-02](#)
 Amendment Original Filing No Yes [5101:2-25-03](#)
 Amendment Original Filing No Yes [5101:2-25-07](#)

Rule Title
 Uniform definitions of Title XX services and other definitions of terms used in Chapter 5101:2-25 of the Administrative Code.
 Title XX administration.
 Title XX county profile.
 Title XX reimbursement dependent upon correct determination of recipient eligibility.

19 Department of Mental Health and Addiction Services •

Total Rules: 3 Original Filing Date: 11/29/2021

Jurisdiction Ends: 2/2/2022 Public Hearing: 12/30/2021

Rule Type Action CSI FYR Rule Number
 Amendment Original Filing No Yes [5122-1-28](#)
 Amendment Original Filing No Yes [5122-1-29](#)

Rule Title
 Industrial and entertainment funds.
 Operation of regional psychiatric hospital commissaries.

Amendment Original Filing No Yes [5122-9-10](#) Management and control of internal funds.

20 Department of Mental Health and Addiction Services •

Total Rules: 1 Original Filing Date: 11/30/2021 Jurisdiction Ends: 2/3/2022 Public Hearing: 1/5/2022

Rule Type Action CSI FYR Rule Number Rule Title

Amendment Original Filing Yes Yes [5122-29-30](#) Eligible providers and supervisors.

Total Rules: 1 Original Filing Date: 11/30/2021 Date of Refiled Filing: 1/13/2022 Jurisdiction Ends: 2/12/2022 Public Hearing: 1/5/2022

Rule Type Action CSI FYR Rule Number Rule Title

Amendment Refiled Filing Yes Yes [5122-29-28](#) Intensive home based treatment (IHBT) service.

21 Department of Natural Resources • Division of Mineral Resources Management-Coal

Total Rules: 8 Original Filing Date: 11/30/2021 Jurisdiction Ends: 2/3/2022 Public Hearing: 1/5/2022

Rule Type Action CSI FYR Rule Number Rule Title

Amendment Original Filing Yes Yes [1501:13-1-14](#) Incorporation by reference.

Amendment Original Filing Yes Yes [1501:13-4-05](#) Permit application requirements for reclamation and operations plans.

Amendment Original Filing Yes Yes [1501:13-4-12](#) Requirements for permits for special categories of mining.

Amendment Original Filing Yes Yes [1501:13-4-13](#) Underground mining permit application requirements for information on environmental resources.

Amendment Original Filing Yes Yes [1501:13-4-14](#) Underground mining permit application requirements for reclamation and operations plans.

Amendment Original Filing Yes Yes [1501:13-7-03](#) Form, conditions, and terms of performance security.

Amendment Original Filing Yes Yes [1501:13-9-04](#) Protection of the hydrologic system.

Amendment Original Filing Yes Yes [1501:13-11-02](#) Support facilities and utility installations.

22 Department of Natural Resources • Division of Mineral Resources Management-Coal

Total Rules: 8 Original Filing Date: 11/30/2021 Jurisdiction Ends: 2/3/2022 Public Hearing: 1/5/2022

Rule Type Action CSI FYR Rule Number Rule Title

Amendment Original Filing Yes Yes [1501:13-1-10](#) Availability of records.

Amendment Original Filing Yes Yes [1501:13-4-09](#) General map requirements.

Amendment Original Filing Yes Yes [1501:13-7-01](#) General requirements for providing performance security for coal mining and reclamation operations.

Amendment Original Filing Yes Yes [1501:13-7-06](#) Performance security forfeiture criteria and procedures.

Amendment Original Filing Yes No [1501:13-12-03](#) Subsidence control.

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

Amendment	Original Filing	Yes	No	1501:13-13-08	Restoration off the permit area by means of mitigation.
Amendment	Original Filing	Yes	Yes	1501:13-14-01	Inspections.
Amendment	Original Filing	Yes	No	1501:13-14-03	Civil penalties.

23 Department of Natural Resources • Division of Mineral Resources Management-Industrial Mineral

Total Rules: 2 Original Filing Date: 11/30/2021 Jurisdiction Ends: 2/3/2022 Public Hearing: 1/5/2022

<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	1501:14-1-16	Incorporation by reference.
Amendment	Original Filing	Yes	Yes	1501:14-2-01	Incorporation by reference of mine safety standards.

24 Department of Natural Resources • Division of Mineral Resources Management-Industrial Mineral

Total Rules: 1 Original Filing Date: 11/30/2021 Jurisdiction Ends: 2/3/2022 Public Hearing: 1/5/2022

<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	1501:14-1-04	Procedure for filing applications.

25 Department of Public Safety • Emergency Management Agency

Total Rules: 3 Original Filing Date: 11/29/2021 Jurisdiction Ends: 2/2/2022 Public Hearing: 12/30/2021

<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	4501:3-5-01	Training.
Amendment	Original Filing	No	Yes	4501:3-6-01	Emergency operations plans and exercises.
Amendment	Original Filing	No	Yes	4501:3-7-01	Registration of volunteers.

Total Rules: 1 Original Filing Date: 11/29/2021 Date of Revised Filing: 11/30/2021 Jurisdiction Ends: 2/2/2022 Public Hearing: 12/30/2021

<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	Yes	4501:3-7-02	Registration of volunteer organizations.

26 Department of Taxation •

Total Rules: 1 Original Filing Date: 11/23/2021 Jurisdiction Ends: 1/27/2022 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	Yes	No	5703-9-63	Crude oil and natural gas production.

27 Medical Marijuana Control Program • Forms and Methods of Administration

Total Rules: 2 Original Filing Date: 11/29/2021 Jurisdiction Ends: 2/2/2022 Public Hearing: 1/6/2022

<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.

Rescission	Original Filing	Yes	Yes	3796:8-2-04	Quantity of medical marijuana that may be purchased by a patient or caregiver.
New Rule	Original Filing	Yes	No	3796:8-2-04	Quantity of medical marijuana that may be purchased by a patient or caregiver.
Total Rules: 3		Original Filing Date: 11/29/2021		Date of Revised Filing: 11/29/2021	Jurisdiction Ends: 2/2/2022
Public Hearing: 1/6/2022					
<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	3796:8-1-01	Definitions.
Amendment	Revised Filing	Yes	Yes	3796:8-2-03	Forms and form variations considered attractive to children.
Amendment	Revised Filing	Yes	Yes	3796:8-2-06	Portions, dosing, and units of medical marijuana sold at a dispensary.

28 Ohio Casino Control Commission •

Total Rules: 42		Original Filing Date: 11/23/2021		Jurisdiction Ends: 1/27/2022	
Public Hearing: 12/30/2021					
<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	3772-10-01	Definitions.
Rescission	Original Filing	Yes	Yes	3772-10-02	Internal controls.
New Rule	Original Filing	Yes	No	3772-10-02	Internal controls.
Amendment	Original Filing	Yes	Yes	3772-10-03	Casino operator's organization.
Rescission	Original Filing	Yes	Yes	3772-10-04	Accounting records.
New Rule	Original Filing	Yes	No	3772-10-04	Controlled demonstration.
Rescission	Original Filing	Yes	Yes	3772-10-05	Forms, records, and documents.
New Rule	Original Filing	Yes	No	3772-10-05	Forms, records, and documents.
Amendment	Original Filing	Yes	Yes	3772-10-06	Standard financial reports.
Rescission	Original Filing	Yes	Yes	3772-10-07	Annual audit; other reports; suspicious transaction reporting.
New Rule	Original Filing	Yes	No	3772-10-07	Audits; other reports; suspicious transaction reporting.
Amendment	Original Filing	Yes	Yes	3772-10-08	Procedures for monitoring and reviewing game operations.
Amendment	Original Filing	Yes	Yes	3772-10-09	Complimentaries.
Amendment	Original Filing	Yes	Yes	3772-10-10	Patron financial transactions at the cashier's cage.
New Rule	Original Filing	Yes	No	3772-10-11	Credit.
New Rule	Original Filing	Yes	No	3772-10-12	Access controls.
Rescission	Original Filing	Yes	Yes	3772-10-13	Patron deposits.
New Rule	Original Filing	Yes	No	3772-10-13	Signature requirements.
Amendment	Original Filing	Yes	Yes	3772-10-14	Internal audit standards.
Rescission	Original Filing	Yes	Yes	3772-10-15	Information technology controls.

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

1/25/2022 - 11:00 AM

Senate Finance Hearing Room (Finan Hearing Room)

FINAL REGULAR AGENDA

FINAL REGULAR AGENDA

New Rule	Original Filing	Yes	No	3772-10-15	Information technology controls.
Rescission	Original Filing	Yes	Yes	3772-10-16	Security of the cashier's cages, main bank, and count rooms.
New Rule	Original Filing	Yes	No	3772-10-16	Cashier's cages, main bank, and count rooms.
Amendment	Original Filing	Yes	Yes	3772-10-17	Accounting controls for the cage, main bank, and redemption kiosks.
Rescission	Original Filing	Yes	Yes	3772-10-18	Table drop boxes and electronic gaming equipment bill validator canisters: physical requirements and transportation.
New Rule	Original Filing	Yes	No	3772-10-18	Table drop boxes and electronic gaming equipment bill validator canisters: physical requirements and transportation.
Rescission	Original Filing	Yes	Yes	3772-10-19	Count procedures.
New Rule	Original Filing	Yes	No	3772-10-19	Count procedures.
Rescission	Original Filing	Yes	Yes	3772-10-20	Unsecured currency.
New Rule	Original Filing	Yes	No	3772-10-20	Unsecured currency.
Rescission	Original Filing	Yes	Yes	3772-10-21	Manual game payouts.
New Rule	Original Filing	Yes	No	3772-10-21	Manual game payouts.
Rescission	Original Filing	Yes	Yes	3772-10-22	Tips and gratuities.
New Rule	Original Filing	Yes	No	3772-10-22	Tips and gratuities.
Rescission	Original Filing	Yes	Yes	3772-10-23	Credit.
New Rule	Original Filing	Yes	No	3772-10-23	Other duties.
Rescission	Original Filing	Yes	Yes	3772-10-24	Signature requirements.
Rescission	Original Filing	Yes	Yes	3772-10-25	Unclaimed winnings.
Rescission	Original Filing	Yes	Yes	3772-10-26	Access controls.
Rescission	Original Filing	Yes	Yes	3772-10-27	Controlled demonstration.
Rescission	Original Filing	Yes	Yes	3772-10-28	Amendments to internal control plans.
Rescission	Original Filing	Yes	Yes	3772-10-30	Investigation and certification of contractors by casino operators.

29 Ohio Department of Medicaid •

Total Rules: 1	Original Filing Date: 11/30/2021	Jurisdiction Ends: 2/3/2022	Public Hearing: 1/3/2022
<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
5160-2-03	Conditions and limitations.		

30 Ohio Department of Medicaid •

Total Rules: 1	Original Filing Date: 11/30/2021	Jurisdiction Ends: 2/3/2022	Public Hearing: 1/3/2022
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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.

<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	5160-2-65	Inpatient hospital reimbursement.

31 Ohio Department of Medicaid •

Total Rules: 4 Original Filing Date: 11/30/2021 Jurisdiction Ends: 2/3/2022 Public Hearing: 1/3/2022

<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	5160-27-05	Mental health intensive home based treatment service.
New Rule	Original Filing	Yes	No	5160-27-05	Intensive home based treatment service.
Amendment	Original Filing	No	No	5160-27-06	Therapeutic behavioral group service-hourly and per diem.
Amendment	Original Filing	No	No	5160-27-08	Mental health therapeutic behavioral services and psychosocial rehabilitation.

32 Ohio Department of Medicaid •

Total Rules: 1 Original Filing Date: 11/30/2021 Jurisdiction Ends: 2/3/2022 Public Hearing: 1/3/2022

<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	5160-4-01	Physician services.

33 Ohio Department of Medicaid •

Total Rules: 1 Original Filing Date: 11/30/2021 Jurisdiction Ends: 2/3/2022 Public Hearing: 1/3/2022

<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	5160-4-12	Immunizations, injections and infusions (including trigger-point injections), skin substitutes, and provider-administered pharmaceuticals.

34 Ohio Environmental Protection Agency •

Total Rules: 1 Original Filing Date: 1/22/2020 Date of Refiled Filing: 1/4/2022 Jurisdiction Ends: 2/3/2022 Public Hearing: 2/26/2020

<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	3745-81-23	Inorganic chemical monitoring requirements.

35 Ohio Environmental Protection Agency •

Total Rules: 5 Original Filing Date: 11/29/2021 Date of Revised Filing: 11/29/2021 Jurisdiction Ends: 2/2/2022 Public Hearing: 1/3/2022

<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	No	3745-110-01	Definitions.
Amendment	Revised Filing	Yes	No	3745-110-02	Applicability.
Amendment	Revised Filing	Yes	No	3745-110-03	RACT requirements and/or limitations for emissions of NOx from stationary sources.

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

Amendment	Revised Filing	Yes	No	3745-110-04	Compliance deadlines.
Amendment	Revised Filing	Yes	No	3745-110-05	Compliance methods.

36 Ohio Environmental Protection Agency •

Total Rules: 19 Original Filing Date: 11/29/2021 Date of Revised Filing: 11/29/2021 Jurisdiction Ends: 2/2/2022 Public Hearing: 1/3/2022

<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	3745-21-01	Definitions and incorporation by reference.
Amendment	Revised Filing	Yes	Yes	3745-21-04	Compliance time schedules.
Amendment	Revised Filing	Yes	Yes	3745-21-07	Control of emissions of organic materials from stationary sources (i.e., emissions that are not regulated by rule 3745-21-09, 3745-21-12 to 3745-21-16, or 3745-21-18 to 3745-21-29 of the Administrative Code).
Amendment	Revised Filing	Yes	Yes	3745-21-09	Control of emissions of volatile organic compounds from stationary sources and perchloroethylene from dry cleaning facilities.
Amendment	Revised Filing	Yes	Yes	3745-21-10	Compliance test methods and procedures.
New Rule	Revised Filing	Yes	No	3745-21-11	Reasonably available control technology studies for non-CTG sources in ozone nonattainment areas.
Amendment	Revised Filing	Yes	Yes	3745-21-15	Control of volatile organic compound emissions from wood furniture manufacturing operations.
Amendment	Revised Filing	Yes	Yes	3745-21-18	Commercial motor vehicle and mobile equipment refinishing operations.
Amendment	Revised Filing	Yes	Yes	3745-21-19	Control of volatile organic compound emissions from aerospace manufacturing and rework facilities.
Amendment	Revised Filing	Yes	Yes	3745-21-20	Control of volatile organic emissions from shipbuilding and ship repair operations (marine coatings).
Amendment	Revised Filing	Yes	Yes	3745-21-21	Storage of volatile organic liquids in fixed roof tanks and external floating roof tanks.
Amendment	Revised Filing	Yes	Yes	3745-21-22	Control of volatile organic compound emissions from offset lithographic printing and letterpress printing facilities.
Amendment	Revised Filing	Yes	Yes	3745-21-23	Control of volatile organic compound emissions from industrial solvent cleaning operations.
Amendment	Revised Filing	Yes	Yes	3745-21-24	Flat wood paneling coatings.
Amendment	Revised Filing	Yes	Yes	3745-21-25	Control of VOC emissions from reinforced plastic composites production operations.
Amendment	Revised Filing	Yes	Yes	3745-21-26	Surface coating of miscellaneous metal and plastic parts.

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

Amendment	Revised Filing	Yes	Yes	3745-21-27	Boat manufacturing.
Amendment	Revised Filing	Yes	Yes	3745-21-28	Miscellaneous industrial adhesives and sealants.
Amendment	Revised Filing	Yes	Yes	3745-21-29	Control of volatile organic compound emissions from automobile and light-duty truck assembly coating operations, heavier vehicle assembly coating operations, and cleaning operations associated with these coating operations.

37 Ohio Environmental Protection Agency •

Total Rules: 2	Original Filing Date: 11/2/2021	Date of Refiled Filing: 1/4/2022	Jurisdiction Ends: 2/3/2022	Public Hearing: 12/3/2021	
<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	No	3745-7-12	Suspension or revocation of certification.
Amendment	Refiled Filing	Yes	No	3745-91-02	Application for approval of plans.

38 Ohio Environmental Protection Agency •

Total Rules: 1	Original Filing Date: 11/29/2021	Jurisdiction Ends: 2/2/2022	Public Hearing: 1/4/2022		
<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	3745-86-01	Emergency loans.

39 Ohio Environmental Protection Agency •

Total Rules: 2	Original Filing Date: 11/30/2021	Jurisdiction Ends: 2/3/2022	Public Hearing: 1/4/2022		
<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Rescission	Original Filing	Yes	Yes	3745-71-01	Definitions and reference to materials.
Rescission	Original Filing	Yes	Yes	3745-71-03	Methods of ambient air measurement.

40 Ohio Medical Transportation Board •

Total Rules: 12	Original Filing Date: 11/29/2021	Jurisdiction Ends: 2/2/2022	Public Hearing: 1/4/2022		
<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	4766-2-01	Definitions.
Amendment	Original Filing	Yes	Yes	4766-2-02	Application for initial or renewal licensure.
Amendment	Original Filing	Yes	Yes	4766-2-03	Fees.
Amendment	Original Filing	Yes	Yes	4766-2-04	Physical facilities.
Amendment	Original Filing	Yes	Yes	4766-2-06	Communication requirements.
Amendment	Original Filing	Yes	Yes	4766-2-08	Vehicle inspections and equipment requirements.
Amendment	Original Filing	Yes	Yes	4766-2-11	Use of lights and other warning devices.

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

Amendment	Original Filing	Yes	Yes	4766-2-12	Temporary and disaster operations.
Amendment	Original Filing	Yes	Yes	4766-2-13	Staffing compliance.
Amendment	Original Filing	Yes	Yes	4766-2-15	Changes to be reported to the board.
Rescission	Original Filing	Yes	Yes	4766-2-18	Incorporated by reference.
New Rule	Original Filing	Yes	No	4766-2-18	Incorporated by reference.

41 Opportunities for Ohioans with Disabilities • Business Enterprise Program

Total Rules: 3 Original Filing Date: 11/19/2021 Date of Refiled Filing: 1/4/2022 Jurisdiction Ends: 2/3/2022 Public Hearing: 12/21/2021

<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	3304:1-21-04	Operator's responsibilities, leave and self-employment status.
New Rule	Refiled Filing	Yes	No	3304:1-21-06	Bureau-operator, temporary bureau-operator agreements.
New Rule	Refiled Filing	Yes	No	3304:1-21-14	grievance.

42 State Racing Commission •

Total Rules: 4 Original Filing Date: 11/22/2021 Jurisdiction Ends: 1/26/2022 Public Hearing: 11/16/2021

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Rescission	Original Filing	Yes	Yes	3769-3-35	Super high five wagering.
New Rule	Original Filing	Yes	No	3769-3-35	Pentafecta Pools.
Rescission	Original Filing	Yes	Yes	3769-13-35	Super high five wagering.
New Rule	Original Filing	Yes	No	3769-13-35	Pentafecta Pools.

43 Treasurer of State •

Total Rules: 3 Original Filing Date: 11/30/2021 Jurisdiction Ends: 2/3/2022 Public Hearing: 1/6/2022

<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	113-5-01	Exemptions from continuing education requirements.
New Rule	Original Filing	No	No	113-5-04	County treasurer continuing education biennial cycle.
New Rule	Original Filing	No	No	113-5-05	Initial education requirements for appointed and specially elected county treasurers.

Withdrawn

44 Ohio Speech and Hearing Professionals Board •

Total Rules: 2 Original Filing Date: 12/21/2021 Date of Withdrawn Filing: 12/30/2021 Jurisdiction Ends: Public Hearing: 1/31/2022

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Withdrawn Filing	Yes	Yes	4753-3-10	Exempt practice; renewal.
Amendment	Withdrawn Filing	Yes	Yes	4753-7-02	Supervision requirements; aides.

45 State Veterinary Medical Licensing Board •

Total Rules: 1 Original Filing Date: 12/3/2021 Date of Withdrawn Filing: 12/7/2021 Jurisdiction Ends: Public Hearing: 1/12/2022

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Withdrawn Filing	Yes	Yes	4741-2-01	General provisions of a veterinary business facility license.

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 E. Broad St., 16th Floor
Columbus, OH 43215

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

Larry Wolpert, 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: 190303
File Date and Time: 03/15/2022 9:00 AM
Confirmation Number: 622fb1c76716b2f4cca0217b9e64b83

FINAL FILE

Rule Number	Type	FYR	CSI	JE Date	Eff Date	Next FYR	Tagline
3745-110-01	Amendment	N	Y	02/02/2022	03/25/2022		Definitions.
3745-110-02	Amendment	N	Y	02/02/2022	03/25/2022		Applicability.
3745-110-03	Amendment	N	Y	02/02/2022	03/25/2022		RACT requirements and/or limitations for emissions of NOx from stationary sources.
3745-110-04	Amendment	N	Y	02/02/2022	03/25/2022		Compliance deadlines.
3745-110-05	Amendment	N	Y	02/02/2022	03/25/2022		Compliance methods.

Article IV

Hearing Transcripts

Public Notice and Public Hearing
Ohio Environmental Protection Agency
Ohio Administrative Code (OAC) Chapter 3745-110,
“Nitrogen Oxides - Reasonably Available Control Technology”
Reasonably Available Control Technology (RACT) for the Cincinnati and Cleveland 2015 Ozone
Moderate Nonattainment Areas

Notice is hereby given that the Ohio Environmental Protection Agency, Division of Air Pollution Control (DAPC) is planning to amend rules in Ohio Administrative Code (OAC) Chapter 3745-110, “Nitrogen Oxides - Reasonably Available Control Technology” for the Cincinnati and Cleveland 2015 Ozone Moderate Nonattainment Areas.

Ohio EPA has drafted revisions to OAC chapter 3745-110 to adopt mandatory Reasonably Available Control Technology (RACT) requirements for Cincinnati and Cleveland 2015 ozone nonattainment areas. The Cleveland and Cincinnati nonattainment areas are currently classified as marginal nonattainment for the 2015 ozone standard. The areas are required to meet the ozone standard by August 3, 2021, based on ozone monitoring data collected during the 2018-2020 ozone monitoring seasons, which extend from March 1 to October 31 each year.

The Cleveland and Cincinnati areas have failed to meet the ozone standard during the 2018-2020 ozone monitoring seasons as required and Ohio EPA anticipates that the areas will be reclassified to moderate nonattainment by U.S. EPA in accordance with the Clean Air Act (CAA). Reclassification to moderate nonattainment triggers additional CAA requirements, including NOx RACT requirements.

Please see the rule synopsis, available electronically at the web address below, for a complete summary of the proposed rule amendments.

Pursuant to Section 121.39 of the Ohio Revised Code, DAPC was required to consult with interested parties affected by the rules before the Division formally adopts them. On May 20, 2021, these rules went out for a 30-day review by interested parties. Please see the rule synopsis, available electronically at the web address below, for a complete summary of the proposed rule amendments.

Ohio EPA has also prepared a draft RACT State Implementation Plan (SIP) which will be submitted to U.S. EPA along with the above-mentioned rules. Ohio EPA is also seeking public comment on the draft RACT SIP.

Pursuant to Part D of Title I of the CAA, Ohio EPA is required to establish a SIP for the attainment and maintenance of the NAAQS. The above-mentioned rules and RACT SIP are a part of Ohio’s SIP for attainment and maintenance of the 2015 ozone NAAQS and the proposed amendments and RACT SIP will be submitted to United States Environmental Protection Agency (U.S. EPA) as a modification of the SIP.

Ohio EPA will hold an in-person and virtual public hearing on the rules on **Monday, January 3, 2022 at 11:00 AM**. 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, comments may be submitted electronically and may be submitted verbally if participating in person.

To facilitate the scheduling of oral presentations, persons intending to give testimony in-person at the

hearing should notify Cathryn Allen at the Ohio EPA Public Interest Center, cathryn.allen@epa.ohio.gov or (614) 644-2160.

Citizens who want to participate virtually must register in advance for the meeting at: <https://register.gotowebinar.com/register/1092944664053914639>

All interested persons are entitled to attend or be represented at the hearing and give written or oral comments on these rule changes and SIP revisions. All oral comments presented at the hearing, and all written statements submitted at the hearing or by the close of business on January 3, 2022 will be considered by Ohio EPA prior to final action on this rule and SIP revisions. Written statements submitted after January 3, 2022 may be considered as time and circumstances permit but will not be part of the official record of the hearing.

These rules and associated rulemaking documents are available on DAPC's Web page for electronic downloading. The URL is: <https://epa.ohio.gov/dapc/DAPCRules>.

Questions regarding accessing the web site and any other questions or comments about these rules should be directed to Paul Braun at Ohio EPA, (614) 644-3734, paul.braun@epa.ohio.gov or mailed to Paul Braun, Ohio EPA, Division Air Pollution Control, Lazarus Government Center, P.O. Box 1049, Columbus, Ohio 43216-1049. Persons submitting comments electronically are encouraged to follow-up with a hard copy via regular mail.

Attendee Report: Public Hearing: NOx RACT Rules (Statewide)

Report Generated:

01/03/2022 01:12 PM EST

Webinar ID	Actual Start Date/Time	Duration	# Registered	# Attended
501-998-571	01/03/2022 10:34 AM EST	56 minutes	13	10

Attendee Details

Attended	Last Name	First Name	Email Address	Organization	Webinar Question 1	Webinar Response 1
Yes	Ball	Alan	alan.ball@bhegts.com	Eastern Gas Transmission and Storage - Environmental Services		
Yes	Bennett	Maureen	maureen.bennett@dteenergy.com	DTE Vantage		
Yes	Blankestyn	Michael	mblankestyn@trccompanies.com	TRC		
Yes	Hall	Steve	stephen.hall@bhegts.com	BHE GT&S	We're not hearing anything.	Hi Steve, No comments have been submitted. I am about to announce that at 11:15am. Just reminding folks they have til 11:30 to submit comments
Yes	Johnston	Matt	matt.johnston@worthingtonindustries.com			
Yes	LIERL	BRIAN	BRIAN.LIERL@GCWW.CINCINNATI-OH.GOV	City of Cincinnati - GCWW		
Yes	LaCombe	Amanda	alacombe@sur-seal.com	Sur-Seal		
Yes	Schirra	Christine	cschirra@bricker.com	Bricker & Eckler LLP		
Yes	Sorge	Valerie	sorge.valerie@gmail.com	Molson Coors		
Yes	Tolliver	Cameron	cameron.tolliver@gcww.cincinnati-oh.gov	Greater Cincinnati Water Works		
No	Malesiewski	Timothy	timothy.malesiewski@bhegts.com	BHE GT&S		
No	Manning	Hope	hmanning@eqm.com	EQM		
No	Telando	Reid	reid.telando@gcww.cincinnati-oh.gov	Greater Cincinnati Water Works		

SAMPLE RULES SPEECH

Jan. 3, 2021

Hello and welcome to Ohio EPA's virtual public hearing regarding OAC Chapter (OAC) Chapter 3745-110, "Nitrogen Oxides - Reasonably Available Control Technology" Reasonably Available Control Technology (RACT) for the Cincinnati and Cleveland 2015 Ozone Moderate Nonattainment Areas.

My name is Jessica Langdon and I'm hosting today's public hearing. Also with me from Ohio EPA is Amanda Payton, Ohio EPA's Rules Coordinator who is in-person. I'd like to note that we are recording this hearing. We will save all comments submitted during the hearing.

Before we get started, I'd like to go over a few items to help you navigate the GoTo platform.

On this slide here you will see an example screenshot of your Attendee interface. You should see something that looks like this on your computer desktop on the right-hand side of your screen. For this public hearing you are listening in using your computer audio. If you are having sound issues or if the slides stop advancing, try refreshing your browser. If that doesn't work, try logging off and logging back in.

Please submit public comments by clicking on the question mark icon and typing them into the Questions pane on your attendee interface. All comments submitted online will be read aloud for the whole audience to hear.

(You can also click on the document icon to view included handouts.)

For those attending in person, you may submit your testimony verbally by moving close to Ms. Payton's broadcast tablet, stating your name, and proceeding with your testimony when we call on you.

PUBLIC HEARING SPEECH

Thank you for taking time to attend this hearing before Ohio EPA. The purpose of the hearing today is to obtain comments from any interested person regarding Ohio EPA's proposed rules.

Ohio EPA is proposing to amend the following rules of the Ohio Administrative Code:

Ohio EPA has drafted revisions to OAC chapter 3745-110 to adopt mandatory Reasonably Available Control Technology (RACT) requirements for Cincinnati and Cleveland 2015 ozone nonattainment areas. The Cleveland and Cincinnati nonattainment areas are currently classified as marginal nonattainment for the 2015 ozone standard. The areas are required to meet the ozone standard by August 3, 2021, based on ozone monitoring data collected during the 2018-2020 ozone monitoring seasons, which extend from March 1 to October 31 each year. The Cleveland and Cincinnati areas have failed to meet the ozone standard during the 2018-2020 ozone monitoring seasons as required and Ohio EPA anticipates that the areas will be reclassified to moderate nonattainment by U.S. EPA in accordance with the Clean Air Act (CAA). Reclassification to moderate nonattainment triggers additional CAA requirements, including NOx RACT requirements.

These rules have been filed with the Joint Committee on Agency Rule Review. Copies of the rules are available for public review on our website.

All interested persons are entitled to attend or be represented, and to present written comments concerning the proposed rules. All written comments received as part of the official record will be considered by the director of Ohio EPA.

To be included in the official record, written comments must be received by Ohio EPA by the close of business, **today, Jan 3, 2021**. These comments may be typed into the GoTo platform or spoken in-person today or emailed to paul.braun@epa.ohio.gov. All emailed comments submitted for the record receive the same consideration as typed or in-person testimony given today.

Written statements submitted after today may be considered as time and circumstances permit but will not be part of the official record of the hearing.

This hearing affords citizens an opportunity to provide input. Therefore, we will not be able to answer questions today.

YOU MAY NOW SUBMIT COMMENTS. I will read aloud any comments we receive in the GoTo platform. If you are attending in-person and would like to submit testimony, please raise your hand, and wait to be called on. I will keep the GoTo platform open until XXXXX to provide time for participants to type in comments.

CLOSING

We will close the hearing. After the hearing closes, we will accept written comments through 5:00 p.m. Today, Jan. 3, 2021. You can send those comments to the email address on the screen.

Thank you for your comments, cooperation and participation in Ohio EPA's decision-making process. The time is now _____ and this hearing is concluded.

Article V

Response to Comments



Division of Air Pollution Control Response to Comments

Rule: OAC Chapter 3745-110, "Nitrogen Oxides - Reasonably Available Control Technology (RACT)"

Agency Contact for this Package

Division Contact: Alan Harness, DAPC, (614) 644-4838, alan.harness@epa.Ohio.gov

Ohio EPA held a 30-day public comment period on May 20, 2021 regarding Ohio EPA's NO_x RACT rules. This document summarizes the comments and questions received at the public comment period, which ended on June 22, 2021.

Ohio EPA reviewed and considered all comments received during the public comment period. By law, Ohio EPA has authority to consider specific issues related to protection of the environment and public health.

In an effort to help you review this document, the questions are grouped by topic and organized in a consistent format. The name of the commenter follows the comment in parentheses.

General/Overall Concerns

Comment 1: Pursuant to Ohio EPA's public notice regarding the interested party review draft comment period for the rules contained in Ohio Administrative Code (OAC) 3745-110, The Ohio Manufacturers' Association (OMA) is hereby providing Ohio EPA with written comments regarding Ohio EPA's proposed changes to Ohio Administrative Code (OAC) Chapter 3745-110, which establishes requirements for the control of emissions of nitrogen oxides (NO_x) from stationary emission sources.

The OMA is dedicated to protecting and growing manufacturing in Ohio. OMA represents over 1,300 manufacturers in every industry throughout Ohio. For more than 100 years, OMA has supported reasonable, necessary and transparent environmental regulations that promote the health and well-being of Ohio's citizens. OMA appreciates the opportunity to comment on Ohio EPA's proposed changes to OAC Chapter 3745-110.

Ohio EPA has indicated that the Cleveland and Cincinnati areas have failed to meet the ozone standard during the 2018-2020 ozone monitoring seasons as required by the Clean Air Act in order to remain classified as marginal nonattainment, and as a result will be reclassified as moderate nonattainment by U.S. EPA. Ohio EPA indicates that reclassification to moderate nonattainment triggers additional Clean Air Act requirements, including NOx Reasonably Available Control Technology (RACT) requirements.

The OMA's members are impacted by Ohio EPA's rules pertaining to NOx emissions set forth within OAC Chapter 3745-110. OMA therefore offers the following comments for Ohio EPA's consideration.

First, OAC Chapter 3745-110 includes a broad exemption in OAC 3745-110-02(A) that exempts from "the requirements of this chapter" any of the sources listed in OAC 3745-110-03(K). Therefore, any such sources listed in OAC 3745-110-03(K) are exempt from the presumptive limits in paragraphs OAC 3745-110-03(A)-(G), but also the RACT Study requirement in OAC 3745-110-03(J). However, there is an inconsistency, in that the introductory sentence to the exemptions in OAC 3745-110-03(K) states that the exemptions only apply to Paragraphs (A) to (G), and thus do not include the RACT Study requirements in Paragraph (J). In order to harmonize the introductory sentence in Paragraph (K) with the overall applicability for the Chapter, OMA requests that Ohio EPA revise OAC 3745-110-03(K) from "Paragraphs (A) to (G) of this rule shall not apply to the following sources:" to "Paragraphs (A) to (J) of this rule shall not apply to the following sources:". This will ensure there is no confusion over the scope of the RACT Study, which should exclude small sources and other exempt sources for which there is no justified technical basis for including in the RACT Study.

Second, more generally OMA notes that many of the proposed rule changes eliminate existing exemptions and impose additional requirements upon industry. How will Ohio EPA consider requests to extend these deadlines as needed, as facilities work to evaluate the best means of compliance with the rules? What factors did Ohio EPA consider in evaluating the manner in which to expand these requirements? OMA urges Ohio EPA to carefully consider whether industry will actually be able to comply with the future terms and conditions of environmental permits issued to industry that incorporate these proposed rule changes, and the cost to industry of doing so. Lastly, OMA respectfully requests to be included in meetings or future discussions pertaining to amendments to these rules and looks forward to reviewing any additional proposed changes to these rules.

We would like to thank Ohio EPA for the opportunity to comment and to participate in this rulemaking process. We look forward to working with Ohio EPA as these comments are taken under consideration, and at any future stages of this rulemaking.

[Rob Brundrett, Director, Public Policy Services, The Ohio Manufacturers Association]

Response 1:For the exemptions comment:

Ohio EPA agrees that a RACT study should not be necessary for sources exempted from the presumptive RACT requirements by 3745-110-03(K). However, we do not believe it is appropriate to add paragraphs (H), (I) and (J) to the introductory paragraph in 3745-110-03(K). Rather, we have added the following to 3745-110-03(J)(1): For any affected source of NOx emissions at an affected facility that is not subject to the emissions limitations specified in paragraphs (A) to (G) of this rule and is not exempt under 3745-110-03(K), or that is subject to the emissions limitations specified in paragraphs (A) to (G) of this rule but the owner or operator claims that an applicable emissions limitation is technically infeasible or economically unreasonable (not cost-effective) to achieve, the owner or operator shall conduct a detailed engineering study to determine the technical and economic feasibility of reducing the NOx emissions and to define RACT for the source.

For the compliance deadline/general comment:

Reclassification of the Cincinnati and Cleveland areas to moderate nonattainment triggers additional Clean Air Act (CAA) requirements, including NOx RACT requirements. Ohio EPA is required under the CAA to meet these requirements, including requiring compliance with RACT by specific deadlines. The proposed update to the presumptive NOx RACT limits were based on an updated review of the pollution control technology that is currently reasonably available and both technologically and economically feasible, through consultation with industry representatives and benchmarking with other states. Please see the NOx RACT analysis for additional information on these revisions.

A facility that cannot comply with the presumptive RACT limits have the option of submitting a RACT study which provides additional time to establish site-specific RACT. Ohio EPA acknowledges that there may be rare circumstances that pose challenges for specific facilities, and in those instances, we typically work with the facilities on a case-by-case basis in collaboration with U.S. EPA Region 5. In the unusual circumstance a facility cannot comply with a requirement or meet an established deadline, Ohio EPA urges the facility to reach out early in the process so can review the

specific circumstances and work with the facility in collaboration with U.S. EPA to find alternatives, where alternatives are justified.

Ohio EPA began this rulemaking process as early as possible in order to provide advance notice of the upcoming requirements and opportunity for input. We have actively engaged with stakeholders (including OMA) throughout this process and plan to do more targeted outreach with newly subject facilities to ensure they have plenty of time to understand and comply with the requirements. Future meetings and discussions will be open to all stakeholders and OMA will be continued to be notified of opportunities to provide input.

Comment 2: Texas Eastern Transmission, LP (TETLP), an Enbridge company, operates a natural gas pipeline system extending from the Gulf of Mexico to the Mid-Atlantic.

The proposed OAC Chapter 3745-110 NOx RACT regulations will require the installation of control technology on six natural gas internal combustion engines at TETLP's Lebanon Compressor Station (Facility ID: 1483060328, Permit Number: P0121267, Warren County). TETLP has evaluated the feasibility of installing NOx controls on the existing engines to reduce the engines emissions to the proposed RACT levels. However, rather than retrofitting the existing engines, TETLP will elect to replace these existing engines with lower emitting BACT equipment or electric motors that will achieve emissions reductions beyond the planned RACT standards.

TETLP interprets the proposed regulation to allow for the engine replacement project to be accommodated via the RACT study provisions included in the rule. Under the RACT study provisions TETLP will demonstrate that combustion modifications and add-on controls are not cost effective for engines that will be taken out of service in approximately 5 years (cost of control will exceed \$5,000 per ton NOx). If the Ohio EPA approves of the TETLP's RACT study, it would allow for approximately 5 years following approval to execute a replacement project that would result in significantly less emissions than the proposed NOx RACT regulation.

TETLP's replacement project to comply with Ohio NOx RACT will be executed similarly to TETLP's ongoing and approved Pennsylvania RACT 2 projects that began in 2017 and will be finished by 2023. TETLP appreciates the opportunity to provide comment to the proposed regulation during the "interested party review period". Please contact me at 713-627-4790 or reagan.mayces@enbridge.com if you have any questions.

[Reagan Mayces, Supervisor-Air Projects, Texas Eastern Transmission]

Response 2: Ohio EPA recognizes your intent to submit a RACT study pursuant to OAC rule 3745-110-01(J) for these sources. In addition, your assumption is correct in that full replacement of the source is a viable RACT option. Specifically, OAC rule 3745-110-03(J)(1)(h)(xxiii) “Any other such RACT alternatives not listed in paragraph (J)(1)(h) of this rule that may be applicable to an affected source, or as are proposed by the owner or operator.”

The RACT study should follow the protocol as outlined in OAC rule 3745-110-01(J)(1). It should be noted here that OAC rule 3745-110-04 defines the compliance deadlines for an affected source, including compliance deadlines for approved RACT studies.

End of Response to Comments