



Mike DeWine, Governor
Jon Husted, Lt. Governor
Laurie A. Stevenson, Director

JUN 25 2019

Ms. Cathy Stepp
Regional Administrator
U.S. EPA, Region 5
77 West Jackson Blvd.
Chicago, Illinois 60604

Re: Ohio's State Implementation Plan Submittals for the Steubenville, OH-WV Sulfur Dioxide Nonattainment Area: Supplemental Attainment Demonstration, OAC Chapter 3745-18 Revisions, and Redesignation Request and Maintenance Plan

Dear Administrator Stepp:

On March 25, 2019, Ohio submitted for parallel processing a supplement to the attainment demonstration for the Steubenville OH-WV sulfur dioxide (SO₂) nonattainment area. This supplement contained proposed revisions to Ohio Administrative Code (OAC) Chapter 3745-18 establishing a revised SO₂ emission limit for the Cardinal Power Plant, along with the appropriate technical justification and modeling demonstrating the revised emission limit, in conjunction with Ohio's and West Virginia's previously established emission limits for the area, provides for attainment and maintenance of the SO₂ National Ambient Air Quality Standard (NAAQS) throughout the two-state area. The technical justification and updated modeling were documented within Ohio EPA's draft redesignation request and maintenance plan for this area.

Ohio EPA notified the public of the opportunity to provide comments on the proposed rule revisions, attainment demonstration and draft redesignation request and maintenance plan on March 25, 2019 and held a public hearing on April 29, 2019. Two comments in support of the proposed actions were received. After review and consideration of comments, Ohio filed the proposed rule language for final adoption without making any additional changes.

I am now writing to request Ohio's portion of this area be redesignated to attainment and that U.S. EPA approve the following into the State Implementation Plan (SIP): revisions to OAC Chapter 3745-18 which include a final revised emission limit for Cardinal Power Plant; Ohio's attainment demonstration for the Steubenville OH-WV Nonattainment Area based on our latest technical justification and air quality modeling; and our maintenance plan submitted within the final Redesignation Request and Maintenance Plan for the Ohio Portion of the Steubenville, OH-WV SO₂ nonattainment area. Each of these requests and submittals is described further below.

Request for Approval of OAC Rules 3745-18-03, 3745-18-04 and 3745-18-47 Sulfur Dioxide Regulations into Ohio's SIP

At this time, Ohio EPA is requesting U.S. EPA approval of the revisions to OAC Rules 3745-18-03, 3745-18-04 and 3745-18-47 for incorporation into the SIP, with the exception of OAC 3745-

18-04(D)(2), (D)(3), (D)(5), (D)(6), (D)(9)(c), (E)(2), (E)(3) and (E)(4), which have historically not been approved into Ohio's SIP (see 83 FR 40723, 8/16/18 and 83 FR 51362, 10/11/18).

This letter 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 OAC Rules 3745-18-03, 3745-18-04 and 3745-18-47, 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.

Please note, on October 11, 2018 (83 FR 51361), U.S. EPA approved amended versions of these rules, effective at the state level on February 16, 2017, as part of Ohio's SIP. The February, 2017 rules are the currently effective SIP versions of these rules. The changes/amendments being submitted in this letter are the first changes to these rules since the February, 2017 changes/amendments, therefore, the redline/strikeout versions of the rules included as Attachment A are a complete representation of changes to the currently SIP approved rules.

As noted above, U.S. EPA's October 11, 2018 approval of Ohio's February, 2017 rules did not include OAC 3745-18-04(D)(2), (D)(3), (D)(5), (D)(6), (D)(9)(c), (E)(2), (E)(3) and (E)(4). OAC 3745-18-04(D)(9)(c) was approved by U.S. EPA into Ohio's SIP on January 31, 2002 (67 FR 4669). This version, which was effective at the state level on March 21, 2000, is the currently effective SIP version. Ohio is not requesting the SIP approved version be replaced at this time.

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 both the draft language and proposed language comment periods are attached.

Ohio EPA asks that the above-mentioned rules be accepted as revisions into Ohio's SIP.

Under the anti-backsliding requirements of Clean Air Act (CAA) section 110(l), the United States Environmental Protection Agency (U.S. EPA) cannot approve a SIP revision if it would interfere with attainment of the NAAQS, reasonable further progress toward attainment, or any other applicable requirement of the CAA. Therefore, a SIP revision requesting revisions to SIP-approved rules may only be approved if the state has demonstrated that the revision will not interfere with attainment or maintenance with any NAAQS. In evaluating whether a given SIP revision would interfere with attainment or maintenance, as required by section 110(l), U.S. EPA generally considers whether the SIP revision will preserve or improve the status quo in air quality. The revisions to OAC Chapter 3745-18 are not a relaxation of existing requirements and are expected to preserve or improve the status quo in air quality. Therefore, the revision of these rules will not interfere with the attainment or maintenance of the NAAQS.

Ohio's Attainment Demonstration for the Steubenville OH-WV SO₂ Nonattainment Area

U.S. EPA promulgated the revised NAAQS for SO₂ effective August 23, 2010 (75 FR 35520). On August 15, 2013, U.S. EPA published (78 FR 47191) the initial SO₂ nonattainment area designations for the 1-hour SO₂ standard across the country (effective October 4, 2013), including the Steubenville OH-WV nonattainment area (Cross Creek Township, Steubenville Township, Warren Township, Wells Township, and Steubenville City in Jefferson County, Ohio and Cross Creek Tax District in Brooke County, West Virginia).

The Clean Air Act (CAA), as amended, requires each state with areas failing to meet the 1-hour SO₂ NAAQS to develop and submit SIPs to expeditiously attain and maintain the standard. These nonattainment area SIPs were due by April 4, 2015. Ohio EPA submitted its attainment demonstration SIP on April 3, 2015 and submitted revisions on October 13, 2015 and March 13, 2017. On March 25, 2019, Ohio submitted for parallel processing a supplement to the attainment demonstration which contained proposed revisions to OAC Chapter 3745-18 establishing a revised emission limit for the Cardinal Power Plant, along with the appropriate technical justification and modeling, as documented within Ohio EPA's draft redesignation request and maintenance plan for this area.

Ohio's rulemaking and comment processes are now complete. Ohio is now submitting a final supplement to the attainment demonstration containing the attached final revisions to OAC Chapter 3745-18 establishing a revised SO₂ emission limit for the Cardinal Power Plant, along with the appropriate technical justification and modeling demonstrating the revised emission limit, in conjunction with the previously established emission limits in the area, provides for attainment and maintenance of the SO₂ NAAQS. The technical justification and updated modeling are documented within Ohio EPA's final redesignation request and maintenance plan for this area. The revised emission limit and updated modeling supersede all Cardinal emission limits and modeling in previous submittals.

On May 1, 2019, West Virginia submitted a letter to U.S. EPA Region 3 indicating they concur with this modeling and consider it the most current and representative modeling demonstration submitted to date for the Steubenville, OH-WV nonattainment area. Thus, the two states have agreed on a strategy for achieving attainment throughout the two-state area, this submittal represents fulfillment of our share of that strategy, and we believe that this submittal in

combination with West Virginia's submittal satisfies applicable requirements for providing for attainment throughout the two-state area.

Redesignation Request and Maintenance Plan for the Ohio Portion of the Steubenville, OH-WV SO₂ Nonattainment Area

I am also writing to formally request a redesignation to attainment of the Ohio Portion of the Steubenville, OH-WV SO₂ nonattainment area. The enclosed submittal combines the redesignation request and the required maintenance plan for this area.

Monitoring of existing air quality indicates that the 2010 NAAQS for SO₂ has been attained throughout this area based on 2015-2017 air quality data. Significant SO₂ emission reductions have resulted from the installation of a flue gas desulfurization control device at the last remaining coal-fired boiler at Cardinal Power Plant, cessation of operations at Mingo Junction Energy Center, and a consent decree with Mountain State Carbon requiring permanent and enforceable emission reductions in SO₂. The air quality modeling demonstrates that the revised emission limit for Cardinal Power Plant in conjunction with previously established federally enforceable emission limits for other sources in the area will ensure the improvement in air quality is due to permanent, enforceable emission reductions and can be maintained for at least ten years into the future upon redesignation. We believe that all sources in the area are emitting at levels at or below those modeled levels, so the modeling provides additional evidence that the full area is attaining the standard.

In accordance with U.S. EPA's March 20, 2015 memorandum entitled "Updated Guidance for Area Designations for the 2010 Primary Sulfur Dioxide National Ambient Air Quality Standard", Ohio EPA is requesting this area be redesignated to "attainment" and not "unclassifiable" or "unclassifiable/attainment." Ohio EPA has provided more than sufficient evidence that violations are not occurring in the area since the shutdown of the Mingo Junction Energy Center and federally enforceable restrictions at Cardinal Power Plant and Mountain State Carbon.

We would appreciate if U.S. EPA would expedite the review and processing of this material. If you have questions, please contact Jennifer Van Vlerah in our Division of Air Pollution Control at (614) 644-3696.

Sincerely,



Laurie A. Stevenson
Director

Cc: Bob Hodanbosi, Chief, Division of Air Pollution Control, Ohio EPA

Enclosures

Article I

Certified Copy of Rules

3745-18-03

Compliance time schedules.

(A) [Reserved.]

(B) Certification and permit application requirements.

- (1) Except as otherwise provided in paragraph (B)(2) and paragraphs (B)(4) to (B)(9) of this rule, no later than December 1, 1979, any owner or operator of any sulfur dioxide emissions source subject to, and not specifically exempted from, rules 3745-18-06 to 3745-18-94 of the Administrative Code shall do either of the following:
 - (a) Certify in writing to the director that such source is in full compliance with all requirements of this chapter. Such certification shall include the following:
 - (i) Equipment description.
 - (ii) OEPA permit application number (if assigned).
 - (iii) All necessary data (consistent with the appropriate permit application appendices) and calculations which confirm the compliance status.
 - (iv) An application for a permit-to-operate such source in accordance with rule 3745-35-02 of the Administrative Code as it existed on December 1, 1979 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 rule 3745-35-02 of the Administrative Code as it existed on December 1, 1979. Such application shall include a compliance program which will bring the source into full compliance with all the requirements of this chapter as expeditiously as practicable but in no event later than the dates specified in paragraph (C) of this rule, and identify all reasonable interim control measures.
- (2) No later than December 1, 1979, any owner or operator of any sulfur dioxide emissions source subject to, and not specifically exempted from, rule 3745-18-56 of the Administrative Code (Mahoning county) shall certify in writing to the director, in a form and manner the director shall specify, all data necessary to establish sulfur dioxide emission limits based on calendar year 1978 operations.

- (3) For fuel burning equipment, the certification or permit applications required by paragraphs (B)(1) and (B)(2) of this rule shall include the test method for determining compliance as specified in paragraph (D) or (E) of rule 3745-18-04 of the Administrative Code, whichever is applicable.
- (4) No later than December 1, 1984, the "U. S. Steel Seamless Tubular Operations, LLC - Lorain" (Ohio EPA premise number 0247080961), shall submit an application for a permit-to-operate or an application for a modification to a permit-to-operate in accordance with rule 3745-35-02 of the Administrative Code as it existed on December 1, 1984, which application shall include a compliance program which will bring the source into full compliance with paragraph (G) of rule 3745-18-53 of the Administrative Code as expeditiously as practicable but in no event later than the date specified in paragraph (C)(5) of this rule, and identify all reasonable interim control measures.
- (5) [Reserved.]
- (6) No later than July 15, 1989, any owner or operator of the "ArcelorMittal Cleveland LLC" (OEPA premise number 1318001613) shall do the following:
 - (a) Submit a compliance program that will bring the facility into compliance with paragraph (O) of rule 3745-18-24 of the Administrative Code as expeditiously as practicable, but in no event later than the date specified in paragraph (C)(7) of this rule.
 - (b) Identify all reasonable interim control measures.
- (7) No later than November 30, 1991, any owner or operator of any sulfur dioxide emissions source subject to, and not specifically exempted from, rule 3745-18-37 of the Administrative Code, Hamilton county emissions limits, shall do the following:
 - (a) Submit a compliance program that will bring the source into full compliance with rule 3745-18-37 of the Administrative Code as expeditiously as practicable, but in no event later than December 22, 1993.
 - (b) Identify all reasonable interim control measures.
- (8) No later than April 20, 2000, any owner or operator of any sulfur dioxide emissions source subject to, and not specifically exempted from, rule 3745-18-15 of the Administrative Code, Butler county emissions limits, shall do the following:

(a) Submit a compliance program that will bring the source into full compliance with rule 3745-18-15 of the Administrative Code as expeditiously as practicable, but in no event later than the date specified in paragraph (C) (6) of this rule.

(b) Identify all reasonable interim control measures.

(9) ~~Not later than thirty days after the effective date of this rule, any owner or operator subject to paragraphs (F)(1) to (F)(8) of rule 3745-18-49 of the Administrative Code and no later than April 23, 2016, any owner or operator subject to paragraphs (G)(3) to (G)(5) and (P) of rule 3745-18-47 of the Administrative Code~~ The following shall submit an application for an operating permit or an application for a modification to an operating permit in accordance with Chapter 3745-77 of the Administrative Code, for sources subject to the Title V program, or in accordance with Chapter 3745-31 of the Administrative Code, for sources not subject to the Title V program. Such application shall include a compliance program which will bring the source into full compliance with this chapter as expeditiously as practicable but in no event later than the dates specified in paragraph (C) of this rule.

(a) Not later than March 18, 2017, any owner or operator subject to paragraphs (F)(1) to (F)(8) of rule 3745-18-49 of the Administrative Code.

(b) Not later than April 23, 2016, any owner or operator subject to paragraphs (G)(3) to (G)(5) and (P) of rule 3745-18-47 of the Administrative Code.

(c) Not later thirty days after the effective date of this rule, any owner or operator subject to paragraph (D)(3) of rule 3745-18-47 of the Administrative Code.

(C) Compliance time schedules.

(1) Except as otherwise provided in paragraphs (C)(2) to (C)(11) of this rule, no owner or operator shall cause, permit, or allow the operation or other use of any air contaminant source in violation of the limits specified in rules 3745-18-06 to 3745-18-94 of the Administrative Code beyond August 27, 1979.

(2) No owner or operator shall cause, permit, or allow the operation or other use of any air contaminant source in violation of the limits specified in rules 3745-18-15 and 3745-18-83 of the Administrative Code beyond September 1, 1982.

(3) No owner or operator shall cause, permit, or allow the operation or other use of any air contaminant source at the following facilities in violation of the limits

specified in rules 3745-18-06 to 3745-18-94 of the Administrative Code beyond June 17, 1980:

- (a) "Honeywell International, Inc." / Lawrence county / Ironton / OEPA premise number 0744010002.
- (b) "ALCOA - Cleveland Works" / Cuyahoga county / Cuyahoga Heights / OEPA premise number 1318170314.
- (c) "AK Steel - Zanesville Works" / Muskingum county / Zanesville / OEPA premise number 0660010006.
- (d) "Marathon Pipe Line LLC" / Hancock county / Findlay / OEPA premise number 0332010020.
- (e) "Chemtrade Refinery Solutions Limited Partnership" / Lucas county / Oregon / OEPA premise number 0448020014.
- (f) "Zaclon, LLC" / Cuyahoga county / Cleveland / OEPA premise number 1318000151.
- (g) "Chemours Fort Hill Plant" / Hamilton county / North Bend / OEPA premise number 1431350817.
- (h) "Axalta Coating Systems" / Lucas county / Toledo / OEPA premise number 0448010058.
- (i) "General Motors LLC - Parma Plant" / Cuyahoga county / Parma / OEPA premise number 1318451029.
- (j) "Kyklos Bearing International, Inc." / Erie county / Sandusky / OEPA premise number 0322020045.
- (k) "Delphi Packard Electric Systems, North River Road" / Trumbull county / Warren / OEPA premise number 0278080051.
- (l) "Veyance Technologies, Inc." / Auglaize county / St. Marys / OEPA premise number 0306010138.
- (m) "ArcelorMittal Cleveland LLC" / Cuyahoga county / Cleveland / OEPA premise number 1318001613.
- (n) "Carmeuse Lime, Inc." / Lake county / Grand River / OEPA premise number 0243030257.

- (o) "Republic Steel-Massillon" / Stark county / Massillon /OEPA premise number 1576130697.
- (p) "Republic Steel" / Stark county / Canton / OEPA premise number 1576050694.
- (q) "Lima Refining Company" / Allen county / Lima / OEPA premise number 0302020012.
- (r) "Kraton Polymers U.S. LLC" / Washington county / Belpre / OEPA premise number 0684010011.
- (s) "BP-Husky Refining LLC" / Lucas county / Oregon / OEPA premise number 0448020007.
- (t) "Toledo Refining Company, LLC" / Lucas county / Oregon / OEPA premise number 0448010246.
- (u) "The Timken Company Bucyrus Bearing Plant" / Crawford county / Bucyrus / OEPA premise number 0317010168.
- (v) "The TimkenSteel Corporation - Gambrinus Steel Plant" / Stark county / Canton / OEPA premise number 1576222000.
- (w) "TimkenSteel Corporation - Faircrest Steel Plant" / Stark county / Canton / OEPA premise number 1576222001.
- (x) "TimkenSteel Corporation - Harrison Steel Plant" / Stark county / Canton / OEPA premise number 1576222002.
- (y) "Charter Steel - Cleveland Inc." / Cuyahoga county / Cuyahoga Heights / OEPA premise number 1318171623.
- (z) "Republic Steel, f/k/a Republic Engineered Products, Inc" / Lorain county / Lorain / OEPA premise number 0247080229.
- (aa) "ALTIVIA Petrochemicals, LLC" / Scioto county / Haverhill /OEPA premise number 0773000080.
- (bb) "Yorkville Energy Services Terminal" / Jefferson county / Yorkville / OEPA premise number 0641120012.
- (cc) "4K Industrial Park LLC" / Belmont county / Martins Ferry / OEPA premise number 0607090013.

- (dd) "Duke Energy Ohio, W.C. Beckjord Station" / Clermont county / New Richmond / OEPA premise number 1413100008.
- (ee) "Miami Fort Power Station" / Hamilton county / North Bend / OEPA premise number 1431350093.
- (ff) "FirstEnergy Generation Corp., Ashtabula Plant" / Ashtabula county / Ashtabula / OEPA premise number 0204010000.
- (gg) "Cleveland Thermal LLC" / Cuyahoga county / Cleveland / OEPA premise number 1318000246.
- (hh) "Eastlake Substation" / Lake county / Eastlake / OEPA premise number 0243160009.
- (ii) "Avon Lake Power Plant" / Lorain county / Avon Lake / OEPA premise number 0247030013.
- (jj) "Conesville Power Plant" / Coshocton county / Conesville / OEPA premise number 0616000000.
- (kk) "Picway Power Plant" / Pickaway county / Lockbourne / OEPA premise number 0165000006
- (ll) "DP&L, J.M. Stuart Generating Station" / Adams county / Aberdeen / OEPA premise number 0701000007.
- (mm) "DP&L Tait Generating Station" / Montgomery county / Moraine / OEPA premise number 0857043333.
- (nn) "DP&L, O.H. Hutchings Generating Station" / Montgomery county / Miamisburg / OEPA premise number 0857780013.
- (oo) "DP&L, Yankee Street Generating Station" / Montgomery county / Centerville / OEPA premise number 0857810015.
- (pp) "W. H. Sammis Plant" / Jefferson county / Stratton / OEPA premise number 0641160017.
- (qq) "West Lorain Plant" / Lorain county / Lorain / OEPA premise number 0247080487.
- (rr) "Niles Plant" / Trumbull county / Niles / OEPA premise number 0278060023.

- (ss) "General James M. Gavin Power Plant" / Gallia county / Cheshire / OEPA premise number 0627010056.
- (tt) "Muskingum River Development, LLC" / Washington county / Waterford / OEPA premise number 0684000000.
- (uu) "Ohio Valley Electric Corp., Kyger Creek Station" / Gallia county / Cheshire / OEPA premise number 0627000003.
- (vv) "Richland Substation Peaker Facility" / Defiance county / Defiance / OEPA premise number 0320010006.
- (ww) "FirstEnergy Generation LLC, Bay Shore Plant" / Lucas county / Oregon / OEPA premise number 0448020006.
- (xx) "Stryker Substation Peaker" / Williams county / Stryker / OEPA premise number 0386000006.
- (yy) "Youngstown Thermal" / Mahoning county / Youngstown / OEPA premise number 0250110024.

(4) [Reserved.]

- (5) Notwithstanding the provisions of paragraph (C)(1) of this rule, no owner or operator shall cause, permit, or allow the operation or other use of any air contaminant source in violation of the limits specified in paragraph (G) of rule 3745-18-53 of the Administrative Code beyond December 31, 1985.
- (6) Notwithstanding the provisions of paragraph (C)(1) of this rule, any owner or operator utilizing low sulfur fuel, including blended or washed coal, or who installs new emission control systems, or who modifies existing emission control systems, or who ceases operation in order to comply with the specified emission limits, shall bring any air contaminant source specified in paragraph (C)(6)(a) of this rule into compliance with the limits specified in rules 3745-18-06 to 3745-18-94 of the Administrative Code as expeditiously as practicable but in no event later than the compliance schedule identified in paragraph (C)(6)(b) of this rule. The compliance time schedule for each source shall commence on the effective date of the applicable emission limit as specified in rules 3745-18-06 to 3745-18-94 of the Administrative Code.

(a) Air contaminant sources.

(i) [Reserved.]

(ii) "Conesville Power Plant" / Coshocton county / Conesville / OEPA premise number 0616000000 / OEPA source numbers B007 and B008.

(iii) Sources subject to rule 3745-18-15 of the Administrative Code.

(b) Compliance time schedule.

(i) No more than eight weeks after the commencement date specified in paragraph (C)(6) of this rule, the owner or operator of a facility specified in paragraph (C)(6)(a) of this rule shall notify the director of the intent to utilize low sulfur fuels, install new emission control systems, modify existing emission control systems, or cease operation to achieve compliance, and if utilizing low sulfur fuel to achieve compliance, the owner or operator shall submit to the director a ten year projection of the amount of fuels by types that will be substantially adequate to enable compliance with the applicable limit.

(ii) No more than thirty-two weeks after the commencement date specified in paragraph (C)(6) of this rule, the owner or operator of a facility specified in paragraph (C)(6)(a) of this rule shall submit to the director, if applicable, data demonstrating the availability of the low sulfur fuel projected to meet the emission limits contained in rules 3745-18-07 to 3745-18-94 of the Administrative Code.

(iii) No more than thirty-six weeks after the commencement date specified in paragraph (C)(6) of this rule, the owner or operator of a facility specified in paragraph (C)(6)(a) of this rule shall submit to the director a statement as to whether modifications to boiler or emission control equipment will be necessary, and if modifications will be necessary, submit preliminary plans for such modifications.

(iv) No more than forty-two weeks after the commencement date specified in paragraph (C)(6) of this rule, the owner or operator of a facility specified in paragraph (C)(6)(a) of this rule shall submit to the director final plans for equipment modifications necessary to achieve compliance.

(v) No more than fifty weeks after the commencement date specified in paragraph (C)(6) of this rule, the owner or operator of a facility specified in paragraph (C)(6)(a) of this rule shall award contracts for necessary boiler or emission control modifications, if

applicable, and notify the director in writing that such action was taken or, if applicable, submit to the director a detailed schedule for final closure.

- (vi) No more than sixty weeks after the commencement date specified in paragraph (C)(6) of this rule, the owner or operator of a facility specified in paragraph (C)(6)(a) of this rule shall initiate on-site modifications, if applicable, and notify the director that such action was taken.
- (vii) No more than one hundred eighteen weeks after the commencement date specified in paragraph (C)(6) of this rule, the owner or operator utilizing low sulfur fuel to achieve compliance at a facility specified in paragraph (C)(6)(a) of this rule shall complete on-site modifications, if applicable, and notify the director in writing that such action was taken.
- (viii) No more than one hundred twenty-two weeks after the commencement date specified in paragraph (C)(6) of this rule, the owner or operator using low sulfur fuels to achieve compliance at a facility specified in paragraph (C)(6)(a) of this rule shall achieve final compliance with the applicable emission limits specified in rules 3745-18-06 to 3745-18-94 of the Administrative Code and certify compliance to the director in accordance with rule 3745-18-04 of the Administrative Code.
- (ix) No more than one hundred forty-four weeks after the commencement date specified in paragraph (C)(6) of this rule, the owner or operator installing new emission control systems, or modifying existing emission control systems in order to comply with the emission limits at a facility specified in paragraph (C)(6)(a) of this rule shall complete on-site modifications or installations and notify the director in writing that such action was taken.
- (x) No more than one hundred fifty-six weeks after the commencement date specified in paragraph (C)(6) of this rule, the owner or operator installing new emission control systems, or modifying existing emission control systems in order to comply with the emission limits at a facility specified in paragraph (C)(6)(a) of this rule shall achieve final compliance with the applicable emission limits specified in rules 3745-18-06 to 3745-18-94 of the Administrative Code and certify compliance to the director in accordance with rule 3745-18-04 of the Administrative Code.

(7)

(a) Notwithstanding the provisions of paragraph (C)(1) of this rule, any owner or operator who utilizes low sulfur fuels, or who installs new emission control systems, or who modifies existing emission control systems, or who ceases operation in order to comply with the specified emission limits, shall bring any subject air contaminant source into compliance with the limits specified in paragraph (O) of rule 3745-18-24 of the Administrative Code as expeditiously as practicable but in no event later than the compliance schedule identified in paragraph (C)(7)(b) of this rule. The commencement date of the compliance time schedule shall be October 31, 1991.

(b) Compliance time schedule.

(i) No more than eight weeks after the commencement date specified in paragraph (C)(7)(a) of this rule, the owner or operator of a facility specified therein shall notify the director of the intent to utilize low sulfur fuels, install new emission control systems, modify existing emission control systems, or cease operation to achieve compliance, and if utilizing low sulfur fuel to achieve compliance, the owner or operator shall submit to the director a ten year projection of the amount of fuels by types that will be substantially adequate to enable compliance with the applicable emission limits.

(ii) No more than sixteen weeks after the commencement date specified in paragraph (C)(7)(a) of this rule, the owner or operator of a facility specified therein shall submit to the director, if applicable, data demonstrating the availability of the low sulfur fuel projected to meet the applicable emission limits.

(iii) No more than twenty-five weeks after the commencement date specified in paragraph (C)(7)(a) of this rule, the owner or operator of a facility specified therein shall submit to the director a statement as to whether modifications to boiler or emission control equipment will be necessary to achieve compliance, and if modifications will be necessary, submit preliminary plans for such modifications.

(iv) No more than thirty-two weeks after the commencement date specified in paragraph (C)(7)(a) of this rule, the owner or operator of a facility specified therein shall submit to the director final plans for equipment modifications necessary to achieve compliance.

- (v) No more than forty-eight weeks after the commencement date specified in paragraph (C)(7)(a) of this rule, the owner or operator of a facility specified therein shall award contracts for necessary boiler or emission control modifications, if applicable, and notify the director in writing that such action was taken or, if applicable, submit to the director a detailed schedule for final closure.
- (vi) No more than sixty weeks after the commencement date specified in paragraph (C)(7)(a) of this rule, the owner or operator of a facility specified therein shall initiate on-site modifications, if applicable, and notify the director that such action was taken.
- (vii) No more than one hundred twelve weeks after the commencement date specified in paragraph (C)(7)(a) of this rule, the owner or operator utilizing low sulfur fuel to achieve compliance at a facility specified therein shall complete on-site modifications, if applicable, and notify the director in writing that such action was taken.
- (viii) No more than one hundred twenty-four weeks after the commencement date specified in paragraph (C)(7)(a) of this rule, the owner or operator utilizing low sulfur fuel to achieve compliance at a facility specified therein shall achieve final compliance with the applicable emission limits and certify compliance to the director in accordance with paragraph (B) of this rule.
- (ix) No more than one hundred forty-four weeks after the commencement date specified in paragraph (C)(7)(a) of this rule, the owner or operator installing new emission control systems, or modifying existing emission control systems in order to achieve compliance at a facility specified therein shall complete on-site modifications or installations and notify the director in writing that such action was taken.
- (x) No more than one hundred fifty-six weeks after the commencement date specified in paragraph (C)(7)(a) of this rule, the owner or operator installing new emission control systems or modifying existing emission control systems in order to achieve compliance at a facility specified therein shall achieve final compliance with the applicable emission limits specified in paragraph (O) of rule 3745-18-24 of the Administrative Code and certify compliance

to the director in accordance with rule 3745-18-04 of the Administrative Code.

(8)

(a) Notwithstanding the provisions of paragraph (C)(1) of this rule and except as provided in paragraph (C)(9) of this rule, any owner or operator who utilizes low sulfur fuels, or who installs new emission control systems, or who modifies existing emission control systems, or who ceases operation in order to comply with the specified emission limits, shall bring any subject air contaminant source into compliance with the limits specified in rule 3745-18-37 of the Administrative Code, Hamilton county emission limits, as expeditiously as practicable but in no event later than the compliance schedule identified in paragraph (C)(8)(b) of this rule. The commencement date of the compliance time schedule shall be October 31, 1991.

(b) Compliance time schedule.

(i) No later than July 31, 1992, the owner or operator of a facility specified in paragraph (C)(8)(a) of this rule shall notify the director of the intent to utilize low sulfur fuels, install new emission control systems, modify existing emission control systems, or cease operation to achieve compliance, and if utilizing low sulfur fuel to achieve compliance, the owner or operator shall submit to the director a ten year projection of the amount of fuels by types that will be substantially adequate to enable compliance with the applicable emission limits.

(ii) No later than September 25, 1992, the owner or operator of a facility specified in paragraph (C)(8)(a) of this rule shall submit to the director, if applicable, data demonstrating the availability of the low sulfur fuel projected to meet the applicable emission limits.

(iii) No later than October 9, 1992, the owner or operator of a facility specified in paragraph (C)(8)(a) of this rule shall submit to the director a statement as to whether modifications to boiler or emission control equipment will be necessary to achieve compliance, and if modifications will be necessary, submit preliminary plans for such modifications.

(iv) No later than January 20, 1993, the owner or operator of a facility specified in paragraph (C)(8)(a) of this rule shall submit to the

director final plans for equipment modifications necessary to achieve compliance.

- (v) No later than February 7, 1993, the owner or operator of a facility specified in paragraph (C)(8)(a) of this rule shall award contracts for necessary boiler or emission control modifications, if applicable, and notify the director in writing that such action was taken or, if applicable, submit to the director a detailed schedule for final closure.
- (vi) No later than June 9, 1993, the owner or operator of a facility specified in paragraph (C)(8)(a) of this rule shall initiate on-site modifications, if applicable, and notify the director that such action was taken.
- (vii) No later than August 4, 1993, the owner or operator utilizing low sulfur fuel to achieve compliance at a facility specified in paragraph (C)(8)(a) of this rule shall complete on-site modifications, if applicable, and notify the director in writing that such action was taken.
- (viii) No later than September 15, 1993, the owner or operator utilizing low sulfur fuel to achieve compliance at a facility specified in paragraph (C)(8)(a) of this rule shall achieve final compliance with the applicable emission limits and certify compliance to the director in accordance with paragraph (B) of this rule.
- (ix) No later than November 10, 1993, the owner or operator installing new emission control systems, or modifying existing emission control systems in order to achieve compliance at a facility specified in paragraph (C)(8)(a) of this rule shall complete on-site modifications or installations and notify the director in writing that such action has been taken.
- (x) No later than December 22, 1993, the owner or operator installing new emission control systems or modifying existing emission control systems in order to achieve compliance at a facility specified in paragraph (C)(8)(a) of this rule shall achieve final compliance with the applicable emission limits specified in rule 3745-18-37 of the Administrative Code and certify compliance to the director in accordance with rule 3745-18-04 of the Administrative Code.

(a) Notwithstanding the provisions of paragraph (C)(1) of this rule, any owner or operator who utilizes low sulfur fuels, or who installs new emission control systems, or who modifies existing emission control systems, or who ceases operation in order to comply with the specified emission limits, shall bring any subject air contaminant source into compliance with the limits specified in paragraph (BB) of rule 3745-18-37 of the Administrative Code as expeditiously as practicable but in no event later than the compliance schedule identified in paragraph (C)(9)(b) of this rule. The commencement date of the compliance time schedule shall be October 31, 1991.

(b) Compliance time schedule.

(i) No later than November 6, 1991, the owner or operator of the facility shall submit to the director a final control plan that describes at a minimum the steps which will be taken to achieve compliance; and if utilizing low sulfur fuel to achieve compliance, the owner or operator shall submit to the director a ten year projection of the amount of fuels by types that will be substantially adequate to enable compliance with the applicable emission limits.

(ii) No later than January 1, 1992, the owner or operator of the facility shall submit to the director, if applicable, data demonstrating the availability of the low sulfur fuel projected to meet the applicable emission limits.

(iii) No later than August 6, 1992, the owner or operator of the facility shall negotiate and sign all necessary contracts, or issue orders for the purchase of component parts and notify the director in writing that such action was taken.

(iv) No later than October 6, 1992, the owner or operator of the facility shall initiate on-site construction or installation and notify the director that such action was taken.

(v) No later than November 22, 1993, the owner or operator of the facility shall complete construction, or cease operation of OEPA source number B007, and shall certify compliance to the director in accordance with paragraph (B) of this rule.

(vi) After December 22, 1993, source B007 shall not be operated except in compliance with the requirements of paragraph (BB) of rule 3745-18-37 of the Administrative Code.

(10) [Reserved.]

(11) Notwithstanding paragraph (C)(1) of this rule, no owner or operator shall cause, permit, or allow the operation or other use of any air contaminant source in violation of the limits specified as follows: in paragraphs (F)(1) to (F)(7) of rule 3745-18-49 of the Administrative Code thirty days after the effective date of this rule and paragraphs (D), (G)(3) to (G)(5), and (P) of rule 3745-18-47 of the Administrative Code beyond January 1, 2017.

(a) Beyond March 18, 2017 in for paragraphs (F)(1) to (F)(7) of rule 3745-18-49 of the Administrative Code.

(b) Beyond January 1, 2017 for paragraphs (D)(1) to (D)(2), (G)(3) to (G)(5), and (P) of rule 3745-18-47 of the Administrative Code.

(c) Beyond the effective date of this rule for paragraph (D)(3) of rule 3745-18-47 of the Administrative Code.

(D) Alternative emission limits.

(1) Any owner or operator of an air contaminant source specified in paragraphs (D)(1)(a) to (D)(1)(c) of this rule having alternative sulfur dioxide emission limits specified in rules 3745-18-06 to 3745-18-94 of the Administrative Code shall notify the director of the selected emission limits in accordance with the requirements of paragraphs (D)(2)(a) and (D)(2)(b) of this rule.

(a) [Reserved.]

(b) "Ford Motor Company" (OEPA premise number 1431140861); paragraph (V)(1) or (V)(2) of rule 3745-18-37 of the Administrative Code.

(c) "Miami Fort Power Station" (OEPA premise number 1431350093); paragraph (BB)(3) of rule 3745-18-37 of the Administrative Code.

(2) Alternate emission limits.

(a) No more than eight weeks after the effective date of the applicable emission limits the owner or operator shall notify the director of the selected alternative emission limits and shall bring any subject source into compliance with the selected alternative emission limits as expeditiously as practicable, but in no event later than the compliance schedule specified in paragraph (C)(8) or (C)(9) of this rule.

- (b) If, after the final compliance date, any owner or operator of an air contaminant source specified in paragraphs (D)(1)(a) to (D)(1)(c) of this rule elects to comply with an alternative emission limit not selected under the provisions of paragraph (D)(2)(a) of this rule, such owner or operator shall notify the director at least ninety days prior to the intended date of final compliance with the new limits. Any air contaminant source having alternative emission limits shall continuously comply with one of the alternative emission limits at all times after the final compliance date.

Effective: 7/5/2019

Five Year Review (FYR) Dates: 11/29/2021

CERTIFIED ELECTRONICALLY

Certification

06/25/2019

Date

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10/23/2015, 02/16/2017

3745-18-04

Measurement methods and procedures.

[Comment: For dates and availability of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see paragraph (C) of rule 3745-18-01 of the Administrative Code titled "referenced materials."]

- (A) Unless otherwise specified in paragraphs (B) to (E) of this rule, the non-continuous test methods used for determining compliance with the allowable emission limits in rules 3745-18-06 to 3745-18-94 of the Administrative Code shall be those specified in 40 CFR Part 60.
- (B) The test methods and procedures used for determining compliance with the allowable emission limits for any sulfur recovery plant shall be those specified in 40 CFR 60.46.
- (C) The test methods and procedures used for determining compliance with the allowable emission limit for any sulfuric acid production unit or any primary zinc smelter shall be those specified in 40 CFR 60.85.
- (D) Unless otherwise specified in this rule, the test methods and procedures used for determining compliance with the allowable emission limit for any fuel burning equipment burning coal shall be one of the following:
- (1) Stack gas sampling using USEPA methods 1 to 4, and 6, 6A, 6B or 6C, at a frequency to be determined by the director.
 - (2) Continuous emission monitoring using continuous monitoring systems meeting the requirements of "Performance Specification 2" in 40 CFR Part 60, Appendix B and 40 CFR Part 60, Appendix F with any necessary modifications approved by the director. Emission rates shall be determined using methods specified in 40 CFR 60.45 and 40 CFR 60.47a, 40 CFR 60.47b or 40 CFR 60.47c. Compliance with the applicable sulfur dioxide emission limitation shall be based on daily calculations using an arithmetic average of all data available for the preceding thirty-day period.
 - (3) Coal sampling and analysis in accordance with USEPA method 19 or equivalent methods as approved by the director. The representative sulfur dioxide emission rate from any sample shall be calculated using the formulas in paragraph (F) of this rule. Coal monitoring and compliance determination procedures shall include the following:
 - (a) Except as specified by the director, for all facilities greater than one thousand MM Btus per hour heat input capacity, daily as-fired fuel sampling. Compliance with the applicable sulfur dioxide emission limit shall be

determined based on the weighted arithmetic average of the preceding thirty consecutive daily sample analyses.

- (b) For all facilities greater than one hundred MM Btus per hour heat input capacity and less than or equal to one thousand MM Btus per hour heat input capacity, monthly composite sampling. Such composite samples shall be composed of either periodic as-fired samples, with the collection frequency determined by the director, or as-received samples with a minimum of one sample per truckload or carload. Compliance with the applicable sulfur dioxide emission limit shall be determined based on the analysis of each monthly composite sample.
- (c) For all facilities greater than ten MM Btus per hour heat input capacity and less than or equal to one hundred MM Btus per hour heat input capacity, either monthly composite sampling consistent with paragraph (D)(3)(b) of this rule, or monthly average fuel analysis based on fuel supplier analyses. Fuel supplier analyses shall be obtained for each shipment received during the calendar month. Compliance with the applicable sulfur dioxide emission limit shall be determined based on the weighted arithmetic average of all fuel supplier analyses for each calendar month.

(4) [Reserved.]

(5)

- (a) For any fuel burning equipment burning coal at the following sources, compliance with the applicable sulfur dioxide emission limits shall be determined using either of the methods described in paragraph (D)(5)(b) or (D)(5)(c) of this rule. A determination of noncompliance pursuant to either of these methods shall not be refuted by evidence of compliance pursuant to the other method:
 - (i) [Reserved].
 - (ii) Coshocton county / "Conesville Power Plant" / OEPA premise number 0616000000 / unit 5 and unit 6 main boilers/ OEPA source numbers B007 and B008.
- (b) Compliance shall be determined by stack gas sampling using method specified in 40 CFR 60.46, at a frequency to be determined by the director.
- (c) Compliance shall be determined by coal sampling and analysis in accordance with USEPA method 19 or equivalent methods as approved by the director. The representative sulfur dioxide emission rate from any

sample shall be calculated using the formulas in paragraph (F) of this rule. Coal monitoring and compliance determination procedures shall include the following:

- (i) Except as specified by the director, for all facilities greater than one thousand MM Btus per hour heat input capacity, daily as-fired fuel sampling. Compliance with the applicable sulfur dioxide emission limit shall be determined based on the weighted arithmetic average of the preceding thirty consecutive daily sample analyses.
 - (ii) For all facilities greater than one hundred MM Btus per hour heat input capacity and less than or equal to one thousand MM Btus per hour heat input capacity, monthly composite sampling. Such composite samples shall be composed of either periodic as-fired samples, with the collection frequency determined by the director, or as-received samples with a minimum of one sample per truckload or carload. Compliance with the applicable sulfur dioxide emission limit shall be determined based on the analysis of each monthly composite sample.
 - (iii) For all facilities greater than ten MM Btus per hour heat input capacity and less than or equal to one hundred MM Btus per hour heat input capacity, either monthly composite sampling consistent with paragraph (D)(3)(b) of this rule, or monthly average fuel analysis based on fuel supplier analyses. Fuel supplier analyses shall be obtained for each shipment received during the calendar month. Compliance with the applicable sulfur dioxide emission limit shall be determined based on the weighted arithmetic average of all fuel supplier analyses for each calendar month.
- (6) For any fuel burning equipment burning coal at the "ArcelorMittal Cleveland LLC" (OEPA premise number 1318001613) facility located in Cleveland, Ohio, compliance shall be determined using one of the following:
- (a) Stack gas sampling using methods specified in 40 CFR 60.46, at a frequency to be determined by the director.
 - (b) Continuous emission monitoring using continuous monitoring systems meeting the requirements of "Performance Specification 2" in 40 CFR Part 60, Appendix B and 40 CFR Part 60, Appendix F with any necessary modifications approved by the director. Emission rates shall be determined using methods specified in 40 CFR 60.45 and 40 CFR 60.47a.

Compliance with the applicable sulfur dioxide emission limits shall be based on daily average calculations.

- (c) Coal sampling and analysis in accordance with USEPA method 19 or equivalent methods as approved by the director. Coal monitoring and compliance determination procedures shall consist of daily, as-fired fuel sampling for all sources greater than one hundred MM Btus per hour actual heat input capacity. The representative sulfur dioxide emission rate from any sample shall be calculated using the formulas in paragraph (F) of this rule. Compliance with the applicable sulfur dioxide emission limits shall be determined based on a daily average.

(7) [Reserved.]

- (8) For any fuel burning equipment burning coal at any sulfur dioxide emissions source subject to, and not specifically exempted from, rule 3745-18-37 of the Administrative Code, Hamilton county emission limits, emission tracking, recordkeeping, and reporting requirements shall be one of the following:

- (a) Continuous emission monitoring using continuous monitoring systems meeting the requirements of "Performance Specification 2" in 40 CFR Part 60, Appendix B and 40 CFR Part 60, Appendix F . Emission rates shall be determined using methods specified in 40 CFR 60.45 and 40 CFR 60.47a, 40 CFR 60.47b or 40 CFR 60.47c.
- (b) Coal sampling and analysis in accordance with USEPA method 19. Emission tracking procedures shall consist of weekly, as-fired fuel sampling for all sources greater than one hundred MM Btus per hour actual heat input capacity. The representative sulfur dioxide emission rate from any sample shall be calculated using the formulas in paragraph (F) of this rule.
- (c) Either monthly composite sampling consistent with paragraph (D)(8)(b) of this rule, or fuel supplier analyses, for all sources greater than ten MM Btus per hour heat input capacity and less than one hundred MM Btus per hour heat input capacity. Fuel supplier analyses shall be obtained for each shipment received. The representative sulfur dioxide emission rate from any sample or fuel supplier analysis shall be calculated using the formulas in paragraph (F) of this rule.
- (d) In lieu of the emission tracking requirements in paragraphs (D)(8)(a) to (D)(8)(c) of this rule, the owners or operators of the following sources shall

provide coal sampling and analysis in accordance with USEPA method 19 and in accordance with the requirements indicated:

(i) [Reserved.]

(ii) [Reserved.]

(iii) [Reserved.]

(iv) [Reserved.]

(v) [Reserved.]

(vi) Until December 22, 1993, "University of Cincinnati" (OEPA premise number 1431070849); ECUP boiler 3 (OEPA source B108); one representative coal sample per week for analysis. The coal sample shall consist of at least one sample increment per boiler and each increment shall weigh a minimum of five pounds each.

(e) Any owner or operator required to perform emissions tracking pursuant to paragraph (D)(8) of this rule shall maintain such records for a period of not less than three years and shall make such records available for inspection by and submittal to the director upon request.

(9) For any fuel burning equipment burning coal at any sulfur dioxide emissions source subject to, and not specifically exempted from, rule 3745-18-15 of the Administrative Code compliance with the applicable sulfur dioxide emission limits shall be determined using one of the following methods:

(a) Stack gas sampling using USEPA methods 1 to 4, and 6, 6A, 6B or 6C, at a frequency to be determined by the director.

(b) Continuous emission monitoring using continuous monitoring systems meeting the requirements of "Performance Specification 2" as specified in 40 CFR Part 60, Appendix B and the requirements specified in 40 CFR Part 60, Appendix F, with any necessary modifications approved by the director. Emission rates shall be determined using methods specified in 40 CFR 60.45 and 40 CFR 60.47a, 40 CFR 60.47b or 40 CFR 60.47c. Compliance with the applicable sulfur dioxide emission limits shall be based on daily average calculations.

(c) Coal sampling and analysis in accordance with USEPA method 9 or equivalent methods as approved by the director. The representative sulfur dioxide emission rate from any sample shall be calculated using the

formulas in paragraph (F) of this rule. Coal monitoring and compliance determination procedures shall include the following:

- (i) Except as specified by the director, for all facilities greater than one thousand MM Btus per hour heat input capacity, daily as-fired fuel sampling. Compliance with the applicable sulfur dioxide emission limits shall be determined based on a daily average.
- (ii) For all facilities greater than one hundred MM Btus per hour heat input capacity and less than or equal to one thousand MM Btus per hour heat input capacity, monthly composite sampling. Such composite samples shall be composed of either periodic as-fired samples, with the collection frequency determined by the director, or as-received samples with a minimum of one sample per truckload or carload. Compliance with the applicable sulfur dioxide emission limit shall be determined based on the analysis of each monthly composite sample.
- (iii) For all facilities greater than ten MM Btus per hour heat input capacity and less than or equal to one hundred MM Btus per hour heat input capacity, either monthly composite sampling consistent with paragraph (D)(9)(c)(ii) of this rule, or monthly average fuel analysis based on fuel supplier analyses. Fuel supplier analyses shall be obtained for each shipment received during the calendar month. Compliance with the applicable sulfur dioxide emission limit shall be determined based on the weighted arithmetic average of all fuel supplier analyses for each calendar month.

A determination of noncompliance pursuant to any of these methods shall not be refuted by evidence of compliance pursuant to any other of these methods.

- (10) For any fuel burning equipment burning coal at the “Painesville Municipal Electric Plant” (OEPA premise number 0243110008) facility located in Painesville, Ohio, compliance with the sulfur dioxide emissions rates specified in paragraphs (F)(4) to (F)(6) of rule 3745-18-49 of the Administrative Code shall be demonstrated by calculating an average emission rate in pounds per hour over thirty operating days. Emissions shall be calculated for each operating hour by multiplying the heat input times the applicable emission rate in pounds of sulfur dioxide per MM Btu. The emission rate shall be determined in accordance with paragraph (F) of this rule. The average emission rate shall be calculated using the following equation:

$$E_{avg} = \frac{\sum_{i=1}^n H_i * ER_i}{n}$$

where: E_{avg} is the arithmetic average emissions in pounds per hour.

H_i is the hourly heat input in MM Btu for hour i . H_i is determined by a computerized system, or by monitoring the hourly steam production rate and back-calculating the heat input in accordance with the heat balance method or other approved equivalent method.

ER_i is the emission rate in pounds of sulfur dioxide per MM Btu, determined in accordance with paragraph (F) of this rule. If multiple fuels are used, the emission rate shall be calculated as a weighted average based on the heat input of each fuel burned.

n is the number of operating hours during a period of thirty consecutive operating days. An operating day means a twenty-four-hour period that begins at midnight and ends the following midnight during which any fuel is combusted at any time, except that if the schedule for calculating emission averages is revised, an operating day shall mean a twenty-four-hour period between consecutive scheduled emission average calculations during which any fuel is combusted at any time.

The daily rolling arithmetic average is calculated on a fixed schedule updated at twelve a.m. every operating calendar day unless an alternative fixed daily schedule is approved by the director. The director shall notify the United States environmental protection agency upon the approval of any alternate averaging schedule.

- (11) For any fuel burning equipment burning coal at the "Cardinal Power Plant" (OEPA premise number 0641050002) or any subsequent owner or operator of the "Cardinal Power Plant" facility in Brilliant, Ohio, compliance with the sulfur dioxide emissions rate specified in paragraph (D)(3) of rule 3745-18-47 of the Administrative Code shall be demonstrated by calculating an average emission rate in pounds per hour over thirty operating days. Emissions shall be calculated for each operating hour for main boiler unit numbers 1, 2 and 3 (OEPA source numbers B001, B002 and B009), combined, as a summation of the emission rates determined in accordance with paragraph (D)(2) of this rule. The permittee may remove values which were substituted for missing data in accordance with 40 CFR Part 75 Subpart D. Compliance with the combined

average sulfur dioxide emission rate shall be calculated using the following equation:

$$E_{avg} = \left(\sum_{i=1}^n (SO_{2,B001} + SO_{2,B002} + SO_{2,B009}) \right) / n$$

where: E_{avg} is the arithmetic average SO₂ emissions in pounds per hour as a rolling, 30-operating-day average computed at the end of each operating day.

$SO_{2,B001}$ = SO₂ emissions from emissions unit B001, in pounds/hr for hour i.

$SO_{2,B002}$ = SO₂ emissions from emissions unit B002, in pounds/hr for hour i.

$SO_{2,B009}$ = SO₂ emissions from emissions unit B009, in pounds/hr for hour i.

n = number of operating hours in the rolling, thirty-operating-day averaging period, minus the number of operating hours excluded from the calculation due to missing data.

An operating hour is an hour in which any of units B001, B002 or B009 are operating. An operating day is a day in which any of units B001, B002 or B009 are operating for any portion of the day. A value of E_{avg} shall be computed for each operating day and the twenty-nine preceding operating days.

- (E) Unless otherwise specified in this rule, the test methods and procedures used for determining compliance with the allowable emission limit for any fuel burning equipment burning fuels other than coal shall be one of the following:
- (1) Stack gas sampling using USEPA methods 1 to 4, and 6, 6A, 6B or 6C, at a frequency to be determined by the director.
 - (2) Continuous emission monitoring using continuous monitoring systems meeting the requirements of "Performance Specification 2" as specified in 40 CFR Part 60, Appendix B and the requirements of 40 CFR Part 60, Appendix F with any necessary modifications approved by the director. Emissions rates shall be determined using methods specified in 40 CFR 60.45 and 40 CFR 60.47a, 40 CFR 60.47b or 40 CFR 60.47c. Compliance with the applicable sulfur dioxide emission limitation shall be based on daily calculations using an arithmetic average of all data available for the preceding thirty-day period.

- (3) Fuel sampling and analysis in accordance with USEPA method 19 or the appropriate ASTM methods, or equivalent methods as approved by the director. In lieu of performing onsite sampling, representative fuel analyses performed by fuel suppliers may be acceptable. The representative sulfur dioxide emission rate from any sample shall be calculated using the formulas in paragraph (F) of this rule. The sampling frequency shall be, at a minimum, such that a sulfur dioxide emission rate representative of the thirty-day average emission rate can be determined.
- (4) For any fuel burning equipment burning fuels other than coal at the "ArcelorMittal Cleveland LLC" (OEPA premise number 1318001613) facility located in Cleveland, Ohio, compliance shall be determined using one of the following:
 - (a) Stack gas sampling using USEPA methods 1 to 4, and 6, at a frequency to be determined by the director.
 - (b) Continuous emission monitoring using continuous monitoring systems meeting the requirements of "Performance Specification 2" as specified in 40 CFR Part 60, Appendix B and Appendix F with any necessary modifications approved by the director. Emission rates shall be determined using methods specified in 40 CFR 60.45 and 40 CFR 60.47a. Compliance with the applicable sulfur dioxide emission limits shall be based on daily average calculations.
 - (c) Fuel sampling and analysis in accordance with USEPA method 19 or the appropriate ASTM methods, or equivalent methods as approved by the director. In lieu of performing on-site sampling, representative fuel analyses performed by the fuel suppliers may be acceptable. The representative sulfur dioxide emission rate from any sample shall be calculated using the formulas in paragraph (F) of this rule. The sampling frequency shall be, at a minimum, such that a sulfur dioxide emission rate representative of the daily average emission rate can be determined.
- (5) For any fuel burning equipment burning fuels other than coal at any sulfur dioxide emissions source subject to, and not specifically exempted from, rule 3745-18-37 of the Administrative Code, Hamilton county emission limits, compliance with the applicable sulfur dioxide emission limits shall be determined using stack gas sampling using USEPA methods 1 to 4 and 6, 6A, 6B or 6C.
- (6) For any fuel burning equipment burning fuels other than coal at any sulfur dioxide emissions source subject to, and not specifically exempted from, rule 3745-18-37 of the Administrative Code, Hamilton county emission limits,

emission tracking, recordkeeping and reporting requirements shall be one of the following:

- (a) Continuous emission monitoring using continuous monitoring systems meeting the requirements of "Performance Specification 2" as specified in 40 CFR Part 60, Appendix B and 40 CFR Part 60, Appendix F. Emission rates shall be determined using methods specified in 40 CFR 60.45 and 40 CFR 60.47a, 40 CFR 60.47b or 40 CFR 60.47c.
 - (b) Fuel sampling and analysis in accordance with USEPA method 19, or the appropriate ASTM methods. In lieu of performing on-site sampling, representative fuel analyses performed by the fuel suppliers may be acceptable. The representative sulfur dioxide emission rate from any sample shall be calculated using the formulas in paragraph (F) of this rule. The sampling frequency shall be, at a minimum, such that at least one analysis is obtained from each shipment of fuel.
- (7) For any fuel burning equipment burning fuels other than coal at any sulfur dioxide emissions source subject to, and not specifically exempted from, rule 3745-18-15 of the Administrative Code, Butler county emission limits, compliance with the applicable sulfur dioxide emission limits shall be determined using the methods described in paragraphs (E)(7)(a) to (E)(7)(c) of this rule. A determination of noncompliance pursuant to any of these methods shall not be refuted by evidence of compliance pursuant to any other of these methods:
- (a) Stack gas sampling using USEPA methods 1 to 4, and 6, 6A, 6B or 6C, at a frequency to be determined by the director.
 - (b) Continuous emission monitoring using continuous monitoring systems meeting the requirements of "Performance Specification 2" as specified in 40 CFR Part 60, Appendix B and 40 CFR Part 60, Appendix F with any necessary modifications approved by the director. Emission rates shall be determined using methods specified in 40 CFR 60.45 and 40 CFR 60.47a, 40 CFR 60.47b or 40 CFR 60.47c. Compliance with the applicable sulfur dioxide emission limits shall be based on daily average calculations.
 - (c) Fuel sampling and analysis in accordance with USEPA method 19 or the appropriate ASTM methods, or equivalent methods as approved by the director. In lieu of performing on-site sampling, representative fuel analyses performed by the fuel suppliers may be acceptable. The representative sulfur dioxide emission rate from any sample shall be calculated using the formulas in paragraph (F) of this rule. The sampling

frequency shall be, at a minimum, such that a sulfur dioxide emission rate representative of the thirty-day average emission rate can be determined.

(F) Sulfur dioxide emissions from fuel samples shall be calculated as follows:

(1) From solid fuels:

$$ER = (1 \times 10^6)/H \times S \times 1.9$$

where: ER = the emission rate in pounds of sulfur dioxide per MM Btu.

H = the heat content of the solid fuel in Btu per pound.

S = the decimal fraction of sulfur in the solid fuel.

(2) From liquid fuels:

$$ER = (1 \times 10^6)/H \times D \times S \times 1.974$$

where: ER = the emission rate in pounds of sulfur dioxide per MM Btu.

H = the heat content of the liquid fuel in Btu per gallon.

D = the density of the liquid fuel in pounds per gallon.

S = the decimal fraction of sulfur in the liquid fuel.

(3) From gaseous fuels other than natural gas as specified in paragraph (F)(4) of this rule:

$$ER = (1 \times 10^6)/H \times D \times S \times 1.998$$

where: ER = the emission rate in pounds of sulfur dioxide per MM Btu.

H = the heat content of the gaseous fuel in Btu per standard cubic foot.

D = the density of the gaseous fuel in pounds per standard cubic foot.

S = the decimal fraction of sulfur in the gaseous fuel.

(4) From natural gas, the sulfur dioxide emission rate shall be considered to be equal to 0.0 pounds of sulfur dioxide per MM Btu.

(G) All data, calculations and reports from any performance test, continuous monitor or fuel sample developed for the purpose of demonstrating compliance with rules

3745-18-06 to 3745-18-94 of the Administrative Code shall be retained for a minimum of three years and shall be available for inspection by the director or the director's representative.

- (H) Any owner or operator of any sulfur dioxide emissions source subject to, and not specifically exempted from, rule 3745-18-37 of the Administrative Code, Hamilton county emission limits, shall document any compliance test or applicable emission tracking procedure, shall document compliance with any applicable operating rate limits and shall retain all data, calculations and reports from any performance test, continuous emission monitor, fuel sample, or operating rate monitor utilized for the purpose of demonstrating compliance with the applicable emission limits, emission tracking requirements, or operating rate limits for a period of not less than three years and shall make such records available for inspection by and submittal to the director upon request.
- (I) Nothing in this rule shall be interpreted to prevent the director from issuing orders pursuant to section 3704.03 of the Revised Code to require performance testing, continuous emission monitoring, or fuel sampling or to require record-keeping and reporting of emission information. Any such data may be used to further evaluate compliance with rules 3745-18-06 to 3745-18-94 of the Administrative Code.
- (J) Any owner or operator of any sulfur dioxide source subject to, and not specifically exempted from, paragraphs (B)(5), (B)(6), (B)(7), (B)(8), (B)(11), (B)(13) and (B)(14) of rule 3745-18-49 of the Administrative Code, "Lubrizol Corporation" processes "M", "N", "O", "W" and "AC" (OEPA source numbers P012, P013, P014, P022 and P030), shall demonstrate compliance with the combined hourly emission limits by performing emission tests in accordance with USEPA method 6 or USEPA method 6C, and by employing the continuous emission rate monitoring system. The combined allowable sulfur dioxide emission limit for these processes for any hour shall be the sum of the individual allowable sulfur dioxide emissions limits for those processes that are in operation during any part of that hour. The combined allowable sulfur dioxide emission limit for these processes for any rolling three hour period shall be the average of the three, one hour allowable limits comprising the three hour period.

Effective: 7/5/2019

Five Year Review (FYR) Dates: 11/29/2021

CERTIFIED ELECTRONICALLY

Certification

06/25/2019

Date

Promulgated Under: 119.03
Statutory Authority: 3704.03(E)
Rule Amplifies: 3704.03(A), 3704.03(E)
Prior Effective Dates: 12/28/1979, 11/01/1984, 05/11/1987, 06/15/1989,
10/31/1991, 03/21/2000, 09/01/2003, 01/23/2006,
02/17/2011, 10/23/2015, 02/16/2017

3745-18-47

Jefferson county emission limits.

- (A) No owner or operator of any coal-fired steam generating unit in Jefferson county, unless otherwise specified in this rule, shall cause or permit the emission of sulfur dioxide from any source to exceed a maximum of 1.8 pounds of sulfur dioxide per MM Btu actual heat input.
- (B) No owner or operator of any oil-fired steam generating unit in Jefferson county, unless otherwise specified in this rule, shall cause or permit the emission of sulfur dioxide from any source to exceed a maximum of 0.8 pounds of sulfur dioxide per MM Btu actual heat input.
- (C) No owner or operator of a by-product coke oven for a facility in Jefferson county which utilizes by-product coke oven gas shall cause or permit the combustion of by-product coke oven gas containing hydrogen sulfide in excess of fifty grains of hydrogen sulfide per one hundred dry standard cubic feet of coke oven gas.
- (D) The "Cardinal Power Plant" (OEPA premise number 0641050002) or any subsequent owner or operator of the "Cardinal Power Plant," Brilliant, Ohio shall not cause or permit emissions of sulfur dioxide from the following sources to exceed the amounts indicated:
- (1) Main boiler unit numbers 1 and 2 (OEPA source numbers B001 and B002); a maximum of 1.056 pounds of sulfur dioxide per MM Btu actual heat input from each boiler.
 - (2) Main boiler unit number 3 (OEPA source number B009); a maximum of 0.66 pounds of sulfur dioxide per MM Btu actual heat input.
 - (3) Main boiler unit numbers 1, 2 and 3 (OEPA source numbers B001, B002 and B009), combined; a maximum of 4,858.75 pounds of sulfur dioxide per hour as a rolling, thirty-day average.
- (E) [Reserved.]
- (F) [Reserved.]
- (G) The "Mingo Junction Steel Works, LLC" (OEPA premise number 0641090010) or any subsequent owner or operator of the "Mingo Junction Steel Works, LLC," Mingo Junction, Ohio shall not cause or permit the emission of sulfur dioxide from the following sources to exceed the amounts indicated:
- (1) [Reserved.]
 - (2) [Reserved.]

- (3) Reheat furnaces 2 to 4 (OEPA source numbers P006 to P008); a maximum of 1.0 pounds of sulfur dioxide per hour.
 - (4) Electric arc furnace number 1 (OEPA source number P913); a maximum of 105.0 pounds of sulfur dioxide per hour.
 - (5) Ladle metallurgical furnace to the electric arc furnace (OEPA source number P914); a maximum of 14.0 pounds of sulfur dioxide per hour.
- (H) [Reserved.]
- (I) [Reserved.]
- (J) [Reserved.]
- (K) [Reserved.]
- (L) The "W.H. Sammis Plant" (OEPA premise number 0641160017) or any subsequent owner or operator of the "W.H. Sammis Plant, 29503 State Route 7, Stratton, Ohio" shall not cause or permit the emission of sulfur dioxide from the following sources to exceed the amounts indicated:
- (1) [Reserved.]
 - (2) Diesel numbers A, B1, B2, B3, and B4 (OEPA source numbers B002, B003, B004, B005, and B006); a maximum of 0.8 pounds of sulfur dioxide per MM Btu actual heat input from each diesel.
 - (3) Boiler numbers 1 to 4 (OEPA source numbers B007 to B010); a maximum of 1.61 pounds of sulfur dioxide per MM Btu actual heat input from each boiler.
 - (4) Boiler numbers 5 to 7 (OEPA source numbers B011 to B013); a maximum of 4.46 pounds of sulfur dioxide per MM Btu actual heat input from each boiler.
 - (5) As an alternative to paragraphs (L)(3) and (L)(4) of this rule, boiler numbers 1 to 7 (OEPA source numbers B007 to B013); a maximum of 2.91 pounds of sulfur dioxide per MM Btu actual heat input from each boiler. The "W.H. Sammis Plant" shall notify the director and the administrator at least ninety days prior to the intended date of conversion when changing between the emission limits contained in this paragraph and the emission limits contained in paragraphs (L)(3) and (L)(4) of this rule. "W.H. Sammis Plant" shall comply with either this paragraph or paragraphs (L)(3) and (L)(4) of this rule.
- (M) [Reserved.]

(N) [[Reserved.]

(O) [Reserved.]

(P) "Mingo Junction Energy Center, LLC" (OEPA premise number 0641090234) or any subsequent owner or operator of " Mingo Junction Energy Center, LLC," Mingo Junction, Ohio shall not cause or permit the emission of sulfur dioxide from units number 1 to 4 (OEPA source numbers B001 to B004) to exceed a maximum of 0.0028 pounds of sulfur dioxide per MM Btu actual heat input from each boiler.

Effective: 7/5/2019

Five Year Review (FYR) Dates: 11/29/2021

CERTIFIED ELECTRONICALLY

Certification

06/25/2019

Date

Promulgated Under: 119.03
Statutory Authority: 3704.03(E)
Rule Amplifies: 3704.03(A), 3704.03(E)kB
Prior Effective Dates: 12/28/1979, 05/11/1987, 07/25/1996, 02/17/2011,
10/23/2015, 02/16/2017

Article II

Copy of Public Notice and
Director's Findings & Orders

**NOTICE OF ADOPTION OF RULES
OHIO ENVIRONMENTAL PROTECTION AGENCY
OHIO ADMINISTRATIVE CODE (OAC) CHAPTERS 3745-18 "SULFUR DIOXIDE REGULATIONS"**

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

<u>Rule #</u>	<u>Title</u>	<u>Type of Filing</u>
3745-18-03	Compliance Time Schedules	Amend
3745-18-04	Measurement Methods and Procedures	Amend
3745-18-47	Jefferson County Emission Limits	Amend

These rules are being adopted to incorporate a revised sulfur dioxide (SO₂) emission limit and related provisions for the coal-fired boilers at the Cardinal Power Plant in Jefferson County.

The Director's order of adoption was issued on June 25, 2019. These amended rules will become effective on **July 5, 2019**.

The Director's action in this matter is pursuant to the procedural requirements of Ohio Revised Code Chapter 119 and is based upon the record of the public hearing conducted by Ohio EPA on April 29, 2019, and comments received during the public comment period.

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within thirty (30) days after notice of the Director's action. The appeal must be accompanied by a filing fee of \$70.00, made payable to "Treasurer, State of Ohio," which the Commission, in its discretion, may reduce if by affidavit you demonstrate that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the Director within three (3) days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission
30 East Broad St., 4th Floor
Columbus, Ohio 43215

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

Ohio EPA JUN 25 '19
Entered Director's Journal

In the Matter of:

**The Adoption of Amended
Rules 3745-18-03, 3745-18-04,
and 3745-18-47 of the Ohio
Administrative Code**

**Director's Final Findings and
Orders**

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

FINDINGS AND ORDERS

[Signature]

Date: 6/25/19

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

1. That due notice of a public hearing in this matter pursuant to the Administrative Procedure Act was given, that a public hearing was held on April 29, 2019 in Steubenville, Ohio, and that all interested persons were afforded the opportunity to be heard; and
2. That upon due consideration, the adoption, in final form, of the proposed amended rules of the Ohio Administrative Code cited above, is reasonable and lawful and within the purview of authority provided by law.

It is therefore

ORDERED that amended rules 3745-18-03, 3745-18-04 and 3745-18-47 of the Ohio Administrative Code be adopted in final form.

It is further

ORDERED that the effective date of said amended rules shall be JUL 05 2019.

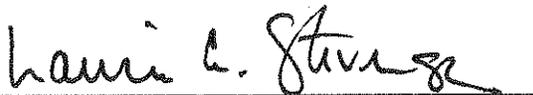
It is further

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

APPEAL RIGHTS

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, OH 43215



Laurie A. Stevenson, Director
Ohio Environmental Protection Agency

Issued at Columbus, Ohio this 25th day of June, 2019.

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 March 25, 2019. Ohio EPA held a public hearing on April 29, 2019 in Steubenville, 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 in Jefferson County, Ohio. 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 April 29, 2019 as identified in the Public Hearing notice. A copy of the hearing 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 May 13, 2019 where these rules were placed on the consent agenda as item 21 (Attachment D). No testimony, questions or invalidation of the rules occurred during this hearing. JCARR jurisdiction expired on May 29, 2019 as evidenced by the JCARR consent agenda.

Ohio EPA issued the order to adopt the rules on June 25, 2019 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 June 25, 2019. 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 February 5, 2019 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 fifteen-day comment period closing February 20, 2019. 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
Regarding Draft Actions Relevant to the Steubenville, OH-WV Sulfur Dioxide Nonattainment Area
Ohio Environmental Protection Agency
Revisions to Ohio Administrative Code (OAC) Rules 3745-18-03, 3745-18-04 and 3745-18-47 – Sulfur Dioxide Regulations; Supplement to Ohio’s Attainment Demonstration; and Redesignation Request and Maintenance Plan for the Ohio Portion this area

Notice is hereby given that the Ohio Environmental Protection Agency, Division of Air Pollution Control (DAPC) has prepared amendments to OAC Rule 3745-18-47 to incorporate a revised sulfur dioxide (SO₂) emission limit for the coal-fired boilers at the Cardinal Power Plant in Jefferson County. This limit is necessary to satisfy U.S. EPA requirements for Ohio’s SO₂ attainment demonstration for the Steubenville, OH-WV nonattainment area (the City of Steubenville and the following townships in Jefferson County: Cross Creek, Warren, Steubenville and Wells) and in order for the area to be eligible for redesignation to attainment and to ensure maintenance of the 2010 SO₂ National Ambient Air Quality Standard (NAAQS). Ohio EPA has also prepared amendments to OAC Rules 3745-18-03 and 3745-18-04 to incorporate compliance time schedules and measurement methods and procedures relevant to the Cardinal emission limit.

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 February 5, 2019, these rules went out for a 15-day review by interested parties. Ohio EPA’s responses to comments received is available electronically on Ohio EPA’s website at the URL listed below.

Pursuant to Part D of Title I of the Clean Air Act (CAA), Ohio EPA is required to establish a State Implementation Plan (SIP) for the attainment and maintenance of the NAAQS. The above-mentioned rules are a part of Ohio’s SIP and the proposed amendments will be submitted to United States Environmental Protection Agency (U.S. EPA) as a modification of the SIP. Ohio EPA is submitting the proposed revisions to OAC Chapter 18 as a supplement to Ohio’s attainment demonstration for the SO₂ NAAQS for the Steubenville OH-WV Nonattainment Area, along with a draft redesignation request and maintenance plan which contains the technical justification and air quality modeling demonstrating the revised emission limit provides for attainment and maintenance of the SO₂ NAAQS. Ohio is requesting parallel processing of U.S. EPA’s approval of Ohio’s attainment demonstration strategy and the revisions to OAC Chapter 3745-18 establishing a revised emission limit for the Cardinal Power Plant.

Ohio is also requesting that U.S. EPA revise the current air quality designation for the Ohio Portion of the Steubenville, OH-WV nonattainment area to attainment with respect to the 2010 SO₂ NAAQS. Air quality monitoring data collected between 2015 and 2017 in the nonattainment area demonstrates attainment of the NAAQS. Significant SO₂ emission reductions have resulted from the installation of a flue gas desulfurization control device at the last remaining coal-fired boiler at Cardinal Power Plant, cessation of operations at Mingo Junction Energy Center, and a consent decree with Mountain State Carbon requiring permanent and enforceable emission reductions in SO₂. The air quality modeling demonstrates that the revised emission limit for Cardinal Power Plant in conjunction with previously established federally enforceable emission limits for other sources in the area will ensure the improvement in air quality is due to permanent, enforceable emission reductions and can be maintained for at least ten years into the future upon redesignation.

Ohio EPA proposes to utilize existing emission inventory information, projections of future emissions, and air quality modeling as the demonstration of the ability to maintain the NAAQS in the Steubenville, OH-

WV area in the future.

The State of Ohio proposes to:

1. Request the U.S. EPA redesignate the Ohio Portion of the Steubenville, OH-WV area to attainment with respect to the 2010 SO₂ NAAQS and incorporate the maintenance plan. This request will document that existing enforceable control measures are responsible for the observed improvement in air quality; and
2. Designate existing enforceable controls along with the emission limit being established for Cardinal Power Plant as sufficient to maintain the NAAQS into the future.

Pursuant to Section 106.03 and 106.031 of the Ohio Revised Code and to satisfy U.S. EPA requirements for public involvement in SIP related activities in accordance with 40 CFR 51.102, a public hearing on these rule changes and SIP revisions will be conducted on **Monday, April 29, 2019 at 2:30 PM** at Steubenville Library, Schiappa Branch, 4141 Mall Dr, Steubenville, OH 43952.

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 **April 29, 2019** will be considered by Ohio EPA prior to final action on this rule and SIP revisions. Written statements submitted after **April 29, 2019** 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: <http://epa.ohio.gov/dapc/DAPCrules.aspx>. Please see the information under the "proposed rules" tab. The draft air quality modeling and redesignation request and maintenance plan is available on Ohio EPA DAPC's Web page for electronic downloading at: <http://www.epa.ohio.gov/dapc/SIP/so2.aspx>. Questions regarding accessing the web site should be directed to Paul Braun at 614-644-3734; other questions or comments about these rules or SIP revisions should be directed to Holly Kaloz at Ohio EPA, (614) 644-3632, holly.kaloz@epa.ohio.gov, or mailed to Holly Kaloz, Ohio EPA, Division Air Pollution Control, Lazarus Government Center, P.O. Box 1049, Columbus, Ohio 43216-1049.

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

Mark Flanders, 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: 185458
File Date and Time: 03/25/2019 9:24 AM
Confirmation Number: fa893e428686e17f8469a540bdd7154

ORIGINAL FILE

Rule Number	Type	FYR	CSI	JE Date	Eff Date	Next FYR	Tagline
3745-18-03	Amendment	N	Y	05/29/2019			Compliance time schedules.
3745-18-04	Amendment	N	Y	05/29/2019			Measurement methods and procedures.
3745-18-47	Amendment	N	Y	05/29/2019			Jefferson county emission limits.

Article III
Attachment C
RSFAs

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 3745-18-03
Rule Type: Amendment
Rule Title/Tagline: Compliance time schedules.
Agency Name: Ohio Environmental Protection Agency
Division:
Address: 50 West Town Street, Suite 700 PO Box 1049 Columbus OH 43216-1049
Contact: Holly Kaloz
Email: holly.kaloz@epa.ohio.gov **Phone:** 614-644-2760

I. Rule Summary

1. **Is this a five year rule review?** No
 - A. **What is the rule's five year review date?** 11/29/2021
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 filed to incorporate a revised emission limit and associated provisions for the coal-fired boilers at the Cardinal Power Plant. This limit is necessary to satisfy U.S. EPA requirements for Ohio's attainment demonstration for the Steubenville, OH-WV nonattainment area and in order for the area to be eligible for redesignation to attainment and to ensure maintenance of the 2010 sulfur dioxide national ambient air quality standard (NAAQS).

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

This rule contains attainment dates, time schedules and requirements for compliance with the emission limits in the rules of this chapter. This rule is being amended to provide a compliance deadline for the revised emission limit for the Cardinal Power Plant, and to require the facility to submit a permit application to incorporate the new requirement into their permit.

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. 121.71 to 121.76, 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 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.

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

Not Applicable

II. Fiscal Analysis

11. **As a result of this proposed rule, please estimate the increase / decrease in revenues or expenditures affecting this agency, or the state generally, in the current biennium or future years. If the proposed rule is likely to have a different fiscal effect in future years, please describe the expected difference and operation.**

This will have no impact on revenues or expenditures.

0.00

Not applicable.

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

This rule contains attainment dates, time schedules and requirements for compliance with the emission limits in the rules of this chapter. These rules were originally promulgated in the late 1970's and have been around for 30+ years. The facilities named in the existing rules of this chapter have already installed controls and/or made

process changes to comply with these rules and would not have any new costs of compliance.

Cardinal Power Plant is the only facility specifically addressed in the proposed amendments. There should be no additional cost of compliance associated with the revisions to this rule. While the revised emission limit will restrict permitted emissions, Ohio EPA does not anticipate it will require any change to actual emissions, although it may impact the facility's operational flexibility.

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

III. Common Sense Initiative (CSI) Questions

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

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

This rule requires facilities to obtain a permit-to-operate or submit an application for a permit-to-operate as required under Chapter 3745-35-02. It should be noted that the compliance date for these requirements was prior to 1979/1984 and all facilities required to comply with this rule have either obtained their permit and are still operating, or have shut down and will be removed from this rule during the next 5-year review.

The proposed amendment to this rule would require the Cardinal Power Plant to submit an application for an operating permit within 30 days of the effective date of the rule. However, there is no fee associated with application for a Title V operating permit. Further, as the Title V permit for this facility is currently under revision, the revised emissions limit will likely be incorporated into this revision.

- 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

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.

The draft rules and BIA were sent out for a 15-day draft comment period ending February 20, 2019. The rules were released to Ohio EPA's electronic interested parties list, posted on Ohio EPA's regulations website and shared with interested industry parties.

(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.)

Clean Air Act, facility records on STARS2 Electronic Permitting System, comments submitted by interested parties and affected facilities, and emissions data from U.S. EPA's Clean Air Markets Division.

Additionally, the rules in this chapter are based upon multiple technical analyses that are required by U.S. EPA, including computer aided dispersion modeling to demonstrate the emission levels necessary to ensure the area attains and maintains the standard. These analyses have made available to the entities and the general public for input as part of the Ohio's redesignation request and maintenance plan, which was distributed for comment concurrently with the proposal of these rules.

- (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: 3745-18-04

Rule Type: Amendment

Rule Title/Tagline: Measurement methods and procedures.

Agency Name: Ohio Environmental Protection Agency

Division:

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

Contact: Holly Kaloz

Email: holly.kaloz@epa.ohio.gov

Phone: 614-644-2760

I. Rule Summary

1. **Is this a five year rule review?** No
 - A. **What is the rule's five year review date?** 11/29/2021
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 filed to incorporate a revised emission limit and associated provisions for the coal-fired boilers at the Cardinal Power Plant. This limit is necessary to satisfy U.S. EPA requirements for Ohio's attainment demonstration for the Steubenville, OH-WV nonattainment area and in order for the area to be eligible for redesignation to attainment and to ensure maintenance of the 2010 sulfur dioxide national ambient air quality standard (NAAQS).

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

This rule contains the requirements for demonstrating compliance with the emission limits in the chapter. The rule is being amended to provide the method of compliance determination for the revised emission limit for the Cardinal Power Plant.

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

This rule also contains references to the 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 rule OAC 3745-18-01(C).

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

Not Applicable

II. Fiscal Analysis

- 11. As a result of this proposed rule, please estimate the increase / decrease in revenues or expenditures affecting this agency, or the state generally, in the current biennium or future years. If the proposed rule is likely to have a different fiscal effect in future years, please describe the expected difference and operation.**

This will have no impact on revenues or expenditures.

0.00

Not applicable.

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

This rule contains the requirements for demonstrating compliance with the emission limits in the chapter. The rule requires facilities to demonstrate compliance by utilizing one of several different methods found in 40 CFR Part 60, appendix A. Facilities which are required to comply with this rule must perform testing according to the methods listed in this rule. A typical stack test under the methods listed in this rule would cost approximately \$15,000 to \$20,000 and would be performed once every 5 to 10 years to demonstrate compliance with the emission limits in this chapter when the facility renews their permit-to-operate (PTO) or permit-to-install and operate (PTIO).

Cardinal Power Plant is the only facility specifically addressed in the proposed amendments. There should be no additional cost of compliance associated with the revisions to this rule. While the revised emission limit will restrict permitted emissions, Ohio EPA does not anticipate it will require any change to actual emissions or costs for demonstrating compliance, although it may impact the facility's operational flexibility.

- 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**

III. Common Sense Initiative (CSI) Questions

- 15. Was this rule filed with the Common Sense Initiative Office? Yes**
- 16. 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 requires facilities to perform emissions testing to demonstrate compliance with the emission limits established in this chapter.

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.

The draft rules and BIA were sent out for a 15-day draft comment period ending February 20, 2019. The rules were released to Ohio EPA's electronic interested parties list, posted on Ohio EPA's regulations website and shared with interested industry parties.

(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.)

Clean Air Act, facility records on STARS2 Electronic Permitting System, comments submitted by interested parties and affected facilities, and emissions data from U.S. EPA's Clean Air Markets Division.

Additionally, the rules in this chapter are based upon multiple technical analyses that are required by U.S. EPA, including computer aided dispersion modeling to demonstrate the emissions levels necessary to ensure the area attains and maintains the standard. These analyses have made available to the entities and the general public for input as part of the Ohio's redesignation request and maintenance plan, which was distributed for comment concurrently with the proposal of these rules.

- (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: 3745-18-47

Rule Type: Amendment

Rule Title/Tagline: Jefferson county emission limits.

Agency Name: Ohio Environmental Protection Agency

Division:

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

Contact: Holly Kaloz

Email: holly.kaloz@epa.ohio.gov **Phone:** 614-644-2760

I. Rule Summary

1. **Is this a five year rule review?** No
 - A. **What is the rule's five year review date?** 11/29/2021
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)kB
6. **What are the reasons for proposing the rule?**

This rule is being filed to incorporate a revised emission limit and associated provisions for the coal-fired boilers at the Cardinal Power Plant. This limit is necessary to satisfy U.S. EPA requirements for Ohio's attainment demonstration for the Steubenville, OH-WV nonattainment area and in order for the area to be eligible for redesignation to attainment and to ensure maintenance of the 2010 sulfur dioxide national ambient air quality standard (NAAQS).

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

This rule contains emission limits for sulfur dioxide in Jefferson county. The rule is being amended to establish a revised emission limit for the Cardinal Power Plant.

8. **Does the rule incorporate material by reference?** No
9. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.71 to 121.76, please explain the basis for the exemption and how an individual can find the referenced material.**

Not Applicable

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

Not Applicable

II. Fiscal Analysis

11. **As a result of this proposed rule, please estimate the increase / decrease in revenues or expenditures affecting this agency, or the state generally, in the current biennium or future years. If the proposed rule is likely to have a different fiscal effect in future years, please describe the expected difference and operation.**

This will have no impact on revenues or expenditures.

0.00

Not applicable.

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

This rule contains emission limits for sulfur dioxide in Jefferson county. The requirements to comply with these limits are contained in OAC rule 3745-18-03. 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

III. Common Sense Initiative (CSI) Questions

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

16. 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**

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.

The draft rules and BIA were sent out for a 15-day draft comment period ending February 20, 2019. The rules were released to Ohio EPA's electronic interested parties list, posted on Ohio EPA's regulations website and shared with interested industry parties.

(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.)

Clean Air Act, facility records on STARS2 Electronic Permitting System, comments submitted by interested parties and affected facilities, and emissions data from U.S. EPA's Clean Air Markets Division.

Additionally, the rules in this chapter are based upon multiple technical analyses that are required by U.S. EPA, including computer aided dispersion modeling to demonstrate the emissions levels necessary to ensure the area attains and maintains the standard. These analyses have made available to the entities and the general public for input as part of the Ohio's redesignation request and maintenance plan, which was distributed for comment concurrently with the proposal of these rules.

- (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 - 5/13/2019 - 1:30 P.M.
Statehouse Hearing Room 121(William McKinley Room)



TENTATIVE AGENDA

TENTATIVE AGENDA

Consent

1 Bureau of Workers' Compensation •

Total Rules: 16 Original Filing Date: 4/8/2019

Jurisdiction Ends: 6/12/2019 Public Hearing: 5/14/2019

<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	4123-3-01	Office locations; scope of rules.
Amendment	Original Filing	Yes	Yes	4123-3-03	Employers' reports of injuries and occupational diseases.
Amendment	Original Filing	Yes	Yes	4123-3-07	Applications for death benefits.
Amendment	Original Filing	Yes	Yes	4123-3-08	Preparation and filing of applications for compensation and/or benefits.
Amendment	Original Filing	Yes	Yes	4123-3-09	Procedures in the processing of applications for benefits.
Amendment	Original Filing	Yes	Yes	4123-3-10	Awards.
Amendment	Original Filing	Yes	Yes	4123-3-15	Claim procedures subsequent to allowance.
Amendment	Original Filing	Yes	Yes	4123-3-16	Motions.
Amendment	Original Filing	Yes	Yes	4123-3-18	Appellate procedure.
Amendment	Original Filing	Yes	Yes	4123-3-20	Additional awards by reason of violations of specific safety requirements.
Amendment	Original Filing	Yes	Yes	4123-3-22	Inspection of claim files.
Amendment	Original Filing	Yes	Yes	4123-3-31	Disabled workers' relief fund: claimant's payments.
Amendment	Original Filing	Yes	Yes	4123-3-34	Settlement of state fund claims.
Amendment	Original Filing	Yes	Yes	4123-3-36	Immediate allowance and payment of medical bills in claims.
Amendment	Original Filing	Yes	Yes	4123-3-37	Lump sum advancements.
Amendment	Original Filing	Yes	Yes	4123-3-38	Surplus fund charge of qualified motor vehicle accident claims.

2 Bureau of Workers' Compensation •

Total Rules: 3 Original Filing Date: 3/15/2019

Date of Revised Filing: 3/18/2019

Jurisdiction Ends: 5/19/2019

Public Hearing: 4/23/2019

<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	4123-6-16.2	Medical treatment reimbursement requests.
Amendment	Revised Filing	Yes	No	4123-6-32	Payment for lumbar fusion surgery.

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

<p>3 Bureau of Workers' Compensation •</p> <p>Total Rules: 1 Original Filing Date: 3/15/2019</p> <p><u>Rule Type</u> <u>Action</u> <u>CSI</u> <u>FYR</u> <u>Rule Number</u> <u>Rule Title</u></p> <p>Amendment Original Filing Yes No 4123-6-33 Payment for health and behavior assessment and intervention services.</p>	<p>Jurisdiction Ends: 5/19/2019 Public Hearing: 4/23/2019</p>
<p>4 Bureau of Workers' Compensation •</p> <p>Total Rules: 1 Original Filing Date: 4/8/2019</p> <p><u>Rule Type</u> <u>Action</u> <u>CSI</u> <u>FYR</u> <u>Rule Number</u> <u>Rule Title</u></p> <p>Amendment Original Filing Yes No 4123-6-21.3 Outpatient medication formulary.</p>	<p>Jurisdiction Ends: 6/12/2019 Public Hearing: 5/14/2019</p>
<p>5 Department of Administrative Services • Division of Purchasing</p> <p>Total Rules: 5 Original Filing Date: 3/18/2019</p> <p><u>Rule Type</u> <u>Action</u> <u>CSI</u> <u>FYR</u> <u>Rule Number</u> <u>Rule Title</u></p> <p>Amendment Original Filing Yes No 4123-6-01.2 Provisional treatment reimbursement approval -- pilot program.</p>	<p>Jurisdiction Ends: 5/22/2019 Public Hearing: 4/22/2019</p>
<p>6 Department of Aging •</p> <p>Total Rules: 3 Original Filing Date: 3/18/2019 Date of Revised Filing: 3/18/2019</p> <p><u>Rule Type</u> <u>Action</u> <u>CSI</u> <u>FYR</u> <u>Rule Number</u> <u>Rule Title</u></p> <p>Amendment Original Filing No Yes 123:5-1-01 Definitions.</p> <p>Amendment Original Filing No Yes 123:5-1-07 The invitation to bid process.</p> <p>Amendment Original Filing No Yes 123:5-1-08 The request for proposal process.</p> <p>Amendment Original Filing No Yes 123:5-1-10 Specification authority.</p> <p>Amendment Original Filing No Yes 123:5-1-12 The reverse auction process.</p>	<p>Jurisdiction Ends: 5/22/2019 Public Hearing: 4/26/2019</p>
<p>7 Department of Commerce • Ohio Cemetery Dispute Resolution Committee</p> <p>Total Rules: 4 Original Filing Date: 3/18/2019 Date of Revised Filing: 4/12/2019</p> <p><u>Rule Type</u> <u>Action</u> <u>CSI</u> <u>FYR</u> <u>Rule Number</u> <u>Rule Title</u></p> <p>Rescission Revised Filing Yes Yes 173-39-01 ODA provider certification: introduction and definitions.</p> <p>New Rule Revised Filing Yes No 173-39-01 ODA provider certification: introduction and definitions.</p> <p>Rescission Revised Filing Yes Yes 173-39-02 ODA provider certification: requirements for every provider.</p> <p>Total Rules: 1 Original Filing Date: 3/18/2019 Date of Revised Filing: 4/12/2019</p> <p><u>Rule Type</u> <u>Action</u> <u>CSI</u> <u>FYR</u> <u>Rule Number</u> <u>Rule Title</u></p> <p>New Rule Revised Filing Yes No 173-39-02 ODA provider certification: requirements for providers to become, and to remain, certified.</p>	<p>Jurisdiction Ends: 5/22/2019 Public Hearing: 4/26/2019</p>
<p>Total Rules: 4 Original Filing Date: 3/20/2019 Date of Revised Filing: 3/20/2019</p> <p><u>Rule Type</u> <u>Action</u> <u>CSI</u> <u>FYR</u> <u>Rule Number</u> <u>Rule Title</u></p>	<p>Jurisdiction Ends: 5/24/2019 Public Hearing: 4/24/2019</p>

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
5/13/2019 - 1:30 P.M.
Statehouse Hearing Room 121(William McKinley Room)

TENTATIVE AGENDA

TENTATIVE AGENDA

Amendment	Revised Filing	Yes	No	1301:13-1-03	Definitions.	
Amendment	Revised Filing	Yes	No	1301:13-3-01	Complaint procedure.	
Amendment	Revised Filing	Yes	No	1301:13-5-01	Sale or transfer of cemetery assets.	
Amendment	Revised Filing	Yes	No	1301:13-5-03	Compliance.	
Total Rules: 6		Original Filing Date: 3/20/2019		Date of Revised Filing: 3/26/2019	Jurisdiction Ends: 5/24/2019	Public Hearing: 4/24/2019

<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	Yes	No	1301:13-7-01	Criteria for eligibility.
New Rule	Revised Filing	Yes	No	1301:13-7-02	General provisions.
New Rule	Revised Filing	Yes	No	1301:13-7-03	Grant applications.
New Rule	Revised Filing	Yes	No	1301:13-7-04	Grant restrictions and requirements.
New Rule	Revised Filing	Yes	No	1301:13-7-05	Cemetery grant advisory committee.
New Rule	Revised Filing	Yes	No	1301:13-7-06	Distribution of grant funds.

8 Department of Developmental Disabilities • Community Services

Total Rules: 3		Original Filing Date: 3/22/2019		Jurisdiction Ends: 5/26/2019		Public Hearing: 4/26/2019
<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	5123:2-2-02	Background investigations for employment.	
Rescission	Original Filing	No	Yes	5123:2-2-03	Quality assurance.	
Rescission	Original Filing	Yes	Yes	5123:2-2-04	Compliance reviews of certified providers.	

9 Department of Developmental Disabilities •

Total Rules: 2		Original Filing Date: 3/22/2019		Jurisdiction Ends: 5/26/2019		Public Hearing: 4/26/2019
<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	5123-2-03	Quality assurance.	
New Rule	Original Filing	Yes	No	5123-2-04	Compliance reviews of certified providers.	
Total Rules: 2		Original Filing Date: 3/22/2019		Date of Refiled Filing: 5/10/2019	Jurisdiction Ends: 6/9/2019	Public Hearing: 4/26/2019
<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	5123-2-02	Background investigations for employment.	
New Rule	Refiled Filing	Yes	No	5123-2-02	Background investigations for employment.	

10 Department of Health •

Total Rules: 14		Original Filing Date: 4/8/2019		Jurisdiction Ends: 6/12/2019		Public Hearing: 5/16/2019
<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	3701-40-01	Definitions.	

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
5/13/2019 - 1:30 P.M.
Statehouse Hearing Room 121(William McKinley Room)

TENTATIVE AGENDA

TENTATIVE AGENDA

Rescission	Original Filing	Yes	Yes	3701-40-02	Hearing screening requirements for hospitals and freestanding birthing centers.
New Rule	Original Filing	Yes	No	3701-40-02	Hearing screening and equipment requirements for freestanding birthing centers.
Rescission	Original Filing	Yes	Yes	3701-40-03	Requirements for boards of health.
New Rule	Original Filing	Yes	No	3701-40-03	Requirements for boards of health.
Amendment	Original Filing	Yes	Yes	3701-40-04	Objections to hearing screening.
Rescission	Original Filing	Yes	Yes	3701-40-05	Qualifications of personnel conducting hearing screenings.
New Rule	Original Filing	Yes	No	3701-40-05	Qualifications of personnel conducting hearing screenings.
Rescission	Original Filing	Yes	Yes	3701-40-06	Hearing screening and equipment requirements.
New Rule	Original Filing	Yes	No	3701-40-06	Hearing screening and equipment requirements for hospitals.
Rescission	Original Filing	Yes	Yes	3701-40-08	Hearing evaluations.
New Rule	Original Filing	Yes	No	3701-40-08	Diagnostic hearing evaluations.
Amendment	Original Filing	Yes	Yes	3701-40-09	Hearing screening tracking and follow-up.
Amendment	Original Filing	Yes	Yes	3701-40-10	Ohio department of health training and materials.

Total Rules: 1 Original Filing Date: 4/8/2019 Date of Revised Filing: 4/16/2019 Jurisdiction Ends: 6/12/2019 Public Hearing: 5/16/2019

<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	Yes	No	3701-40-01	Definitions.

11 Department of Health •

Total Rules: 24 Original Filing Date: 3/11/2019 Jurisdiction Ends: 5/15/2019 Public Hearing: 4/11/2019

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	Yes	Yes	3701-7-04	Prohibitions.
Amendment	Original Filing	Yes	Yes	3701-7-05	Inspections; compliance.
Amendment	Original Filing	Yes	Yes	3701-7-06	General facilities and equipment requirements.
Rescission	Original Filing	Yes	Yes	3701-7-07	General service standards.
Rescission	Original Filing	Yes	Yes	3701-7-08	Maternity unit patient care standards.
Rescission	Original Filing	Yes	Yes	3701-7-09	Level I service standards.
New Rule	Original Filing	Yes	No	3701-7-09	Level III service standards.
Rescission	Original Filing	Yes	Yes	3701-7-10	Level II service standards.
New Rule	Original Filing	Yes	No	3701-7-10	Level IV service standards.
Rescission	Original Filing	Yes	Yes	3701-7-11	Level III service standards.
New Rule	Original Filing	Yes	No	3701-7-11	Freestanding children's hospitals with level III or level IV neonatal care services.
New Rule	Original Filing	Yes	No	3701-7-11.1	Freestanding children's hospitals with level III or level IV neonatal care services that provide special delivery services.

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

5/13/2019 - 1:30 P.M.

Statehouse Hearing Room 121(William McKinley Room)

TENTATIVE AGENDA

TENTATIVE AGENDA

New Rule	Original Filing	Yes	No	3701-7-11.2	Freestanding children's hospitals with a level IV neonatal care services and a level III obstetrical service.
Rescission	Original Filing	Yes	Yes	3701-7-12	Freestanding children's hospitals with level III neonatal care services and freestanding children's hospitals that provide special delivery services.
New Rule	Original Filing	Yes	No	3701-7-12	Maternity home safety standards.
Rescission	Original Filing	Yes	Yes	3701-7-13	Maternity home safety standards.
New Rule	Original Filing	Yes	No	3701-7-13	Newborn nutrition.
Rescission	Original Filing	Yes	Yes	3701-7-14	Maternal and newborn nutrition.
New Rule	Original Filing	Yes	No	3701-7-14	Complaints; quality assurance; reports.
Rescission	Original Filing	Yes	Yes	3701-7-15	Complaints; quality assurance; reports.
New Rule	Original Filing	Yes	No	3701-7-15	Record keeping requirements.
Rescission	Original Filing	Yes	Yes	3701-7-16	Licensure recordkeeping requirements.
New Rule	Original Filing	Yes	No	3701-7-16	Waivers and variances.
Rescission	Original Filing	Yes	Yes	3701-7-17	Waivers and variances.

Total Rules: 1 Original Filing Date: 3/11/2019 Date of Revised Filing: 3/21/2019 Jurisdiction Ends: 5/15/2019 Public Hearing: 4/11/2019

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Revised Filing	Yes	Yes	3701-7-03	License application; issuance; renewal.

Total Rules: 3 Original Filing Date: 3/11/2019 Date of Revised Filing: 4/1/2019 Jurisdiction Ends: 5/15/2019 Public Hearing: 4/11/2019

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Revised Filing	Yes	Yes	3701-7-01	Definitions.
New Rule	Revised Filing	Yes	No	3701-7-07	Level I service standards.
New Rule	Revised Filing	Yes	No	3701-7-08	Level II service standards.

12 Department of Health •

Total Rules: 1 Original Filing Date: 4/8/2019 Date of Revised Filing: 4/16/2019 Jurisdiction Ends: 6/12/2019 Public Hearing: 5/16/2019

<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	3701-42-08	Abuse of the WIC program; sanctions.

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

Total Rules: 3 Original Filing Date: 4/1/2019 Jurisdiction Ends: 6/5/2019 Public Hearing: 5/6/2019

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	No	No	5101:2-25-01	Uniform definitions of Title XX services and other definitions of terms used in Chapter 5101:2-25 of the Administrative Code.
Amendment	Original Filing	No	No	5101:2-25-02	Title XX administration.

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

Amendment Original Filing No No [5101:2-25-03](#) Title XX county profile.

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

Total Rules: 1 Original Filing Date: 4/4/2019 Jurisdiction Ends: 6/8/2019 Public Hearing: 5/6/2019

Rule Type	Action	CSI	FYR	Rule Number	Rule Title
Rescission	Original Filing	No	Yes	5101:2-40-06	Kinship child care program.

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

Total Rules: 2 Original Filing Date: 1/31/2019 Date of Refiled Filing: 4/17/2019 Jurisdiction Ends: 5/17/2019 Public Hearing: 3/6/2019

Rule Type	Action	CSI	FYR	Rule Number	Rule Title
Amendment	Refiled Filing	Yes	Yes	1501:14-2-03	Criteria, standards and procedures governing annual safety performance evaluations of surface mining operations that are inspected by MSHA.
Amendment	Refiled Filing	Yes	Yes	1501:14-2-05	Mine safety inspections of surface mining operations that are inspected by MSHA.

16 Department of Natural Resources • Division of Wildlife

Total Rules: 1 Original Filing Date: 2/15/2019 Date of Refiled Filing: 4/24/2019 Jurisdiction Ends: 5/24/2019 Public Hearing: 3/21/2019

Rule Type	Action	CSI	FYR	Rule Number	Rule Title
Amendment	Refiled Filing	No	Yes	1501:31-15-11	Deer regulations.

17 Department of Taxation •

Total Rules: 2 Original Filing Date: 9/29/2016 Date of Refiled Filing: 4/26/2019 Jurisdiction Ends: 5/26/2019 Public Hearing:

Rule Type	Action	CSI	FYR	Rule Number	Rule Title
Rescission	Refiled Filing	Yes	Yes	5703-9-23	Personalty used or consumed in farming, agriculture, horticulture or floriculture.
New Rule	Refiled Filing	Yes	No	5703-9-23	Exemption for tangible personal property used or consumed in farming, agriculture, horticulture or floriculture.

18 Department of Taxation •

Total Rules: 6 Original Filing Date: 4/3/2019 Jurisdiction Ends: 6/7/2019 Public Hearing:

Rule Type	Action	CSI	FYR	Rule Number	Rule Title
Rescission	Original Filing	Yes	Yes	5703-29-14	Commercial activity tax definition of "cash discounts".
New Rule	Original Filing	Yes	No	5703-29-14	Commercial activity tax definition of "cash discounts".
Amendment	Original Filing	Yes	Yes	5703-29-15	Highway transportation services - bright-line presence and situsing.
Amendment	Original Filing	Yes	Yes	5703-29-16	Qualified distribution center.
Amendment	Original Filing	Yes	Yes	5703-29-17	Situsing of certain services for purposes of the commercial activity tax.
Amendment	Original Filing	Yes	Yes	5703-29-18	Records retention requirements.

19 Department of Youth Services •

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
5/13/2019 - 1:30 P.M.
Statehouse Hearing Room 121(William McKinley Room)

TENTATIVE AGENDA

TENTATIVE AGENDA

Total Rules: 1 Original Filing Date: 3/13/2019

Jurisdiction Ends: 5/17/2019 Public Hearing: 4/16/2019

<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	5139-68-02	Disposition investigation report and transfer of physical custody.

20 Ohio Athletic Commission •

Total Rules: 9 Original Filing Date: 3/21/2019

Jurisdiction Ends: 5/25/2019 Public Hearing: 4/10/2019

<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	3773-1-13	Protest of results.
Amendment	Original Filing	Yes	Yes	3773-2-01	Weigh-in and weights and classes.
Amendment	Original Filing	Yes	Yes	3773-2-02	Ohio will adopt the "Association of Boxing Commission" uniform championship rules. male boxers.
Amendment	Original Filing	Yes	Yes	3773-3-03	Conditions for applying for and issuing a permit.
Amendment	Original Filing	Yes	Yes	3773-3-05	Medical and life insurance.
Amendment	Original Filing	Yes	Yes	3773-4-03	Additional physical examination requirements.
Amendment	Original Filing	Yes	Yes	3773-5-04	Authority and apparel of the referee.
Amendment	Original Filing	Yes	Yes	3773-7-03	Weigh in procedures.
Amendment	Original Filing	Yes	Yes	3773-7-05	Fouls - intentional, unintentional, procedures and types of fouls.

21 Ohio Environmental Protection Agency •

Total Rules: 3 Original Filing Date: 3/25/2019

Jurisdiction Ends: 5/29/2019 Public Hearing: 4/29/2019

<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	3745-18-03	Compliance time schedules.
Amendment	Original Filing	Yes	No	3745-18-04	Measurement methods and procedures.
Amendment	Original Filing	Yes	No	3745-18-47	Jefferson county emission limits.

22 Ohio Turnpike and Infrastructure Commission •

Total Rules: 2 Original Filing Date: 4/2/2019

Jurisdiction Ends: 6/6/2019 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	5537-4-04	Exit of vehicle at point of entry.
Amendment	Original Filing	No	Yes	5537-4-05	Tolls for public police officers, emergency vehicles and military vehicles.

23 Public Utilities Commission of Ohio • Motor Carriers

Total Rules: 9 Original Filing Date: 3/25/2019

Jurisdiction Ends: 5/29/2019 Public Hearing:

<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	4901:2-6-01	Definitions.

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
5/13/2019 - 1:30 P.M.
Statehouse Hearing Room 121(William McKinley Room)

TENTATIVE AGENDA

TENTATIVE AGENDA

Rescission	Original Filing	Yes	Yes	4901:2-6-02	Purpose and scope.
Rescission	Original Filing	Yes	Yes	4901:2-6-03	Determination of base state.
Rescission	Original Filing	Yes	Yes	4901:2-6-04	Supplementation of information.
Rescission	Original Filing	Yes	Yes	4901:2-6-05	Fees.
Rescission	Original Filing	Yes	Yes	4901:2-6-06	Term of uniform program registration and uniform program permit.
Rescission	Original Filing	Yes	Yes	4901:2-6-07	Standards for the suspension or revocation of a uniform program permit.
Rescission	Original Filing	Yes	Yes	4901:2-6-08	Proceedings related to the suspension or revocation of a uniform program permit.
Rescission	Original Filing	Yes	Yes	4901:2-6-09	Notices of deficiency and alternative dispute resolution.

Total Rules: 9 Original Filing Date: 3/25/2019 Date of Refiled Filing: 5/7/2019 Jurisdiction Ends: 6/6/2019 Public Hearing:

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Rescission	Refiled Filing	Yes	Yes	4901:2-6-01	Definitions.
Rescission	Refiled Filing	Yes	Yes	4901:2-6-02	Purpose and scope.
Rescission	Refiled Filing	Yes	Yes	4901:2-6-03	Determination of base state.
Rescission	Refiled Filing	Yes	Yes	4901:2-6-04	Supplementation of information.
Rescission	Refiled Filing	Yes	Yes	4901:2-6-05	Fees.
Rescission	Refiled Filing	Yes	Yes	4901:2-6-06	Term of uniform program registration and uniform program permit.
Rescission	Refiled Filing	Yes	Yes	4901:2-6-07	Standards for the suspension or revocation of a uniform program permit.
Rescission	Refiled Filing	Yes	Yes	4901:2-6-08	Proceedings related to the suspension or revocation of a uniform program permit.
Rescission	Refiled Filing	Yes	Yes	4901:2-6-09	Notices of deficiency and alternative dispute resolution.

24 Public Utilities Commission of Ohio • Motor Carriers

Total Rules: 3 Original Filing Date: 3/25/2019 Jurisdiction Ends: 5/29/2019 Public Hearing:

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	Yes	Yes	4901:2-8-01	Definitions.
Amendment	Original Filing	Yes	Yes	4901:2-8-02	Purpose and scope.
Amendment	Original Filing	Yes	Yes	4901:2-8-03	Establishment of routing designations.

25 Public Utilities Commission of Ohio • Motor Carriers

Total Rules: 5 Original Filing Date: 3/25/2019 Jurisdiction Ends: 5/29/2019 Public Hearing:

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	Yes	Yes	4901:2-21-01	Definitions.
Amendment	Original Filing	Yes	Yes	4901:2-21-03	Registration of for-hire motor carriers.
Amendment	Original Filing	Yes	Yes	4901:2-21-05	Certificate of public convenience and necessity.

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

TENTATIVE AGENDA

JOINT COMMITTEE ON AGENCY RULE REVIEW
 5/13/2019 - 1:30 P.M.
 Statehouse Hearing Room 121(William McKinley Room)

TENTATIVE AGENDA

Amendment	Original Filing	Yes	Yes	4901:2-21-06	Annual update of a certificate of public convenience and necessity.
Amendment	Original Filing	Yes	Yes	4901:2-21-07	Suspension and revocation of a certificate of public convenience and necessity.
Total Rules: 2	Original Filing Date: 3/25/2019			Date of Refiled Filing: 5/7/2019	Jurisdiction Ends: 6/6/2019 Public Hearing:
<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	4901:2-21-03	Registration of for-hire motor carriers.
Amendment	Refiled Filing	Yes	Yes	4901:2-21-06	Annual update of a certificate of public convenience and necessity.

26 Public Utilities Commission of Ohio • Railroads

Total Rules: 1	Original Filing Date: 3/25/2019				Jurisdiction Ends: 5/29/2019 Public Hearing:
<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	Yes	Yes	4901:3-1-02	Lateral clearance for permanent structures.
Total Rules: 1	Original Filing Date: 3/25/2019			Date of Refiled Filing: 5/7/2019	Jurisdiction Ends: 6/6/2019 Public Hearing:
<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	4901:3-1-02	Lateral clearance for permanent structures.

27 Public Utilities Commission of Ohio • Railroads

Total Rules: 2	Original Filing Date: 3/27/2019				Jurisdiction Ends: 5/31/2019 Public Hearing:
<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	Yes	Yes	4901:3-1-01	Minimum track clearances for new railroad track construction or reconstruction of yard tracks of railroads operating within the state of Ohio.
Amendment	Original Filing	Yes	Yes	4901:3-1-03	Inspection, maintenance and safety of railroad bridges.

28 Public Utilities Commission of Ohio • Utilities

Total Rules: 2	Original Filing Date: 3/21/2019				Jurisdiction Ends: 5/25/2019 Public Hearing:
<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	Yes	Yes	4901:1-14-03	Applicability.
Amendment	Original Filing	Yes	Yes	4901:1-14-08	Hearings.

29 Public Utilities Commission of Ohio • Utilities

Total Rules: 14	Original Filing Date: 3/21/2019				Jurisdiction Ends: 5/25/2019 Public Hearing:
<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	Yes	Yes	4901:1-19-01	Definitions.
Amendment	Original Filing	Yes	Yes	4901:1-19-02	Purpose and scope.
Amendment	Original Filing	Yes	Yes	4901:1-19-03	Filing requirements for exemption applications filed pursuant to section 4929.04 of the Revised Code.

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
5/13/2019 - 1:30 P.M.
Statehouse Hearing Room 121(William McKinley Room)

TENTATIVE AGENDA

TENTATIVE AGENDA

Amendment	Original Filing	Yes	Yes	4901:1-19-05	Filing requirements and procedures for applications to exit the merchant function.
Amendment	Original Filing	Yes	Yes	4901:1-19-06	Filing requirements for alternative rate plan applications filed pursuant to section 4929.05 of the Revised Code.
Amendment	Original Filing	Yes	Yes	4901:1-19-07	Procedures for alternative rate plan applications.
Amendment	Original Filing	Yes	Yes	4901:1-19-08	Notice of intent to implement the exemption, exit-the-merchant function plan, or alternative rate plan (or withdraw the application).
Amendment	Original Filing	Yes	Yes	4901:1-19-09	Implementation of an exit-the-merchant-function plan.
Amendment	Original Filing	Yes	Yes	4901:1-19-10	Consumer protection for exemption and exit-the-merchant-function plans.
Amendment	Original Filing	Yes	Yes	4901:1-19-11	Abrogation or modification of an order granting an exemption, exit-the-merchant-function plan, or alternative regulation plan.
Amendment	Original Filing	Yes	Yes	4901:1-19-12	Progress reports for alternative rate plans.
Amendment	Original Filing	Yes	Yes	4901:1-19-13	Initiation or continuation of an alternative rate plan.
Amendment	Original Filing	Yes	Yes	4901:1-19-14	Compliance provision.
Amendment	Original Filing	Yes	Yes	4901:1-19-15	Assessment of costs and enforcement.

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

Total Rules: 4 Original Filing Date: 3/27/2019 Jurisdiction Ends: 5/31/2019 Public Hearing: 4/29/2019

<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	4729:9-3-01	Definition of ephedrine.
New Rule	Original Filing	Yes	No	4729:9-3-02	Licensure.
New Rule	Original Filing	Yes	No	4729:9-3-03	Security, storage, and sale.
New Rule	Original Filing	Yes	No	4729:9-3-05	Records.

Total Rules: 5 Original Filing Date: 3/27/2019 Date of Revised Filing: 4/29/2019 Jurisdiction Ends: 5/31/2019 Public Hearing: 4/29/2019

<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	Yes	No	4729:9-2-01	Standard Pharmaceutical Reference Manual.
New Rule	Revised Filing	Yes	No	4729:9-3-04	Inventory.
New Rule	Revised Filing	Yes	No	4729:9-3-06	Petitions for exception of ephedrine-containing products.
New Rule	Revised Filing	Yes	No	4729:9-3-07	Exceptions.
New Rule	Revised Filing	Yes	No	4729:9-3-08	Criteria to be considered in denying a petition for exception or removing a drug product exception.

31 State Board of Pharmacy • Drug Compounding

Total Rules: 1 Original Filing Date: 2/11/2019 Date of Refiled Filing: 5/8/2019 Jurisdiction Ends: 6/7/2019 Public Hearing: 5/20/2019

<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.

New Rule Refiled Filing Yes No [4729:7-3-01](#) Definitions - Prescriber Compounding.

32 State Board of Pharmacy • Pharmacists

Total Rules: 1 Original Filing Date: 3/27/2019 Jurisdiction Ends: 5/31/2019 Public Hearing: 4/29/2019

<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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New Rule	Original Filing	Yes	No	4729:1-3-01	Pharmacist administration of diagnostic tests.
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Total Rules: 4 Original Filing Date: 3/27/2019 Date of Revised Filing: 4/29/2019 Jurisdiction Ends: 5/31/2019 Public Hearing: 4/29/2019

<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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New Rule	Revised Filing	Yes	No	4729:1-3-02	Immunization administration.
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New Rule	Revised Filing	Yes	No	4729:1-3-03	Administration of dangerous drugs by injection.
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New Rule	Revised Filing	Yes	No	4729:1-3-04	Dispensing of naloxone by pharmacists.
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Amendment	Revised Filing	Yes	No	4729:1-5-02	Continuing education requirements for pharmacists.
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Total Rules: 2 Original Filing Date: 3/27/2019 Date of Refiled Filing: 5/8/2019 Jurisdiction Ends: 6/7/2019 Public Hearing: 4/29/2019

<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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New Rule	Refiled Filing	Yes	No	4729:1-3-02	Immunization administration.
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New Rule	Refiled Filing	Yes	No	4729:1-3-03	Administration of dangerous drugs by injection.
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33 State Board of Pharmacy • Pharmacy Interns

Total Rules: 1 Original Filing Date: 3/27/2019 Jurisdiction Ends: 5/31/2019 Public Hearing: 4/29/2019

<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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New Rule	Original Filing	Yes	No	4729:2-3-05	Pharmacy intern administration of diagnostic tests.
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Total Rules: 2 Original Filing Date: 3/27/2019 Date of Revised Filing: 4/29/2019 Jurisdiction Ends: 5/31/2019 Public Hearing: 4/29/2019

<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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New Rule	Revised Filing	Yes	No	4729:2-3-03	Immunization administration by pharmacy interns.
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New Rule	Revised Filing	Yes	No	4729:2-3-04	Dispensing of naloxone by pharmacy interns.
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Total Rules: 1 Original Filing Date: 3/27/2019 Date of Refiled Filing: 5/8/2019 Jurisdiction Ends: 6/7/2019 Public Hearing: 4/29/2019

<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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New Rule	Refiled Filing	Yes	No	4729:2-3-03	Immunization administration by pharmacy interns.
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34 State Board of Pharmacy • Pharmacy Technicians

Total Rules: 1 Original Filing Date: 3/27/2019 Jurisdiction Ends: 5/31/2019 Public Hearing: 4/29/2019

<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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New Rule	Original Filing	Yes	No	4729:3-3-05	Certified pharmacy technician administration of diagnostic tests.
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35 State Board of Pharmacy •

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
5/13/2019 - 1:30 P.M.
Statehouse Hearing Room 121(William McKinley Room)

TENTATIVE AGENDA

TENTATIVE AGENDA

Total Rules: 10 Original Filing Date: 3/27/2019

Jurisdiction Ends: 5/31/2019 Public Hearing: 4/29/2019

<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	4729-9-03	Minimum standards for a first-aid department.
Rescission	Original Filing	Yes	Yes	4729-11-07	Standard pharmaceutical references.
Rescission	Original Filing	Yes	Yes	4729-12-01	Definition of ephedrine.
Rescission	Original Filing	Yes	Yes	4729-12-02	Registration and licensure.
Rescission	Original Filing	Yes	Yes	4729-12-03	Security, storage, and sale.
Rescission	Original Filing	Yes	Yes	4729-12-04	Inventory.
Rescission	Original Filing	Yes	Yes	4729-12-05	Records.
Rescission	Original Filing	Yes	Yes	4729-12-08	Petitions for exception of ephedrine-containing products.
Rescission	Original Filing	Yes	Yes	4729-12-09	Exceptions.
Rescission	Original Filing	Yes	Yes	4729-12-10	Criteria to be considered in denying a petition for exemption or removing a drug product exemption.

36 State Board of Pharmacy •

Total Rules: 15 Original Filing Date: 3/27/2019

Jurisdiction Ends: 5/31/2019 Public Hearing: 4/29/2019

<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	4729-21-01	Registration/licensure.
Rescission	Original Filing	Yes	Yes	4729-21-02	Compressed medical gas fillers.
Rescission	Original Filing	Yes	Yes	4729-21-03	Records.
Rescission	Original Filing	Yes	Yes	4729-21-04	Requirements for a cryogenic medical gases safety program.
Rescission	Original Filing	Yes	Yes	4729-21-05	Modifying cryogenic vessels, connections, adaptors, and valves.
Rescission	Original Filing	Yes	Yes	4729-21-06	Sales of medical oxygen to S.C.U.B.A. divers.
Rescission	Original Filing	Yes	Yes	4729-22-01	Licensure.
Rescission	Original Filing	Yes	Yes	4729-22-02	Security, storage, and sale.
Rescission	Original Filing	Yes	Yes	4729-22-03	Records.
Rescission	Original Filing	Yes	Yes	4729-22-04	Prescriber's order.
Rescission	Original Filing	Yes	Yes	4729-25-01	Licensure.
Rescission	Original Filing	Yes	Yes	4729-25-02	Security, storage, and use.
Rescission	Original Filing	Yes	Yes	4729-25-03	Records.
Rescission	Original Filing	Yes	Yes	4729-25-04	Report of theft or loss.
Rescission	Original Filing	Yes	Yes	4729-27-01	Peritoneal dialysis solutions.

37 State Board of Pharmacy •

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JOINT COMMITTEE ON AGENCY RULE REVIEW
5/13/2019 - 1:30 P.M.
Statehouse Hearing Room 121(William McKinley Room)

TENTATIVE AGENDA

TENTATIVE AGENDA

Total Rules: 5 Original Filing Date: 3/27/2019

Jurisdiction Ends: 5/31/2019 Public Hearing: 4/29/2019

<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	4729-14-01	Definitions.
Rescission	Original Filing	Yes	Yes	4729-14-02	Procedure for licensure as an animal shelter.
Rescission	Original Filing	Yes	Yes	4729-14-03	Qualifications for licensure as an animal shelter.
Rescission	Original Filing	Yes	Yes	4729-14-04	Records of dangerous drugs.
Rescission	Original Filing	Yes	Yes	4729-14-05	Security controls for animal shelters.

38 State Board of Pharmacy •

Total Rules: 6 Original Filing Date: 3/27/2019

Jurisdiction Ends: 5/31/2019 Public Hearing: 4/29/2019

<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	4729-5-25	Pharmacist, pharmacy intern and technician administered testing.
Rescission	Original Filing	Yes	Yes	4729-5-36	Course requirements in the administration of immunizations.
Rescission	Original Filing	Yes	Yes	4729-5-37	Protocols for the administration of immunizations.
Rescission	Original Filing	Yes	Yes	4729-5-38	Immunization and vaccine administration.
Rescission	Original Filing	Yes	Yes	4729-5-39	Dispensing of naloxone.
Rescission	Original Filing	Yes	Yes	4729-5-40	Pharmacist administration of dangerous drugs by injection.

39 State Board of Pharmacy •

Total Rules: 1 Original Filing Date: 3/29/2019

Jurisdiction Ends: 6/2/2019 Public Hearing: 4/29/2019

<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	4729-7-01	Severability.

40 State Board of Pharmacy • Terminal Distributors of Dangerous Drugs

Total Rules: 2 Original Filing Date: 3/19/2018 Date of Refiled Filing: 5/8/2019

Jurisdiction Ends: 6/7/2019 Public Hearing: 5/20/2019

<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	4729:5-5-04	Record keeping.
New Rule	Refiled Filing	Yes	No	4729:5-5-10	Manner of processing a prescription.

41 State Board of Pharmacy • Terminal Distributors of Dangerous Drugs

Total Rules: 2 Original Filing Date: 2/8/2019 Date of Refiled Filing: 5/8/2019

Jurisdiction Ends: 6/7/2019 Public Hearing: 5/20/2019

<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	4729:5-11-03	Security, control and storage of dangerous drugs.
New Rule	Refiled Filing	Yes	No	4729:5-11-04	Record Keeping.

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

42 State Board of Pharmacy • Terminal Distributors of Dangerous Drugs

Total Rules: 1	Original Filing Date: 2/8/2019	Date of Refiled Filing: 3/27/2019	Jurisdiction Ends: 4/26/2019	Public Hearing: 5/20/2019
<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	4729:5-18-05	Record Keeping.
Total Rules: 1	Original Filing Date: 2/8/2019	Date of Refiled Filing: 4/3/2019	Jurisdiction Ends: 5/3/2019	Public Hearing: 5/20/2019
<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	4729:5-18-04	Security, control and storage of dangerous drugs.
Total Rules: 2	Original Filing Date: 2/8/2019	Date of Refiled Filing: 5/8/2019	Jurisdiction Ends: 6/7/2019	Public Hearing: 5/20/2019
<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	4729:5-18-04	Security, control and storage of dangerous drugs.
New Rule	Refiled Filing	Yes No	4729:5-18-05	Record Keeping.

43 State Board of Pharmacy • Terminal Distributors of Dangerous Drugs

Total Rules: 4	Original Filing Date: 2/8/2019	Date of Refiled Filing: 5/8/2019	Jurisdiction Ends: 6/7/2019	Public Hearing: 5/20/2019
<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	4729:5-21-01	Opioid Treatment Programs - Definitions.
New Rule	Refiled Filing	Yes No	4729:5-21-02	Personally furnishing dangerous drugs from an opioid treatment facility.
New Rule	Refiled Filing	Yes No	4729:5-21-03	Security and control of dangerous drugs.
New Rule	Refiled Filing	Yes No	4729:5-21-04	Record Keeping.

44 State Board of Pharmacy • Terminal Distributors of Dangerous Drugs

Total Rules: 1	Original Filing Date: 2/8/2019	Date of Refiled Filing: 4/18/2019	Jurisdiction Ends: 5/18/2019	Public Hearing: 4/29/2019
<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	4729:5-5-18	Multi-Med dispensing by an outpatient pharmacy.

45 State Board of Pharmacy • Terminal Distributors of Dangerous Drugs

Total Rules: 2	Original Filing Date: 3/27/2019	Jurisdiction Ends: 5/31/2019	Public Hearing: 4/29/2019	
<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	4729:5-13-01	First aid departments - definitions.
New Rule	Original Filing	Yes No	4729:5-13-04	Record Keeping.
Total Rules: 5	Original Filing Date: 3/27/2019	Date of Revised Filing: 4/29/2019	Jurisdiction Ends: 5/31/2019	Public Hearing: 4/29/2019
<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	4729:5-1-01	Definitions.

JOINT COMMITTEE ON AGENCY RULE REVIEW

5/13/2019 - 1:30 P.M.

Statehouse Hearing Room 121(William McKinley Room)

TENTATIVE AGENDA

TENTATIVE AGENDA

Amendment	Revised Filing	Yes	No	4729:5-3-01	Disposal of controlled substances.
New Rule	Revised Filing	Yes	No	4729:5-5-01	Definitions - outpatient pharmacies.
New Rule	Revised Filing	Yes	No	4729:5-13-02	Licensure and drug list.
New Rule	Revised Filing	Yes	No	4729:5-13-03	Security, control and storage of dangerous drugs.
Total Rules: 2	Original Filing Date: 3/27/2019			Date of Refiled Filing: 5/8/2019	Jurisdiction Ends: 6/7/2019 Public Hearing: 4/29/2019

<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	4729:5-13-03	Security, control and storage of dangerous drugs.
New Rule	Refiled Filing	Yes	No	4729:5-13-04	Record Keeping.

46 State Board of Pharmacy • Terminal Distributors of Dangerous Drugs

Total Rules: 1	Original Filing Date: 3/27/2019				Jurisdiction Ends: 5/31/2019 Public Hearing: 4/29/2019
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<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
New Rule	Original Filing	Yes	No	4729:5-19-04	Record Keeping.

Total Rules: 1	Original Filing Date: 3/27/2019			Date of Revised Filing: 4/15/2019	Jurisdiction Ends: 5/31/2019 Public Hearing: 4/29/2019
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<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
New Rule	Revised Filing	Yes	No	4729:5-19-03	Security, control and storage of dangerous drugs.

Total Rules: 2	Original Filing Date: 3/27/2019			Date of Revised Filing: 4/29/2019	Jurisdiction Ends: 5/31/2019 Public Hearing: 4/29/2019
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<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
New Rule	Revised Filing	Yes	No	4729:5-19-01	Clinics and Prescriber Offices - Definitions.

New Rule	Revised Filing	Yes	No	4729:5-19-02	Personally furnishing dangerous drugs.
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Total Rules: 4	Original Filing Date: 3/27/2019			Date of Refiled Filing: 5/7/2019	Jurisdiction Ends: 6/6/2019 Public Hearing: 4/29/2019
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<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
New Rule	Refiled Filing	Yes	No	4729:5-19-01	Clinics and Prescriber Offices - Definitions.

New Rule	Refiled Filing	Yes	No	4729:5-19-02	Personally furnishing dangerous drugs.
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New Rule	Refiled Filing	Yes	No	4729:5-19-03	Security, control and storage of dangerous drugs.
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New Rule	Refiled Filing	Yes	No	4729:5-19-04	Record Keeping.
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47 State Board of Pharmacy • Terminal Distributors of Dangerous Drugs

Total Rules: 2	Original Filing Date: 3/27/2019			Date of Revised Filing: 4/17/2019	Jurisdiction Ends: 5/31/2019 Public Hearing: 4/29/2019
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<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
New Rule	Revised Filing	Yes	No	4729:5-17-03	Nitrous Oxide - General Provisions.

New Rule	Revised Filing	Yes	No	4729:5-17-05	Dialysis Solutions - General Provisions.
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Total Rules: 3	Original Filing Date: 3/27/2019			Date of Revised Filing: 4/29/2019	Jurisdiction Ends: 5/31/2019 Public Hearing: 4/29/2019
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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.

JOINT COMMITTEE ON AGENCY RULE REVIEW
5/13/2019 - 1:30 P.M.
Statehouse Hearing Room 121(William McKinley Room)

TENTATIVE AGENDA

TENTATIVE AGENDA

<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	Yes	No	4729:5-17-01	Medical Oxygen, Nitrous Oxide, Medical Gases and Dialysis Solutions - Definitions.
New Rule	Revised Filing	Yes	No	4729:5-17-02	Medical Oxygen - General Provisions.
New Rule	Revised Filing	Yes	No	4729:5-17-04	Compressed Medical Gasses - General Provisions and Safety Program.
Total Rules: 1		Original Filing Date: 3/27/2019		Date of Refiled Filing: 5/7/2019	Jurisdiction Ends: 6/6/2019 Public Hearing: 4/29/2019

<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	4729:5-17-02	Medical Oxygen - General Provisions.

48 State Board of Psychology - Certified Ohio Behavior Analysts •

Total Rules: 1 Original Filing Date: 3/27/2019 Jurisdiction Ends: 5/31/2019 Public Hearing: 5/2/2019

<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	4783-11-01.1	Consideration of military experience, education, training and term of service.

49 State Cosmetology and Barber Board •

Total Rules: 1 Original Filing Date: 4/8/2019 Jurisdiction Ends: 6/12/2019 Public Hearing: 5/13/2019

<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	4713-21-06	Applying for inactive licensure status and temporary work permit.

50 State Cosmetology and Barber Board •

Total Rules: 1 Original Filing Date: 4/8/2019 Jurisdiction Ends: 6/12/2019 Public Hearing: 5/13/2019

<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	4713-3-04	Additional campus facilities.

51 State Cosmetology and Barber Board •

Total Rules: 1 Original Filing Date: 4/8/2019 Jurisdiction Ends: 6/12/2019 Public Hearing: 5/13/2019

<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	4713-7-02	No communication between applicants during examination.

52 State Lottery Commission • Lottery Commission

Total Rules: 1 Original Filing Date: 3/18/2019 Jurisdiction Ends: 5/22/2019 Public Hearing: 4/23/2019

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	No	Yes	3770:1-6-02	Play of lottery games by the public.

53 State Racing Commission •

Total Rules: 1 Original Filing Date: 3/11/2019 Jurisdiction Ends: 5/15/2019 Public Hearing: 4/16/2019

<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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TENTATIVE AGENDA

JOINT COMMITTEE ON AGENCY RULE REVIEW
 5/13/2019 - 1:30 P.M.
 Statehouse Hearing Room 121(William McKinley Room)

TENTATIVE AGENDA

Amendment	Original Filing	Yes	Yes	3769-15-01	Racing secretary.		
54 State Racing Commission •							
Total Rules:	1	Original Filing Date: 3/11/2019			Jurisdiction Ends: 5/15/2019	Public Hearing: 4/16/2019	
<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	3769-16-24	Starting.		
55 State Racing Commission •							
Total Rules:	1	Original Filing Date: 3/11/2019			Jurisdiction Ends: 5/15/2019	Public Hearing: 4/16/2019	
<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	3769-5-17	Full name of all owners.		
56 State Racing Commission •							
Total Rules:	5	Original Filing Date: 3/25/2019			Jurisdiction Ends: 5/29/2019	Public Hearing: 5/2/2019	
<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	3769-17-01	Owners must be licensed and workers' compensation.		
Rescission	Original Filing	Yes	Yes	3769-17-36	Payment of fines.		
Rescission	Original Filing	Yes	Yes	3769-17-37	Must pay own fine.		
Rescission	Original Filing	Yes	Yes	3769-17-41	Appeal to commission.		
Rescission	Original Filing	Yes	Yes	3769-17-42	Cost borne by licensee.		
Total Rules:	4	Original Filing Date: 3/25/2019		Date of Revised Filing: 4/4/2019	Jurisdiction Ends: 5/29/2019	Public Hearing: 5/2/2019	
<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	Yes	No	3769-17-36	Payment of fines.		
New Rule	Revised Filing	Yes	No	3769-17-37	Must pay own fine.		
New Rule	Revised Filing	Yes	No	3769-17-41	Appeal to commission.		
New Rule	Revised Filing	Yes	No	3769-17-42	Checks.		
57 State Racing Commission •							
Total Rules:	1	Original Filing Date: 3/11/2019		Date of Revised Filing: 4/2/2019	Jurisdiction Ends: 5/15/2019	Public Hearing: 4/16/2019	
<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>		
Rescission	Revised Filing	Yes	Yes	3769-9-09	Quarter horse development fund.		
58 State Racing Commission •							
Total Rules:	2	Original Filing Date: 3/11/2019			Jurisdiction Ends: 5/15/2019	Public Hearing: 4/16/2019	
<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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TENTATIVE AGENDA

JOINT COMMITTEE ON AGENCY RULE REVIEW
 5/13/2019 - 1:30 P.M.
 Statehouse Hearing Room 121(William McKinley Room)

TENTATIVE AGENDA

Amendment	Original Filing	Yes	Yes	3769-14-12	Maintain ambulance.
New Rule	Original Filing	Yes	No	3769-14-18	Temporary hospital.

59 State Racing Commission •

Total Rules: 2 Original Filing Date: 3/11/2019 Jurisdiction Ends: 5/15/2019 Public Hearing: 4/16/2019

<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	3769-4-13	Maintain ambulance.
New Rule	Original Filing	Yes	No	3769-4-20	Temporary hospital.

60 State Racing Commission •

Total Rules: 13 Original Filing Date: 3/25/2019 Jurisdiction Ends: 5/29/2019 Public Hearing: 5/2/2019

<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	3769-7-01	Owners must be licensed and workers' compensation.
Amendment	Original Filing	Yes	Yes	3769-7-04	Registration colors.
Rescission	Original Filing	Yes	Yes	3769-7-13	License required to ride.
New Rule	Original Filing	Yes	No	3769-7-13	License required to ride.
Rescission	Original Filing	Yes	Yes	3769-7-25	Report to jockey quarters.
New Rule	Original Filing	Yes	No	3769-7-25	Report to jockey quarters.
Amendment	Original Filing	Yes	Yes	3769-7-35	Payment of fines.
Rescission	Original Filing	Yes	Yes	3769-7-36	Must pay own fine.
New Rule	Original Filing	Yes	No	3769-7-36	Must pay own fine.
Rescission	Original Filing	Yes	Yes	3769-7-42	Appeal to commission.
New Rule	Original Filing	Yes	No	3769-7-42	Appeal to commission.
Rescission	Original Filing	Yes	Yes	3769-7-44	Cost borne by licensee.
New Rule	Original Filing	Yes	No	3769-7-44	Payment obligations.

61 State Racing Commission •

Total Rules: 1 Original Filing Date: 3/20/2019 Jurisdiction Ends: 5/24/2019 Public Hearing: 4/16/2019

<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	3769-1-18	Age of horse.

62 State Racing Commission •

Total Rules: 1 Original Filing Date: 3/20/2019 Jurisdiction Ends: 5/24/2019 Public Hearing: 4/16/2019

<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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Amendment	Original Filing	Yes	Yes	3769-11-15	Age, how reckoned.
63 State Racing Commission •					
Total Rules: 2	Original Filing Date: 3/25/2019			Jurisdiction Ends: 5/29/2019	Public Hearing: 5/2/2019
<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	3769-14-18	Temporary hospital.
New Rule	Original Filing	Yes	No	3769-14-18	First aid room.
64 State Racing Commission •					
Total Rules: 2	Original Filing Date: 3/25/2019			Jurisdiction Ends: 5/29/2019	Public Hearing: 5/2/2019
<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	3769-4-20	Temporary hospital.
New Rule	Original Filing	Yes	No	3769-4-20	First aid room.
65 State Racing Commission •					
Total Rules: 1	Original Filing Date: 3/25/2019			Jurisdiction Ends: 5/29/2019	Public Hearing: 5/2/2019
<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	3769-1-18	Age of horse.
66 State Racing Commission •					
Total Rules: 1	Original Filing Date: 3/25/2019			Jurisdiction Ends: 5/29/2019	Public Hearing: 5/2/2019
<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	3769-11-15	Age, how reckoned.
67 State Racing Commission •					
Total Rules: 1	Original Filing Date: 3/25/2019			Jurisdiction Ends: 5/29/2019	Public Hearing: 5/2/2019
<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	3769-4-13	Maintain ambulance.
68 State Racing Commission •					
Total Rules: 1	Original Filing Date: 3/25/2019			Jurisdiction Ends: 5/29/2019	Public Hearing: 5/2/2019
<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	3769-14-12	Maintain ambulance.
69 State Teachers Retirement System • Defined Benefits					
Total Rules: 2	Original Filing Date: 3/22/2019			Jurisdiction Ends: 5/26/2019	Public Hearing:

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>
Rescission	Original Filing	No	Yes	3307:1-12-02	Maximum permissible benefits.
New Rule	Original Filing	No	No	3307:1-12-02	Maximum permissible benefits.

70 State Teachers Retirement System • Defined Benefits

Total Rules: 6 Original Filing Date: 3/22/2019

Jurisdiction Ends: 5/26/2019 Public Hearing:

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	No	No	3307:1-3-03	Determination of purchasable service credit under section 3307.74 of the Revised Code.
Amendment	Original Filing	No	No	3307:1-3-13	Determination of cost for service credit purchased under section 3307.70 of the Revised Code.
Amendment	Original Filing	No	No	3307:1-7-01	Disability benefits - definitions.
Amendment	Original Filing	No	No	3307:1-7-04	Disability benefits - treatment.
Amendment	Original Filing	No	No	3307:1-7-07	Disability benefits - earnings and employment statements.
Amendment	Original Filing	No	No	3307:1-13-01	Reemployment restrictions applicable to retirants.

71 State Teachers Retirement System • Defined Contributions

Total Rules: 25 Original Filing Date: 3/22/2019

Jurisdiction Ends: 5/26/2019 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	3307:2-1-01	Definitions.
Rescission	Original Filing	No	Yes	3307:2-2-01	Establishment of defined contribution program.
New Rule	Original Filing	No	No	3307:2-2-01	Establishment of defined contribution program, including a defined contribution plan and combined plan.
Rescission	Original Filing	No	Yes	3307:2-2-02	Establishment of defined contribution plan.
Rescission	Original Filing	No	Yes	3307:2-2-03	Establishment of combined plan.
Amendment	Original Filing	No	Yes	3307:2-3-01	Election by new members.
Rescission	Original Filing	No	Yes	3307:2-3-02	Election by certain current members.
Rescission	Original Filing	No	Yes	3307:2-3-03	Permanent elections.
Rescission	Original Filing	No	Yes	3307:2-4-01	Participants generally ineligible to purchase credit.
Amendment	Original Filing	No	Yes	3307:2-4-02	Military service.
Amendment	Original Filing	No	Yes	3307:2-4-03	Combined plan participant leaves of absence.
Amendment	Original Filing	No	Yes	3307:2-5-01	Distributions.
Amendment	Original Filing	No	Yes	3307:2-5-02	Distributions from the defined contribution plan.
Amendment	Original Filing	No	Yes	3307:2-5-03	Distributions from the combined plan.

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

Rescission	Original Filing	No	Yes	3307:2-5-06	Annuitization of defined contribution amounts.
Rescission	Original Filing	No	Yes	3307:2-5-07	Beneficiaries.
Rescission	Original Filing	No	Yes	3307:2-5-08	Spousal consent.
Amendment	Original Filing	No	Yes	3307:2-5-09	Plans of payment.
Rescission	Original Filing	No	Yes	3307:2-5-10	Rollovers distributed.
Amendment	Original Filing	No	Yes	3307:2-6-01	Combined plan disability benefits.
Amendment	Original Filing	No	Yes	3307:2-6-02	Combined plan survivor benefits.
Rescission	Original Filing	No	Yes	3307:2-6-03	Combined plan health benefits.
Rescission	Original Filing	No	Yes	3307:2-7-01	Investments.
Rescission	Original Filing	No	Yes	3307:2-7-02	Allocation of funds.
Rescission	Original Filing	No	Yes	3307:2-7-03	Rollovers received.

To Be Refiled

72 State Board of Pharmacy • Terminal Distributors of Dangerous Drugs

Total Rules: 4	Original Filing Date: 3/27/2019	Date of To Be Refiled: 4/2/2019	Jurisdiction Ends:	Public Hearing: 4/29/2019	
<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
New Rule	To Be Refiled	Yes	No	4729:5-20-01	Veterinary Clinics - Definitions.
New Rule	To Be Refiled	Yes	No	4729:5-20-02	Personally furnishing dangerous drugs.
New Rule	To Be Refiled	Yes	No	4729:5-20-03	Security and control of dangerous drugs.
New Rule	To Be Refiled	Yes	No	4729:5-20-04	Record keeping.

73 State Board of Pharmacy • Terminal Distributors of Dangerous Drugs

Total Rules: 3	Original Filing Date: 3/27/2019	Date of To Be Refiled: 4/2/2019	Jurisdiction Ends:	Public Hearing: 4/29/2019	
<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
New Rule	To Be Refiled	Yes	No	4729:5-15-01	Animal Shelters - Definitions.
New Rule	To Be Refiled	Yes	No	4729:5-15-02	Security and control of dangerous drugs.
New Rule	To Be Refiled	Yes	No	4729:5-15-03	Record Keeping.

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

Mark Flanders, 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: 185458
File Date and Time: 06/25/2019 9:09 AM
Confirmation Number: 41c79cfa7e20cce8eb9e66cdb4269ead

FINAL FILE

Rule Number	Type	FYR	CSI	JE Date	Eff Date	Next FYR	Tagline
3745-18-03	Amendment	N	Y	05/29/2019	07/05/2019		Compliance time schedules.
3745-18-04	Amendment	N	Y	05/29/2019	07/05/2019		Measurement methods and procedures.
3745-18-47	Amendment	N	Y	05/29/2019	07/05/2019		Jefferson county emission limits.

Article IV

Hearing Transcripts

BEFORE THE OHIO ENVIRONMENTAL PROTECTION AGENCY

- - -

In the Matter of the Public :
Hearing Re: :
Steubenville, OH-WV SO2 OAC :
Rules 3745-18-03, 3745-18-04 :
and 3745-18-47; Supplement to :
Ohio's Attainment :
Demonstration; and :
Redesignation Request and :
Maintenance Plan for the Ohio :
Portion of this Area. :

- - -

AUDIOTAPED PROCEEDINGS

- - -

Public hearing held before Mary McCarron,
Public Interest Center, commencing on Monday,
April 29, 2019.

- - -

FRALEY, COOPER & ASSOCIATES
222 East Town Street, Second Floor
Columbus, Ohio 43215-4620
(614) 228-0018 - (800) 852-6163

- - -

Page 2

1 P R O C E E D I N G S
 2 - - -
 3 MS. McCARRON: Hello. My name is Mary
 4 McCarron. I'm with the Public Interest Center, and I
 5 will be presiding over today's public hearing.
 6 Thank you for taking the time to attend
 7 this hearing before Ohio EPA. The public hearing
 8 today is to obtain comments from any interested
 9 person regarding Ohio EPA's proposed rules and
 10 requests.
 11 Ohio EPA, Division of Air Pollution
 12 Control, has prepared amendments to OAC Rule
 13 3745-18-47 to incorporate a revised sulfur dioxide
 14 emission limit for the coal-fired boilers at the
 15 Cardinal Power Plant in Jefferson County. This limit
 16 is necessary to satisfy US EPA requirements for
 17 Ohio's sulfur dioxide attainment demonstration for
 18 the Steubenville, Ohio - West Virginia nonattainment
 19 area and in order for the area to be eligible for
 20 redesignation to attainment and to ensure maintenance
 21 of the 2010 sulfur dioxide National Ambient Air
 22 Quality Standard.
 23 Ohio EPA has also prepared amendments to
 24 OAC Rules 3745-18-03 and 3745-18-04 to incorporate

Page 3

1 compliance time schedules and measurement methods and
 2 procedures relevant to the Cardinal Power Plant
 3 emission limit.
 4 Ohio is also requesting that US EPA
 5 revise the current air quality designation for the
 6 Ohio portion of the Steubenville, Ohio - West
 7 Virginia nonattainment area to attainment with
 8 respect to the 2010 sulfur dioxide National Ambient
 9 Air Quality Standard.
 10 The Clean Air Act requires Ohio EPA to
 11 establish a state implementation plan for the
 12 attainment and maintenance of the National Ambient
 13 Air Quality Standards. This rule is part of Ohio's
 14 SIP and the proposed amendments will be submitted to
 15 US EPA as a modification of the SIP. This hearing is
 16 the public hearing for the SIP submittal.
 17 These rules have been filed with the
 18 Joint Committee on Agency Rule Review. Copies of the
 19 rules are available for public review at Ohio EPA's
 20 Columbus office and on our website.
 21 All interested persons are entitled to
 22 attend and be represented, and/or to present oral
 23 and/or written comments concerning the proposed rules
 24 and requests. All written and oral comments received

Page 4

1 as part of the official record will be considered by
 2 the director of Ohio EPA.
 3 To be included in the official record,
 4 written comments must be received by Ohio EPA by the
 5 close of business today, April 29th, 2019. These
 6 comments may be filed with me today or emailed to
 7 paul.braun@epa.ohio.gov. All written comments
 8 submitted for the record receive the same
 9 consideration as oral testimony given today.
 10 Written statements submitted after today
 11 may be considered as time and circumstances permit,
 12 but won't be part of the official record of the
 13 hearing. If you wish to present testimony at this
 14 hearing today, I will be going in the order of their
 15 sign-in on the sign-in sheet. If you do not want to
 16 provide testimony, please say "Pass." If you do want
 17 to provide testimony, please wait for me to come over
 18 to you with a recorder and state your name and spell
 19 it.
 20 The first person who is signed in is
 21 Catlin Schiebel. Okay.
 22 Jacob Keeney. All right.
 23 Matt Caprarese. Okay. Hold on a
 24 second. I'll be right over. Okay. Go ahead and

Page 5

1 proceed with your testimony.
 2 MR. CAPRARESE: Okay. My name's Matt
 3 Caprarese, M-a-t-t, Cap- -- Caprarese,
 4 C-a-p-r-a-r-e-s-e. I'm with JSW Steel USA Ohio, Inc.
 5 And to reiterate our written comments,
 6 JSW Steel USA Ohio, Inc. fully supports the draft
 7 actions prepared by the Ohio Environmental Protection
 8 Agency, Division of Air Pollution Control, relevant
 9 to the Steubenville, Ohio - West Virginia sulfur
 10 dioxide nonattainment area.
 11 Ohio EPA's efforts to bring Jefferson
 12 County into the National Ambient Air Quality
 13 Standards attainment status are absolutely essential
 14 to JSW as a significant stakeholder creating hundreds
 15 of jobs at our Mingo Junction facility. Not moving
 16 forward with such efforts would unnecessarily stifle
 17 economic growth for a county that desperately needs
 18 jobs in the quantities that JSW has and continues to
 19 plan to create through further expansion of our Mingo
 20 Junction facility.
 21 The proposed rules and eventual
 22 redesignation of Jefferson County as in attainment
 23 with the 2010 sulfur dioxide National Ambient Air
 24 Quality Standards will play a large role in JSW's

Page 6

1 strategic decision business making processes as the
 2 Mingo -- Mingo Junction facility competes for capital
 3 investments among JSW's facilities across the globe.
 4 Thank you.
 5 MS. McCARRON: Thank you.
 6 And Mike Jacoby just signed in. If
 7 you'd like to provide testimony, you can. If you
 8 want -- don't want to, you just say "Pass."
 9 MR. JACOBY: No, I'll provide.
 10 MS. McCARRON: All right. Can you state
 11 your name and spell it?
 12 MR. JACOBY: Yeah. Mike Jacoby,
 13 J-a-c-o-b-y.
 14 MS. McCARRON: And then go ahead and
 15 pro- -- provide your testimony.
 16 MR. JACOBY: Okay. And I've got a copy.
 17 MS. McCARRON: Okay. (Inaudible).
 18 Thank you.
 19 MR. JACOBY: (Inaudible).
 20 On behalf of the Appalachian Partnership
 21 for Economic Growth, APEG, I am pleased to provide
 22 our support for the redesignation request for sulfur
 23 dioxide (SO2) limits in the Steubenville-Weirton
 24 area. APEG is a nonprofit economic development

Page 7

1 organization serving 25 counties in southern and
 2 eastern Ohio. We believe this rule change will
 3 benefit the broader region in a couple of ways.
 4 Firstly, it will help secure recent air
 5 quality improvements for the long term. It is my
 6 understanding that the requested rule change being
 7 sought by the Ohio EPA from the Federal EPA will
 8 lower the sulfur dioxide emission limits on the
 9 Cardinal Plant near Brilliant, Ohio. I also
 10 understand the Cardinal Plant has been emitting SO2
 11 well below its permit limits because of the
 12 installation of scrubbers at the plant.
 13 I commend American Electric Power for
 14 being a good corporate citizen by choosing to make
 15 significant investments to meet and exceed the Clean
 16 Air Act requirements to help protect Ohioans and
 17 others in the region. This lower emission limit will
 18 ensure emissions for sulfur dioxide will be within
 19 the 2010 National Ambient Air Standards, meaning
 20 Jefferson County will be in air quality attain- --
 21 will be an air quality attainment area and fully
 22 compliant with all air quality standards.
 23 Secondly, the rule modification will
 24 also make it easier to permit additional job-creating

Page 8

1 projects in the area. I know from experience that
 2 being a nonattainment county for air quality can
 3 cause other industries to not consider new
 4 investments because additional air permits are harder
 5 to obtain. With the new investments tied to steel
 6 and potentially shale gas in the region, Jeffer- --
 7 Jefferson County should be on a level playing field
 8 with other communities competing for business.
 9 The economic decline that started nearly
 10 50 years ago in the Upper Ohio River Valley has
 11 caused Jefferson County to lose one-third of its
 12 population. More job losses are expected when the
 13 Sammis plant closes. Our region can't be complacent
 14 about taking advantage of new opportunities. I
 15 commend the OEPA's efforts to position Jefferson
 16 County for the future.
 17 MS. McCARRON: Thank you.
 18 At this time there's nobody else
 19 present; so we will go off the record until 3:00 p.m.
 20 (Off the record.)
 21 MS. McCARRON: The time is now 3:00 p.m.,
 22 and unless anybody else would like to submit
 23 testimony, this hearing is adjourned. Thank you for
 24 coming.

Page 9

1 (Thereupon, the audiotaped proceedings
 2 were concluded.)
 3 ---
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CERTIFICATE
I do hereby certify that the foregoing
is a true, correct, and complete transcript of the
audiotaped proceedings in this matter, reduced by me
into stenotype, to the best of my ability, and
transcribed from my stenographic notes on the 6th day
of May, 2019.

Carolyn D. Ross,
Registered Professional
Reporter and Notary
Public in and for the
State of Ohio.

Article V

Response to Comments



Division of Air Pollution Control Response to Comments

Rules: OAC Rules 3745-18-03, 3745-18-04 and 3745-18-47 “Sulfur Dioxide Regulations”

Agency Contact for this Package

Division Contact: Holly Kaloz, Division of Air Pollution Control, 614-644-3632, holly.kaloz@epa.ohio.gov

Ohio EPA held an interested party comment period on February 5, 2019 regarding draft amended rules in Ohio Administrative Code (OAC) Chapter 3745-18, "Sulfur Dioxide Regulations". This document summarizes the comments and questions received during the comment period, which ended on February 20, 2019.

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:** Comments were received from JSW Steel USA Ohio, Inc. in support of the proposed amendments, indicating Ohio EPA’s efforts to redesignate the Steubenville area to attainment for the sulfur dioxide National Ambient Air Quality Standards (NAAQS) are essential to JSW and failure to do so would unnecessarily stifle economic growth in the area. The full comment letter can be found at the end of this response to comments document. (John Hritz, JSW Steel)
- Response 1:** Thank you for your comments in support of the proposed amendments.
- Comment 2:** Comments were received from Buckeye Power, co-owners of the Cardinal Power Plant (along with AEP Generation Resources) in opposition to the proposed amendments. The full comment letter can be found at the end of this response to comments document. (Tom Alban, Buckeye Power)
- Response 2:** Ohio EPA, in consultation with U.S. EPA and Buckeye Power, has conducted additional supplemental modeling analyses which demonstrate that an emission limit somewhat higher than originally proposed will provide for attainment and maintenance of the SO₂ NAAQS. The emission limit in the proposed rule has been revised accordingly to a 30-

day rolling average combined SO₂ emission limit of 4,858.75 lb/hr, increased from 4,201.2 lb/hr. The attached follow-up letter from Buckeye Power indicates that Buckeye Power supports the newly proposed limit.

End of Response to Comments

February 20, 2019

Paul Braun
Ohio Environmental Protection Agency, DAPC
Lazarus Government Center
P.O. Box 1049
Columbus, Ohio 43216-1049

**Subject: Draft Rulemaking OAC 3745-18-47, 3745-18-03, & 3745-18-04
Cardinal Power Plant Sulfur Dioxide Emissions Limit
for NAAQs attainment status in Jefferson County, Ohio**

Dear Mr. Braun:

JSW Steel USA Ohio, Inc. (JSW) has reviewed and fully supports the proposed amendments to Ohio Administrative Code (OAC) Rules 3745-18-47 as prepared by the Ohio Environmental Protection Agency, Division of Air Pollution Control (DAPC) to incorporate a revised sulfur dioxide emissions limit for the coal-fired boilers at the Cardinal Power Plant in Jefferson County, Ohio. JSW understands that this limit is necessary to satisfy U.S. EPA requirements in order for the Steubenville, Ohio-West Virginia nonattainment area to be eligible for re-designation to attainment and to ensure maintenance of the 2010 sulfur dioxide National Ambient Air Quality Standard (NAAQS). JSW also understands that Ohio EPA has prepared amendments to OAC Rules 3745-18-03 and 3745-18-04 to incorporate compliance time schedules and measurement methods and procedures relevant to the Cardinal emissions limit.

Ohio EPA's efforts to bring Jefferson County into NAAQS attainment status are absolutely essential to JSW as a significant stakeholder creating hundreds of jobs at our facility in Mingo Junction, Ohio. Not moving forward with such efforts would unnecessarily stifle economic growth for a county that desperately needs jobs in the quantities that JSW has been and continues to plan to create through further expansion at our Mingo Junction, Ohio facility. The proposed rules and eventual re-designation of Jefferson County as in attainment with the 2010 sulfur dioxide NAAQS will play a large role in JSW's strategic decision business making processes, as the Mingo Junction facility competes for capital investments amongst JSW's facilities across the globe.

Sincerely,



John Hritz
President and Chief Executive Officer
JSW Steel (USA), Inc.

February 20, 2019

By Electronic and U.S. Mail

Paul Braun
Ohio EPA
Division of Air Pollution Control
PO Box 1049
Columbus, Ohio 43216-1049
paul.braun@epa.ohio.gov

**RE: Ohio EPA's February 5, 2019 Interested Party Draft
Related to Proposed Changes to OAC 3745-18
Comments of Buckeye Power, Inc.**

Dear Mr. Braun:

On February 5, 2019, Ohio EPA issued its Interested Party Draft ("IP Draft") of the agency's "OAC Charter 3745-18-Cardinal emissions limit" rulemaking ("Cardinal Rulemaking"). The IP Draft consists of identified changes to OAC Rules 3745-18-03, 3745-18-04 and 3745-18-47 as well as Ohio EPA's required Business Impact Analysis ("BIA"). This letter constitutes Buckeye Power, Inc.'s comments on the IP Draft. As Buckeye Power explained in its January 29, 2019 Early Stakeholder Outreach comment letter, Buckeye Power, along with AEP Generation Resources Inc., are owners of the Cardinal Power Plant and have operational control, via Cardinal Operating Company (jointly-owned by Buckeye Power and AEP Generation Resources), of Cardinal.

The IP Draft of the Cardinal Rulemaking includes changes that seek to significantly reduce Cardinal's maximum SO₂ hourly emission rate to approximately 1/3 of Cardinal's current emission limit. See, IP Draft at 3745-18-47(D)(3). Importantly, Cardinal's SO₂ emissions have already been sharply reduced from historic allowable limits, and Cardinal has already installed state-of-the-art SO₂ controls. Additionally, Ohio EPA seeks to mandate this significant emission limit reduction as soon as this rulemaking becomes effective without any ramp down period. See, IP Draft at 3745-18-03(C)(11). Finally, Ohio EPA also seeks to require the owners of Cardinal to submit a new Title V permit application no later than 30 days after the effective date of the rulemaking. See, IP Draft at 3745-18-03(B)(9).

The Cardinal Rulemaking will impact Cardinal, the owners of Cardinal, the member cooperatives and our customers in a negative way by constraining fuel supply options as well as curtailing operational flexibility, both of which are vital to this long-standing baseload power source for the State of Ohio. Further, Buckeye's on-going technical analysis indicates that Cardinal's contribution in the area does not warrant such steep SO₂ reductions. Air quality monitors in the northern part of the Steubenville area have monitored attainment for more than 6 years, and monitors sited near the Cardinal Plant have monitored attainment since 2011, all at levels well below the applicable standard. While Ohio EPA's BIA portion of the Cardinal Rulemaking acknowledges the negative impact on Cardinal, the BIA does not accurately

reflect the true costs to the owners of Cardinal and its customers nor does the BIA consider less significant reductions that still allow the area to maintain compliance with the 1-hour SO₂ NAAQs. Finally, Ohio EPA's expectation that Cardinal can immediately become compliant with such a sharp emission reduction is unreasonable.

Buckeye Power, on behalf of the owners of Cardinal as well as its members and customers, acknowledges that Ohio EPA has been and continues to be willing to work cooperatively to reach a real-world solution that allows Cardinal to operate as designed, using a range of available fuels, while assuring that the area regains attainment. To that end, Buckeye Power intends this letter to further this goal and serve as the basis for continued dialog with Ohio EPA.

Please do not hesitate to contact me with questions.

Sincerely,



Tom Alban
Vice President
Buckeye Power, Inc.

March 14, 2019

By Electronic and U.S. Mail

Robert Hodanbosi
Chief, Division of Air Pollution Control
Ohio EPA
P.O. Box 1049
Columbus, Ohio 43216-1049

**RE: Ohio EPA's Proposed Changes to OAC 3745-18
Related to Cardinal Operating Station**

Dear Bob:

On behalf of the Buckeye Power Inc. and AEP Generation Resources Inc., as the owners of Cardinal Power Plant, I would like to thank you and your staff for working cooperatively with us over the past couple of months to address our concerns about Ohio EPA's proposed changes to O.A.C. Chapter 3745-18 to support Ohio's 1-hour sulfur dioxide (SO₂) SIP submittal for the Steubenville, OH-WV area.

Buckeye first notified Ohio EPA during the Early Stakeholder process that we had significant concerns about Ohio EPA's proposed rulemaking. More recently, Buckeye submitted a comment letter on February 20, 2019 as part of Ohio EPA's Interested Party process. In response, you and your staff have worked quickly and efficiently with us to consider the best and most current information in establishing any necessary limitations. In addition, your staff teamed with WVDEP and USEPA to assure that the appropriate analyses were undertaken.

Based on the collective work of our respective teams, I can confirm that the owners of Cardinal will agree to Ohio EPA's proposed limit of 4,858.75 pounds of SO₂ per hour as a plant-wide mass emission limit for all three units on a rolling, thirty-day average. This limit provides Ohio with a timely, common sense solution while assuring that Cardinal can operate without unreasonably constraining fuel supply options or curtailing operational flexibility, both of which are vital for this long-standing baseload power source for Ohio.

Please do not hesitate to contact me with questions and thank you again for your swift work on this matter.

Buckeye Power, Inc.



Thomas Alban
Vice President
Buckeye Power Inc.

cc: Kurt Helfrich
Janet Henry
April Bott



Division of Air Pollution Control Response to Comments

Rules: OAC Rules 3745-18-03, 3745-18-04 and 3745-18-47 “Sulfur Dioxide Regulations”

Agency Contact for this Package

Division Contact: Holly Kaloz, Division of Air Pollution Control, 614-644-3632, holly.kaloz@epa.ohio.gov

Ohio EPA held a public comment period on March 25-2019 regarding proposed amended rules in Ohio Administrative Code (OAC) Chapter 3745-18, "Sulfur Dioxide Regulations" and the draft Redesignation Request and Maintenance Plan for the Steubenville, OH-WV Sulfur Dioxide Nonattainment Area. This document summarizes the comments and questions received during the comment period, which ended on April 29, 2019.

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:** Comments were received from JSW Steel USA Ohio, Inc. in support of the proposed rule amendments and the redesignation request. The full comment can be found at the end of this response to comments document. (John Hritz, JSW Steel)
- Response 1:** Thank you for your comments in support of the proposed amendments and redesignation request.
- Comment 2:** Comments were received from the Appalachian Partnership for Economic Growth (APEG) in support of the proposed rule amendments and the redesignation request. The full comment letter can be found at the end of this response to comments document. (Mike Jacoby, APEG)
- Response 2:** Thank you for your comments in support of the proposed amendments and redesignation request.

End of Response to Comments

April 16, 2019

Ms. Holly Kaloz
Ohio Environmental Protection Agency, DAPC
Lazarus Government Center
P.O. Box 1049 Columbus, Ohio 43216-1049
email: holly.kaloz@epa.ohio.gov

Subject: Redesignation Request and Maintenance Plan for the Ohio Portion of the Steubenville, OH-WV Sulfur Dioxide Nonattainment Area

Dear Ms. Kaloz:

JSW Steel USA Ohio, Inc. (JSW) has reviewed and fully supports the draft actions prepared by the Ohio Environmental Protection Agency, Division of Air Pollution Control relevant to the Steubenville, OH-WV sulfur dioxide nonattainment area. These draft actions include the following:

- Proposed revisions to Ohio Administrative Code (OAC) Rules 3745-18-47 to incorporate a revised sulfur dioxide emissions limit for the coal-fired boilers at the Cardinal Power Plant in Jefferson County, Ohio
- Proposed revisions to OAC Rules 3745-1803 and 3745-18-04 to incorporate compliance time schedules and measurement methods and procedures relevant to the Cardinal emissions limit
- Redesignation Request and Maintenance Plan for the Ohio Portion of the nonattainment area to ensure compliance with the 2010 sulfur dioxide National Ambient Air Quality Standard
- Supplemental information relevant to Ohio EPA's Attainment Demonstration

Ohio EPA's efforts to bring Jefferson County into NAAQS attainment status are absolutely essential to JSW as a significant stakeholder creating hundreds of jobs at our facility in Mingo Junction, Ohio. Not moving forward with such efforts would unnecessarily stifle economic growth for a county that desperately needs jobs in the quantities that JSW has and continues to plan to create through further expansion at our Mingo Junction, Ohio facility. The proposed rules and eventual redesignation of Jefferson County as in attainment with the 2010 sulfur dioxide NAAQS will play a large role in JSW's strategic decision business making processes as the Mingo Junction facility competes for capital investments among JSW's facilities across the globe.

Sincerely,



John Hritz
President and Chief Executive Officer
JSW Steel (USA), Inc.



April 26, 2019

Ms. Holly Kaloz
Ohio Environmental Protection Agency, DPAC
Lazarus Government Center
P.O. Box 1049
Columbus, OH 43216-1049

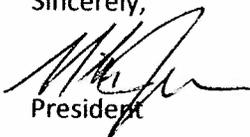
Dear Ms. Kaloz:

On behalf of the Appalachian Partnership for Economic Growth (APEG), I am pleased to provide our support for redesignation request for sulfur dioxide (SO₂) limits in the Steubenville-Weirton area. APEG is non-profit economic development organization serving 25 counties in southern and eastern Ohio. We believe this rule change will benefit the broader region in a couple of ways.

Firstly, it will help secure recent air quality improvements for the long-term. It is my understanding that the requested rule change being sought by the Ohio EPA from the federal EPA will lower the sulfur dioxide emissions limits on the Cardinal power plant near Brilliant, Ohio. I also understand the Cardinal Plant has been emitting SO₂ well below its permit limits because of the installation of scrubbers at the plant. I commend American Electric Power for being a good corporate citizen by choosing to make significant investments to meet and exceed Clean Air Act requirements to help protect Ohioans and others in the region. This lower emission limit will ensure emissions for sulfur dioxide will be within the 2010 national ambient air standards, meaning Jefferson County will be in an air quality attainment area and fully compliant with all air quality standards.

Secondly, the rule modification will also make it easier to permit additional job-creating projects in the area. I know from experience that being a non-attainment county for air quality can be cause other industries to not consider new investments because additional air permits are harder to obtain. With new investments tied to steel and potentially shale gas in the region, Jefferson County should be on a level playing field with other communities competing for business. The economic decline that started nearly 50 years ago in the Upper Ohio River Valley, has caused Jefferson County to lose one-third of its population. More job losses are expected when the Sammis plant closes. Our region can't be complacent about taking advantage of new opportunities. I commend OEPA's efforts to position Jefferson County for the future.

Sincerely,



President