

November 14, 2025

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

**Re: Ohio's State Implementation Plan (SIP) Request for Removal of Ohio Administrative Code (OAC)
Rule 3745-15-07, "Air pollution nuisances prohibited," from the Ohio SIP**

Dear Administrator Vogel:

I am writing to submit a revision to Ohio's State Implementation Plan (SIP) to address recent legislation enacted in Ohio that impacts Ohio's Air Nuisance Rule (ANR). On June 30, 2025, the Ohio Governor signed into effect Amended Substitute House Bill 96 (HB 96) (Attachment A). In HB 96, revisions were incorporated into Ohio Revised Code (ORC) 3704.031(B) requiring the Director of the Ohio Environmental Protection Agency (Ohio EPA) to remove the ANR from Ohio's SIP. This provision becomes effective on October 1, 2025.

Specifically, the new provisions state:

"If the state implementation plan includes an air nuisance rule, the director of environmental protection shall remove the air nuisance rule from the plan and take such steps as are necessary to do so." And,

"On and after the effective date of this section, the director shall not include an air nuisance rule in the state implementation plan or rely upon an air nuisance rule to implement or enforce ambient air quality standards adopted pursuant to the federal Clean Air Act."

In accordance with HB 96, Ohio EPA requests U.S. EPA take final action to remove OAC rule 3745-15-07 (Attachment B) from Ohio's SIP.

This SIP revision request includes a Clean Air Act (CAA) Section 110(l) and CAA Section 193 demonstration (Attachment C). CAA Section 110(l) provides that U.S. EPA cannot approve a SIP revision if the revision would interfere with any applicable requirement concerning attainment or reasonable further progress. CAA Section 193 provides that "no control requirement in effect, or required to be adopted by an order, settlement agreement, or plan in effect before November 15, 1990, in any area which is a nonattainment area for any air pollutant may be modified after November 15, 1990, in any manner unless the modification insures equivalent or greater emission reductions of such air pollutant." States are obligated to provide these demonstrations to show that such modification will not interfere with the aforementioned requirements.

Ohio held a public comment period on this revision request and CAA Section 110(l) demonstration from August 5, 2025 through September 22, 2025. In addition, a public hearing was held in Columbus, OH on September 15, 2025. Ohio EPA then incorporated additional information in the CAA Section 110(l) demonstration, including expanding it to cover CAA Section 193. Ohio EPA extended the public comment period on September 18, 2025 an additional two week. The expanded comment period closed on October 6, 2025. Ohio's public notice(s), response to comments received during the comment period, and documentation from the public hearing is included in Attachment D.

At this time, Ohio EPA is requesting U.S. EPA approve this revision to Ohio's SIP. Ohio EPA is submitting this SIP via U.S. EPA's State Planning Electronic Collaboration System (SPeCS). If you have questions, please contact Robert Hodanbosi in our Division of Air Pollution Control at (614) 644-3585.

Sincerely,



John Logue
Director

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

Enclosures