



**Environmental
Protection
Agency**

Removal of Ohio Air Nuisance Rule from State Implementation Plan Frequently Asked Questions

What is the purpose of this action?

Ohio EPA has prepared a request to U.S. EPA to remove the [Ohio EPA Air Nuisance Rule](#) as part of the federally approved [State Implementation Plan](#) (SIP).

Why is Ohio EPA taking this action?

As part of the biennium budget bill (HB 96), the Ohio Legislature required Ohio EPA to request that U.S. EPA remove the air nuisance rule from the SIP.

What is SIP?

The State Implementation Plan (SIP) compiles state rules and strategies for meeting federal national ambient air quality standards (NAAQS) or other Clean Air Act (CAA) requirements.

What is the Air Nuisance Rule?

The rule states that air emissions from any source are a public nuisance if the emissions endanger the health and safety of the public or cause property damage. The rule gives Ohio EPA the authority to take legal action against entities where there is evidence that a nuisance is being caused by air pollutant emissions.

Is the Air Nuisance Rule needed to meet NAAQS?

No. The air nuisance rule does not contain any specific emission limits or control requirements that can be used to meet the NAAQS. The Ohio legislation included a provision prohibiting Ohio EPA from using the Air Nuisance Rule to attain air quality standards.

Will citizens be protected if the Air Nuisance Rule is removed from the SIP?

Yes. Ohio EPA intends to keep the Air Nuisance Rule effective as a state regulation and apply the rule where appropriate.

Then why remove it from the SIP?

Under HB 95, the Air Nuisance Rule cannot be used to meet specific air quality standards and serves no purpose as part of the SIP, as it has never been used to meet air quality standards. As such, Ohio and U.S. EPA should have never incorporated the Air Nuisance Rule into Ohio's SIP. Ohio is the only state in U.S. EPA Region V with the Air Nuisance Rule still a part of its SIP. Other states, including New York and California, have removed their respective Air Nuisance Rule from their SIPs.

Has U.S. EPA approved removal of the air nuisance rule in other states?

Yes, U.S. EPA has approved the air nuisance rule or equivalent being removed from other State Implementation Plans.

How long will Ohio EPA accept comments on this package?

Ohio EPA will accept written comments through September 22, 2025. The comments may be submitted via email at DAPC-Comments@epa.ohio.gov or mailed to:

SIP Air Nuisance Rule Removal – Frequently Asked Questions

Ohio EPA
Division of Air Pollution Control
ANR Comments
50 West Town Street, Suite 700
Columbus, Ohio 43215

What process must Ohio EPA follow to remove the Air Nuisance Rule from the SIP?

Ohio EPA issues a public notice detailing the specific action requested. Since this removal impacts a requirement in the SIP, Ohio EPA also prepares an anti-backsliding demonstration as required by Section 110(l) of the CAA. Both the request and the Section 110(l) demonstration will be open for public comment. Ohio EPA posts these notices on its website, offering opportunities for in-person and electronic comments. After the comment period closes, Ohio EPA reviews and responds to all comments before finalizing the request and submitting it to U.S. EPA for a proposed final decision.

What happens next?

After the public comment period and public hearing, Ohio EPA will consider comments and make any necessary changes to the plan revision request. The request will then be sent to U.S. EPA, which will issue a notice in the Federal Register that will approve or disapprove the request and provide an additional opportunity for public comments. After considering comments, U.S. EPA will publish the final decision and (if approved) an effective date in the Federal Register.

When is U.S. EPA expected to act on the SIP?

Under the CAA, U.S. EPA must decide on the SIP submission within 18 months of receiving a complete SIP package.