



## Early Stakeholder Outreach — OAC Chapter 3745-101 – Transportation Conformity

*Ohio EPA prepares early stakeholder outreach fact sheets to ensure stakeholders are brought into the review process as early as possible and to obtain additional input and discussion before development of interested party draft rules.*

### What does OAC Chapter 3745-101 cover?

The purpose of OAC Chapter 3745-101, "Transportation Conformity," is to implement Section 176 (c) of the Clean Air Act (the Act), the related requirements of 23 USC 109 (j), and regulations under 40 CFR Part 51, Subpart T, with respect to the conformity of transportation plans, programs, and projects which are developed, funded, or approved by the United State Department of Transportation (USDOT), by the Ohio Department of Transportation (ODOT), and by metropolitan planning organizations or other recipients of funds under Title 23 of the United States Code or the Federal Transit Act contained in 49 USC 5303.

Specifically, this chapter addresses the procedures to be followed by federally funded transportations projects to demonstrate that they will not cause or add to a violation of a national ambient air quality standard.

### Why are these rules being sent out for Early Stakeholder Outreach?

The first step in the rule-making process is for Ohio EPA to identify that a rule needs to be amended, rescinded, or created. In response to the Governor's Executive Order (EO) 2011-01K, Ohio EPA has added an additional step to ensure stakeholders are brought into the rule process as early as possible. This additional interested party notification and request for information will allow for early feedback before the rule language has been developed by the Agency.

### What changes are being considered?

On July 2, 2014, Ohio EPA completed the signatory process on a series of memorandums of understanding (MOUs) which will replace Ohio's transportation conformity rules in OAC Chapter 3745-101. Ohio EPA is currently in the process of submitting the MOUs to United States Environmental Protection Agency (USEPA) for inclusion in our state implementation plan (SIP) and once the process is complete, the rules in this chapter will no longer be necessary. Ohio EPA, therefore, intends to rescind all of the rules in this chapter as they would provide no added value to the citizens of Ohio.

### How can I provide input?

The Agency is seeking stakeholder input on the above mentioned rules. When preparing your comments, be sure to:

- explain your views as clearly as possible;
- describe any assumptions used;
- provide any technical information and/or data used to support your views;
- explain how you arrived at your estimate for potential burdens, benefits or costs;
- provide specific examples to illustrate your views; and
- offer alternatives.

Written comments will be accepted through close of business **September 10, 2014**. Please submit input to:

Mr. Paul Braun  
Ohio EPA Division of Air Pollution Control  
PO Box 1049  
Columbus, Ohio 43216-1049  
(614)644-3134  
Paul.braun@epa.ohio.gov

### What if I have questions?

These rules can be found on Ohio EPA's website for electronic downloading at: [http://epa.ohio.gov/dapc/regs/3745\\_101.aspx](http://epa.ohio.gov/dapc/regs/3745_101.aspx) or contact Mr. Braun (information provided above).

## Early Stakeholder Outreach — Transportation Conformity Rules

### Who will be regulated by these rules?

The rules in OAC Chapter 3745-101 are applicable to transportation plans, programs, and projects which are developed, funded, or approved by the USDOT, by the ODOT, and by metropolitan planning organizations or other recipients of funds under Title 23 of the United States Code or the Federal Transit Act contained in 49 USC 5303. These entities will continue to be regulated under the MOUs once the rules have been rescinded.

### What is the rulemaking schedule?

Upon completion of the Early Stakeholder Outreach portion of this rulemaking, Ohio EPA will evaluate any comments received and prepare a business impact analysis (BIA) for this rulemaking. A draft of the rule language and the BIA will then be made available to the public for a 30-day review.

### What input is the Agency seeking?

The following questions may help guide you as you develop your comments.

- Is the general regulatory framework proposed the most appropriate? Should the Agency consider any alternative framework?
- What options are available for improving an identified concept?
- Are there considerations the Agency should take into account when developing a specific concept?
- Is there any information or data the Agency should be aware of when developing program concepts or rule language?

Ohio EPA would especially like to hear information regarding the following from stakeholders who may be impacted by the new program.

- Would this regulatory program have a positive impact on your business? Please explain how.
- Would this regulatory program have an adverse impact on your business? If so, please identify the nature of the adverse impact (for example, license fees, fines, employer time for compliance).