



Early Stakeholder Outreach — OAC Chapter 3745-77 – Title V Permitting Program Rules

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 3745-77 cover?

Chapter 3745-77 of the Ohio Administrative Code (OAC) contains the requirements for Ohio's Title V Permitting Program. Under Title V of the Clean Air Act, Ohio is required to develop an operating permit program for major sources of air pollution. These sources include those that have the potential to emit:

- 100 tons per year or more of any one regulated pollutant (PM 10, nitrogen oxides, sulfur dioxide, carbon monoxide, volatile organic compounds and lead);
- 10 tons per year or more of any one hazardous air pollutant; or
- 25 tons per year or more of any two or more hazardous air pollutants (U.S. EPA currently lists 188 hazardous air pollutants in Section 112 of the 1990 Clean Air Act).

The operating permit program streamlines the way federal, state, tribal and local authorities regulate air pollution by consolidating all air pollution control requirements into a single, comprehensive "operating permit" that covers all aspects of a source's year-to-year air pollution activities.

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The first step in the rule-making process is for Ohio EPA to identify that a rule needs to be amended, rescinded, or created.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?

Ohio EPA will be performing a general review of the rules in this chapter to fulfill the requirements of ORC 119.032 (5-year review). Ohio EPA is not aware, at this time, of any major changes necessary to these rules.

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 **July 30, 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
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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_77.aspx or contact Mr. Braun (information provided above).

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Who will be regulated by these rules?

The rules in OAC Chapter 3745-77 are applicable to facilities which are considered major sources of pollution as noted above. These rules are undergoing a 5-year review as required by ORC 119.032 and any amendments made to the rules will also be applicable to those facilities.

What is the rulemaking schedule?

Upon completion of the Early Stakeholder Outreach portion of this rulemaking, Ohio EPA will make any changes necessary to the rule language and make a draft of the rule language 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).