

Public Notice
Ohio Environmental Protection Agency
Proposed rescission of
OAC Chapter 3745-108

Notice is hereby given that the Ohio Environmental Protection Agency, Division of Air Pollution Control (DAPC) proposes to rescind Ohio Administrative Code (OAC) Chapter 3745-108. Ohio EPA is proposing that all the rules of this chapter be rescinded in preparation for future federal rule making that will regulate mercury emissions from affected parties. The original federal Clean Air Mercury rule (CAMR) was vacated by US federal court in February 2008 rendering Ohio's CAMR rule, which became effective during May of 2007, non-viable. It is now apparent that a federal cap and trade type program for mercury, that was the cornerstone of Ohio's original CAMR program, will not be utilized in this future rulemaking making the entire Chapter 3745-108 obsolete and unnecessary.

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 October 23, 2009, OAC rule 3745-108-07 went out for a 30-day review by interested parties. It was during this comment period that USEPA's decision on a CAMR replacement was made, prompting OEPA to proceed with rescission of the entirety of OAC chapter 3745-108.

Pursuant to Section 119.03 of the Ohio Revised Code, a public hearing on these rule changes will be conducted on Friday, March 12, 2010 at 10:30 AM, in Conference Room 6C at Ohio EPA, Lazarus Government Center, 50 W. Town Street, Suite 700, Columbus, Ohio. All visitors to Ohio EPA must register at the Security desk in the lobby upon arrival. Please bring photo identification (such as a valid driver's license). For security reasons, visitor's are required to wear their badge at all times while in the building. Please arrive early to complete these procedures.

All interested persons are entitled to attend or be represented at the hearing and give written or oral comments on these rule changes. All oral comments presented at the hearing, and all written statements submitted at the hearing or by the close of business on March 12, 2010, will be considered by Ohio EPA prior to final action on this rule. Written statements submitted after March 12, 2010, may be considered as time and circumstances permit, but will not be part of the official record of the hearing.

These rules are available on the Web page for electronic downloading. The URL is: <http://epa.ohio.gov/dapc/regs/regs.aspx#3745-108>. Questions regarding accessing the web site should be directed to Arunee Niamlarb at 614-728-1342; other questions or comments about these rules should be directed to Lee Burkleca at Ohio EPA, (614) 728-1344, lee.burkleca@epa.state.oh.us, or mailed to Lee Burkleca, Ohio EPA, Division Air Pollution Control, Lazarus Government Center, P.O. Box 1049, Columbus, Ohio 43216-1049.