

Public Notice
Ohio Environmental Protection Agency
Proposed amendment of
Ohio Administrative Code (OAC) rule 3745-108-07.

Notice is hereby given that the Ohio Environmental Protection Agency, Division of Air Pollution Control (DAPC) is proposing amended Ohio Administrative Code (OAC) rule 3745-108-07, Clean Air Mercury Rules to the Joint Committee on Agency Rule Review (JCARR). These rules are related to the control of mercury emissions from coal-fired power plants.

DAPC is proposing these changes as a result of the vacatur of the federal CAMR program by the U.S. Court of Appeals for the District of Columbia, *New Jersey v. Environmental Protection Agency*, 517 F.3d 574 (D.C. Cir. 2008). This rule has a January 1, 2009 deadline for affected parties to submit certifications of the operation of, and quarterly reports for their mercury monitoring programs. DAPC has decided to delay the deadline two years to January 1, 2011. Delaying the deadline will allow time for appeals of the federal court decision to run their course and for US EPA to make final decisions regarding CAMR.

In addition, keeping these deadlines two years later but still in this rule section may maintain further progress in the development of monitoring systems for mercury that will likely still be incorporated in subsequent federal/state rule making for mercury emissions from coal burning power plants.

Pursuant to Section 121.39 of the Ohio Revised Code, DAPC was required to consult with interested parties affected by the rule before the division formally adopts them. On August 19, 2008 these rules went out for a 30 day review by interested parties. Comments were received and Ohio EPA's response to those comments is available on our website at the URL listed below.

Pursuant to Section 119.03 of the Ohio Revised Code, a public hearing on these rule changes will be conducted on Monday, November 17, 2008 at 10:30 AM, in Conference Room C, 6th Floor at Ohio EPA, Lazarus Government Center, 50 W. Town Street, 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 November 17, 2008, will be considered by Ohio EPA prior to final action on this rule. Written statements submitted after November 17, 2008, may be considered as time and circumstances permit, but will not be part of the official record of the hearing. All commenters submitting comments electronically are encouraged to follow-up with a

hardcopy by regular mail.

These rules are available on the Ohio EPA DAPC Web page for electronic downloading. The URL is: <http://www.epa.state.oh.us/dapc/regs/regs.html#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.