

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

**Public Notice
Proposed Rulemaking Governing
Ohio Administrative Code (OAC) Chapter 3745-111, “Voluntary Emission Reduction
Credit Banking Program”**

Notice is hereby given that the Director of Environmental Protection, under the authority of Sections 3704.03 of the Ohio Revised Code and in accordance with Chapter 119, proposes to file revisions to the following rule of the Ohio Administrative Code:

- 3745-111-01 Definitions
- 3745-111-02 ERC banking program for the purpose of enabling the acquisition of offsets.
- 3745-111-03 ERC generation for the purpose of enabling the acquisition of offsets.
- 3745-111-04 ERC transfer and use for the purpose of enabling the acquisition of offsets.
- 3745-111-05 ERC banking system.

Ohio Administrative Code (OAC) Chapter 3745-111 contains the rules governing the emission reduction credit (ERC) banking program. ERCs are credits representing the reduction of emissions at a facility that can be used as credit to offset increased emission at the same or a different facility. This chapter contains requirements defining how these credits are identified, transferred, and applied.

The ERC banking program is a voluntary program. Eligible facilities are those facilities or participants who qualify under the requirements of OAC Chapter 3745-111.

The purpose of this rule making is in accordance with Ohio Revised Code 106.03, which requires all Ohio government agencies to review all existing, adopted rules, determining whether a rule should be amended or rescinded, prior to a specified date. Our review finds that only minor changes to rules 3745-111-01 through 3745-111-05 are needed, and all rules within chapter 111 are still necessary. The planned revisions to rules 3745-111 through 3745-111-05 are minor, primarily administrative and to remove restriction language, and do not affect the content or intent of the rule.

The public comment period will run until November 15, 2024, at 5:00pm. A public hearing on this proposed rulemaking will be held to consider public comments in accordance with Section 119.03 of the Ohio Revised Code. Ohio EPA will be holding an in-person and virtual public hearing on the rules on November 15, 2024, at 10:30am. The in-person hearing will be at the same time and date and will be located at Ohio EPA, 50 W. Town Street, Suite 700, Columbus, Ohio 43215.

During the hearing, the public may submit written comments on the record about the proposed rules if participating virtually and verbally if participating in person.

Citizens who want to participate virtually must register in advance for the meeting at: <https://attendee.gotowebinar.com/register/1598987217421181024>

Registration for the in-person hearing is not required. Citizens intending to give testimony at the hearing should notify the Ohio EPA Public Interest Center, P.O. Box 1049, Columbus, Ohio 43216-1049, (614) 644-2160 or by emailing mary.mccarron@epa.ohio.gov. Prior registration will ensure that registrants are heard ahead of those individuals who register at the hearing. Oral testimony may be limited to five minutes, depending on the number of persons testifying. All interested persons are entitled to attend or be represented and to present oral and/or written comments concerning the proposed rulemaking.

Written testimony should be sent to the attention of William Kenny at the Division of Air Pollution Control (DAPC), P.O. Box 1049, Columbus Ohio 43216-1049 or can be emailed to DAPC-Comments@epa.ohio.gov. Written comments may also be submitted to the Hearing Officer at the public hearing. Written testimony will receive the same consideration as oral testimony. All testimony received at the hearing or by close of business on November 15, 2024, will be considered by Ohio EPA prior to final action on this rulemaking proposal. Written comments submitted after this date may be considered as time and circumstances permit.

Questions regarding this rule package should be directed to William Kenny at the Division of Air Pollution Control at (614) 644-2039 or william.kenny@epa.ohio.gov.

To receive a copy of the proposed rules, please contact the DAPC receptionist at (614) 644-2270. In addition, full copies of all proposed rules are available for review at any Ohio EPA district office and at the Ohio EPA central office. The proposed rules are also accessible on DAPC web page at <http://epa.ohio.gov/dapc/DAPCrules.aspx>

To request a reasonable accommodation due to a disability, visit <https://epa.ohio.gov/ada>