

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

**Public Notice
Proposed Rulemaking Governing
Ohio Administrative Code (OAC) Chapter 3745-76 Five Year Rule Review
“Control of Non-Methane Organic Compound (NMOC) Emissions from Existing Landfills”**

Notice is hereby given that the Director of Environmental Protection, under the authority of Section 3704.03(E) of the Ohio Revised Code and in accordance with Chapter 119, proposes to rescind the following rules of the Ohio Administrative Code:

<u>Rule</u>	<u>Title</u>
3745-76-01	Definitions.
3745-76-02	Designated facilities.
3745-76-03	Control requirements for municipal solid waste landfills.
3745-76-04	Test methods and procedures.
3745-76-06	Compliance times.
3745-76-07	Standards for air emissions from municipal waste landfills.
3745-76-08	Operational standards for collection and control systems.
3745-76-09	Test methods and procedures.
3745-76-10	Compliance provisions.
3745-76-11	Monitoring of operations.
3745-76-12	Reporting requirements.
3745-76-13	Recordkeeping requirements.
3745-76-14	Specifications for active collection systems.
3745-76-15	Flare requirements.

This chapter addresses Control of Non-Methane Organic Compound (NMOC) Emissions from Existing Landfills regulations.

The purpose of this rule making is to propose rescinding all of the rules in OAC Chapter 3745-76. OAC Chapter 3745-76 was developed to implement federal requirements to establish NMOC emission standards. On May 21, 2021, U.S. EPA promulgated the Federal Plan, 40 CFR Part 62, Subpart OOO, for existing landfills that commenced construction, reconstruction, or modification on or before July 17, 2014. Ohio EPA is currently pursuing a Memorandum of Agreement with U.S. EPA to have delegation and enforcement of the Federal Plan. Therefore, these rules are no longer necessary.

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 February 25, 2025, these rules went out for a 30-day review by interested parties.

Pursuant to Part A of Title I of the Clean Air Act, Ohio EPA is required to establish a state plan for standards of performance for certain stationary sources. The above-mentioned rules are a part of Ohio's SIP and the proposed amendments will be submitted to U.S. EPA as a modification of the SIP along with the Memorandum of Agreement.

The public comment period will run until June 3, 2025, at 11:00am. A public hearing on this proposed rulemaking will be held to consider public comments in accordance with Section 106.03 and 106.31 of the Ohio Revised Code. Ohio EPA will be holding an in-person and virtual public hearing on the rules on June 3, 2025, at 10:30am. The in-person hearing will be at the same time and date and will be located at Ohio EPA, Suite 700, 50 W. Town Street, Columbus, Ohio 43215 in the Summer Conference Room. 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/7881919919242923615>

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 rule making.

Written testimony may be submitted electronically through Smart Comment at <https://ohioepa.commentinput.com?id=cBYAx2m4ge>. 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 June 3, 2025, 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 Briana Hammond, at the Division of Air Pollution Control, at (614)-644-3698. 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's web page at <https://epa.ohio.gov/divisions-and-offices/air-pollution-control/regulations/proposed-rules>.

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