

Public Notice and Public Hearing
Ohio Environmental Protection Agency
Ohio Administrative Code (OAC) Chapter 3745-110 Five Year Rule Review
Nitrogen Oxides (NOx) - Reasonably Available Control Technology (RACT)

Notice is hereby given that the Ohio Environmental Protection Agency, Division of Air Pollution Control (DAPC), under the authority of Sections 3704.03 of the Ohio Revised Code and in accordance with Chapter 119, is planning to amend rules in Ohio Administrative Code (OAC) Chapter 3745-110, "Nitrogen Oxides – Reasonably Available Control Technology".

OAC Chapter 3745-110 establishes requirements for emissions of nitrogen oxides (NOx) from very large, large, mid-size, and small boilers, stationary combustion turbines, stationary internal combustion engines, and reheat furnaces as defined in OAC rule 3745-110-01, or miscellaneous sources located at facilities that emit or have the potential to emit a total of more than fifty tons per year in the Cleveland area and more than one hundred tons per year in the Cincinnati area of NOx emissions from all sources at that facility. NOx is a precursor compound which, along with volatile organic compounds (VOCs) can form ozone. Ozone is one of the six criteria pollutants for which a National Ambient Air Quality Standard (NAAQS) has been established under the CAA.

Ohio EPA is proposing to amend the following rules:

- 3745-110-01 Definitions.
- 3745-110-02 Applicability.
- 3745-110-03 RACT requirements and/or limitations for emissions of NOx from stationary sources.
- 3745-110-04 Compliance deadlines.
- 3745-110-05 Compliance methods.

In addition, Ohio EPA is proposing in OAC rule 3745-110-03 an exemption from certain emissions at Kent State University. This is supported by a Clean Air Act (CAA) Section 110(l) anti-backsliding demonstration.

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 12, 2025, these rules went out for a 30-day review by interested parties.

Please see the rule synopsis, available electronically at the web address below, for a complete summary of the proposed rule amendments. The CAA 110(l) demonstration is also available electronically at the web address below.

Pursuant to Part D of Title I of the Clean Air Act, Ohio EPA is required to establish a state implementation plan (SIP) for the attainment and maintenance of the National Ambient Air Quality Standards (NAAQS). The above-mentioned rules and documents are a part of Ohio's SIP, and the proposed amendments will be submitted to USEPA as a modification of the SIP.

The public comment period will run until 11:00am June 2, 2025. 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 hold an in-person and virtual public hearing on the rules on June 2, 2025 at 10:30am. The in-person hearing will be held 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, comments may be submitted electronically and may be submitted verbally if participating in person.

Citizens who want to participate virtually must register in advance for the meeting at: <https://attendee.gotowebinar.com/register/3105364331250578778>.

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 to SmartComment at <https://ohioepa.commentinput.com?id=sQJT6ZARr>. 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 April 11, 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. These rules and associated documents are available on DAPC's website for electronic viewing and downloading at: <https://epa.ohio.gov/divisions-and-offices/air-pollution-control/regulations/proposed-rules>.

Questions regarding accessing the web site should be directed to Chris Brown at Ohio EPA at (614) 705-1148, chris.brown@epa.ohio.gov; other questions about these rules should be directed to Kathryn Jobe at Ohio EPA, at (614) 728-0671 or kathryn.jobe@epa.ohio.gov.

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