

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

**Public Notice
Proposed Rulemaking Governing
Acid Rain**

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

Rule Number	Rule Title
3745-103-01	Definitions
3745-103-02	Applicability
3745-103-03	New units exemption
3745-103-04	Retired units exemption
3745-103-05	Standard requirements
3745-103-06	Designated representative
3745-103-07	Acid rain permit applications
3745-103-08	Permit application shield and binding effect of permit application
3745-103-09	Acid rain compliance plan and compliance options
3745-103-12	Permit shield
3745-103-13	Issuance of acid rain permits
3745-103-14	Acid rain permit appeal procedures
3745-103-15	Permit revisions
3745-103-17	Fast-track modifications
3745-103-18	Administrative permit
3745-103-19	Automatic permit
3745-103-20	Permit reopenings
3745-103-21	Units with repowering extension plans
3745-103-22	Opt-in purpose and scope
3745-103-24	Opt-in relationship to the acid rain program requirements
3745-103-26	Roles – USEPA and director
3745-103-27	Opt-in permit contents
3745-103-28	Opt-in permit process
3745-103-31	Opt-in withdrawal
3745-103-32	Revision and renewal of opt-in permit
3745-103-33	Opt-in data for baseline and alternative baseline
3745-103-34	Actual SO ₂ emissions rate
3745-103-35	1985 allowable SO ₂ emissions rate
3745-103-36	Current allowable SO ₂ emissions rate
3745-103-37	Current promulgated SO ₂ emissions limit
3745-103-39	Allowance allocation for combustion sources becoming opt-in sources on a date other than January first

3745-103-42	Identifying allowances
3745-103-43	Prohibition on future year transfers
3745-103-44	Annual compliance certification report
3745-103-45	Reduced utilization for combustion sources
3745-103-47	Opt-in source permanent shutdown, reconstruction, or change in affected status
3745-103-48	Transfer of allowances from the replacement of thermal energy; combustion sources
3745-103-50	Calculation for deducting allowances
3745-103-51	Deducting opt-in source allowances from allowance tracking system accounts
3745-103-52	Monitoring requirements
3745-103-53	Monitoring plan
3745-103-55	NOx applicability
3745-103-57	NOx emission limitations for group one phase I boilers
3745-103-58	NOx emission limitations for group two boilers
3745-103-59	NOx emission limitations for group one, phase II boilers
3745-103-60	Early election for group one, phase II boilers
3745-103-61	Permit application and compliance plans
3745-103-62	Alternative emission limitations
3745-103-63	Emissions averaging
3745-103-65	Monitoring, recordkeeping, and reporting
3745-103-66	Test methods and procedures

In addition to proposing amendments to the above rules in this chapter, Ohio EPA is proposing no changes are needed in the following rules:

Rule Number	Rule Title
3745-103-11	Acid rain permit
3745-103-16	Permit modifications
3745-103-23	Opt-in applicability
3745-103-25	Opt-in designated representative
3745-103-29	Opt-in application requirements for combustion sources
3745-103-38	Opt-in allocation formula
3745-103-41	Establishment of opt-in source allowance accounts
3745-103-56	General acid rain program provisions

These rules address acid rain regulations. The purpose of this rule-making is to perform the 5-year rule review of the regulations that implement the Acid Rain Program to control sulfur dioxide (SO₂) emissions.

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 May 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.

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 October 14, 2025. 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 October 14, 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. 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/4547144036155939164>

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 at Smart Comment: <https://ohioepa.commentinput.com?id=TCGd57FcE> 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 October 14, 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 Leah Kessler at the Division of Air Pollution Control at (614) 644-3684.

To receive a copy of the proposed rules, please contact the Division of Air Pollution Control at (614) 644-3684. 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 Division of Air Pollution Control web page at <https://epa.ohio.gov/divisions-and-offices/air-pollution-control/regulations/proposed-rules/dapc-proposed-rules>.

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