

**NOTICE OF ADOPTION OF RULES
OHIO ENVIRONMENTAL PROTECTION AGENCY**

**Rules Governing
Five-Year Rule Review of Rules in Ohio Administrative Code (OAC) Chapter 3745-103, "Acid
Rain Operating Permits for Electrical Generating Units"**

Notice is hereby given that the Director of the Ohio Environmental Protection Agency (Ohio EPA) has adopted the following amended rules of the Ohio Administrative Code:

Rule # Title:

- 3745-103-01 Definitions and reference to materials.
- 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.
- 3745-103-15 Permit revisions.
- 3745-103-17 Fast-track modifications.
- 3745-103-20 Permit reopenings.
- 3745-103-24 Opt-in relationship to the acid rain program requirements.
- 3745-103-25 Opt-in designated representative.
- 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 SO₂ emissions rate.
- 3745-103-35 1985 allowable SO₂ emissions rate.
- 3745-103-38 Opt-in allocation formula.
- 3745-103-39 Allowance allocation for combustion sources becoming op-tin sources on a date other than January First.
- 3745-103-41 Establishment of opt-in source allowance accounts.
- 3745-103-45 Reduced utilization for combustion sources.
- 3745-103-48 Transfer of allowances from the replacement of thermal energy; combustion sources.
- 3745-103-56 General acid rain program provisions.
- 3745-103-60 Early election for group one, phase II boilers.
- 3745-103-62 Alternative emission limitations.

The Director's order of adoption was issued on September 15, 2023. These amended rules will become effective on **Monday, September 25, 2023.**

The Director's action in this matter is pursuant to the procedural requirements of Ohio Revised

Code Chapter 119 and is based upon the record of the public hearing conducted by Ohio EPA on June 29, 2023 in Columbus, Ohio and virtually. No comments were received during any rulemaking stage.

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within thirty (30) days after notice of the Director's action. The appeal must be accompanied by a filing fee of \$70.00, made payable to "Treasurer, State of Ohio," which the Commission, in its discretion, may reduce if by affidavit you demonstrate that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the Director within three (3) days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission
30 East Broad Street, 4th floor
Columbus, Ohio 43215