



Mike DeWine, Governor
Jon Husted, Lt. Governor
Anne M. Vogel, Director

June 8, 2023

Ms. Debra Shore
Regional Administrator
U.S. EPA Region V
77 W. Jackson Blvd.
Chicago, IL 60604

Re: Request for Approval of Amendments to Ohio Administrative Code (OAC) Rule 3745-18-82(F) into Ohio's State Implementation Plan (SIP)

Dear Ms. Shore:

On December 28, 1979, Ohio EPA promulgated rules in Ohio Administrative Code (OAC) Chapter 3745-18 for the control of sulfur dioxide (SO₂) emissions from fuel burning equipment. Included in this rulemaking were regulations for SO₂ emissions from Greif Packaging, LLC (OEPA premise number 1576000431) in paragraph (F) of OAC rule 3745-18-82. Ohio EPA is now submitting amended OAC rule 3745-18-82 to remove the site specific requirements in paragraph (F) from Ohio's SIP.

OAC 3745-18-82(F) formerly regulated fuel burning sources at the Greif Packaging, LLC (Greif) paperboard mill at 9420 Warmington Rd. SW in Massillon, Ohio. In 1979, when OAC rule 3745-18-82 was originally promulgated, Greif operated six boilers at their facility, emission units (EU) B001 to B006. Boilers B001 to B004 operated solely on natural gas, while B005 and B006 operated on natural gas with the capability to burn #2 or #6 fuel oil as a backup. Because boilers B005 and B006 had the ability to also burn fuel oil, Ohio EPA established facility specific regulations in OAC rule 3745-18-82(F). Ohio EPA did not develop emission limits for any other EUs at the facility because they burned solely natural gas and were therefore exempt from the requirements of OAC rule 3745-18-82.

U.S. EPA did not agree with Ohio's established emission limits in OAC rule 3745-18-82(F) and established a federal implementation plan (FIP). The FIP included an alternate SO₂ emission limit for fuel burning equipment at Greif (40 CFR 52.1881(a)(27)(v)).

On January 23, 2006, Ohio EPA made amendments to our rules in OAC Chapter 3745-18 to address the FIP and bring Ohio's rules in line with the FIP.

Subsequently, boilers B005 and B006 were permanently shut down as of January 30, 2009, and August 4, 2009, respectively. There are no longer any boilers at this facility that can burn fuel oil or are equipped to burn any fuel other than natural gas. The burning of natural gas in fuel burning equipment is exempt from the requirements of OAC rule 3745-18-82 under OAC rule 3745-18-06(A). Therefore, as of 2009, there are no longer any boilers, and thereby any EUs at the facility subject to OAC rule 3745-18-82(F), and any new source (boiler) would have to undergo new

permitting to show compliance with the more stringent 2010 1-hour SO₂ national ambient air quality standard.

On July 12, 2017, Greif began operation of a natural gas flare (P004) as a control device for emissions from an industrial wastewater pre-treatment anaerobic digester system. This unit emits sulfur dioxide but is not fuel burning equipment and would not be subject to the requirements in OAC rule 3745-18-82(F). Rather, P004 is subject to the SO₂ requirements for process equipment in OAC rule 3745-18-82(A)(3). The existence of the language for fuel burning equipment in OAC rule 3745-18-82(F) is causing confusion concerning the rule under which P004 should be regulated.

Ohio EPA is removing the emission limits for Greif contained in OAC rule 3745-18-82(F) due to an absence of permitted sources and to prevent confusion over the regulation of non-fuel burning process equipment at the facility.

This letter should meet the requirements in 40 CFR Part 51, Appendix V, Section 2.1(a): a "formal letter of submittal from the Governor or his designee, requesting EPA approval of the plan or revision."

The following documents are attached for your consideration per the requirements of 40 CFR Part 51, Appendix V:

Article One addresses the following two requirements:

40 CFR Part 51, Appendix V, Section 2.1(b)

Evidence that the State has adopted the plan in the State code or body of regulations; or issued the permit, order, consent agreement (hereafter "document") in final form. That evidence shall include the date of adoption or final issuance as well as the effective date of the plan, if different from the adoption/issuance date.

40 CFR Part 51, Appendix V, Section 2.1(d)

A copy of the actual regulation, or document submitted for approval and incorporation by reference into the plan, including indication of the changes made to the existing approved plan, where applicable. The submittal shall be a copy of the official State regulation /document signed, stamped, and dated by the appropriate State official indicating that it is fully enforceable by the State. The effective date of the regulation/document shall, whenever possible, be indicated in the document itself.

Certified copies of the rule, in redline and strikeout, are being submitted for approval and incorporation by reference into the plan. The copy is included as evidence that the State has adopted the body of regulations in final form. This submittal includes copies of the official State regulation signed, stamped, and dated by the appropriate State official indicating that it is fully enforceable by the State. The effective date of the regulation is indicated in the document itself. Please consider that Ohio has an electronic rule filing system, and all certifications/signatures of regulations are done electronically.

Article Two addresses the following requirement:

Copies of the public notice of adoption and Director's Findings & Orders have been included as evidence of the date of adoption as well as the effective date of the regulations and evidence that public notice was given of the proposed changes consistent with procedures approved by EPA, including the date of publication of such notice.

Requirements of 40 CFR Part 51, Appendix V, Section 2.1(c):

Evidence that the State has the necessary legal authority under State law to adopt and implement the plan.

Ohio's legislature has given Ohio EPA authority under paragraphs (A) and (E) of Section 3704.03 of the Ohio Revised Code (ORC) to enact these rules. Copies of these sections of the ORC can be provided upon request.

Article Three addresses the following requirements:

40 CFR Part 51, Appendix V, Section 2.1(e)

Evidence that the State followed all of the procedural requirements of the State's laws and constitution in conducting and completing the adoption/issuance of the plan.

40 CFR Part 51, Appendix V, Section 2.1(f)

Evidence that public notice was given of the proposed change consistent with procedures approved by EPA, including the date of publication of such notice.

Ohio EPA has included a narrative and several attachments as evidence that the State followed all the procedural requirements of the State's laws and constitution in conducting and completing the adoption/issuance of the plan.

Article Four

40 CFR Part 51, Appendix V, Section 2.1(g)

Certification that public hearings(s) were held in accordance with the information provided in the public notice and the State's laws and constitution, if applicable.

A copy of the hearing summary from the public hearing including the public hearing speech, a copy of the attendance log, and the response to comments submitted during the hearing and associated public comment period has been provided as certification that a public hearing was held in accordance with the information provided in the public notice and the State's laws and constitution.

Article Five

40 CFR Part 51, Appendix V, Section 2.1(h)

Compilation of public comments and the State's response thereto.

Ohio EPA received no public comments on the proposed rule amendment during this rulemaking and subsequently generated no responses.

Article Six addresses the following requirement:

Application to Section 110(l) of the Clean Air Act

The amendments to this rule include removal of facility specific emission requirements that were formerly a part of Ohio's SIP. Article Six includes a discussion of the proposed change and a demonstration to show that this change would not interfere with any applicable requirement concerning attainment and reasonable further progress (RFP), or any other applicable requirement of the Clean Air Act.

Ohio EPA asks that the above-mentioned rule be accepted as a revision to Ohio's SIP as noted above.

Ohio EPA is submitting this SIP via U.S. EPA's State Planning Electronic Collaboration System (SPeCS).

We would appreciate if U.S. EPA would expedite the review of this material. Please contact Bob Hodanbosi if you have any questions about this submittal.

Sincerely,



Anne M. Vogel
Director, Ohio Environmental Protection Agency

cc: Bob Hodanbosi, Chief Division of Air Pollution Control

Attachments

Article I

Certified Copy of Rule

3745-18-82

Stark county emission limits.

(A) No owner or operator of a facility in Stark county, unless otherwise specified in this rule, shall cause or permit the emission of sulfur dioxide from any stack in excess of the following rates:

- (1) For fossil fuel-fired steam generating units between ten and sixty MM Btu per hour total rated heat input capacity, the emission rate in pounds of sulfur dioxide per MM Btu actual heat input shall be calculated by the following equation:

$$EL = 18.48Qm^{-0.4886}$$

where:

Qm is the total rated capacity of heat input in MM Btu per hour, and

EL is the allowable emission rate in pounds of sulfur dioxide per MM Btu actual heat input.

- (2) For fossil fuel-fired steam generating units equal to or greater than sixty MM Btu per hour total rated heat input capacity, 2.50 pounds of sulfur dioxide per MM Btu actual heat input.

- (3) No owner or operator of any process equipment shall cause or permit the emission of sulfur dioxide from any stack in excess of 80.0 pounds of sulfur dioxide per ton of actual process weight input.

(B) The "Canton Drop Forge" (OEPA premise number 1576000073) or any subsequent owner or operator of the "Canton Drop Forge, 4575 Southway Street Southwest, Canton, Ohio" shall not cause or permit the emission of sulfur dioxide from the following sources to exceed the amounts indicated and the units shall not exceed the operating limits indicated:

(1) [Reserved.]

(2) [Reserved.]

- (3) For boiler numbers 2 and 3 (OEPA source numbers B002 and B003); a maximum of 2.5 pounds of sulfur dioxide per MM Btu actual heat input from each boiler.

- (4) The total fuel oil consumption by all forge-shop furnaces shall not exceed seven hundred seventy-five gallons per hour, eighteen thousand six hundred gallons per day and six million seven hundred eighty-nine thousand gallons per year. [Forge-shop furnaces include emissions units P001 to P007, P009, P010, P016, and P041.]

(5) The sulfur content for any fuel oil used in the forge-shop furnaces shall not exceed 0.05 per cent by weight.

(C) [Reserved.]

(D) [Reserved.]

(E) The "Marathon Petroleum Company LP - Canton Refinery" (OEPA premise number 1576002006) or any subsequent owner or operator of the "Marathon Petroleum Company LP - Canton Refinery, 2408 Gambrinus Road, Canton, Ohio" shall not cause or permit the emission of sulfur dioxide from the following sources to exceed the amounts indicated and shall operate said sources in the manner specified:

(1)

Guard case heater 4-2-B-1 (OEPA source number B016), and

ISO stripper heater 4-27-B-1 (OEPA source number B021);

A maximum of 0.025 pounds of sulfur dioxide per MM Btu actual heat input from each unit.

(2) A maximum 1.0 pounds of sulfur dioxide per MM Btu actual heat input for all process heaters and fossil fuel-fired steam-generating units unless otherwise specified in this paragraph.

(3) Number 12 boiler 4-16-B-12 (OEPA source number B027).

(4) [Reserved.]

(5) FCC (OEPA source number P002); a maximum of 0.62 pounds of sulfur dioxide per one thousand pounds of fresh feed.

(F) ~~The "Greif Packaging, LLC" (OEPA premise number 1576000431) or any subsequent owner or operator of the "Greif Packaging, LLC, 9420 Warmington Rd. SW, Massillon, Ohio" shall not cause or permit the emission of sulfur dioxide from any stack at this facility in excess of 0.50 pound of sulfur dioxide per MM Btu actual heat input.~~ [Reserved.]

(G) [Reserved.]

(H) [Reserved.]

(I) [Reserved.]

(J) [Reserved.]

(K) [Reserved.]

(L) [Reserved.]

(M) [Reserved.]

(N) [Reserved.]

(O) The "Timken Steel Corporation - Gambrinus Steel Plant" (OEPA premise number 1576222000), the "Timken Steel Corporation - Faircrest Steel Plant" (OEPA premise number 1576222001), and the "Timken Steel Corporation - Harrison Steel Plant" (OEPA premise number 1576222002) or any subsequent owner or operator of the "Timken Steel Corporation - Gambrinus Steel Plant", the "Timken Steel Corporation - Faircrest Steel Plant", or the "Timken Steel Corporation - Harrison Steel Plant, Dueber Avenue, S.W., Canton, Ohio" shall not cause or permit the emission of sulfur dioxide to exceed 0.67 pounds of sulfur dioxide per MM Btu actual heat input for fossil fuel-fired steam-generating units.

(P) [Reserved.]

(Q) [Reserved.]

(R) [Reserved.]

(S) [Reserved.]

(T) The "Republic Steel-Massillon" (OEPA premise number 1576130697) or any subsequent owner or operator of the "Republic Steel-Massillon, 401 Rose Avenue, Southeast, Massillon, Ohio" shall not cause or permit the emission of sulfur dioxide from any fossil-fuel fired steam generating unit stack in excess of 4.40 pounds of sulfur dioxide per MM Btu actual heat input.

Effective: 4/16/2023

Five Year Review (FYR) Dates: 11/9/2026

CERTIFIED ELECTRONICALLY

Certification

04/06/2023

Date

Promulgated Under: 119.03
Statutory Authority: 3704.03(E)
Rule Amplifies: 3704.03(A), 3704.03(E)
Prior Effective Dates: 12/28/1979, 01/23/2006, 12/08/2007, 04/03/2011,
02/16/2017, 02/03/2022

Article II

Copy of Public Notice and
Director's Findings & Orders

APPEAL RIGHTS

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, OH 43215



Anne M. Vogel, Director
Ohio Environmental Protection Agency

Issued at Columbus, Ohio this 6th day of April, 2023.

NOTICE OF ADOPTION OF RULES
OHIO ENVIRONMENTAL PROTECTION AGENCY
Amendments to Ohio Administrative Code (OAC)
Rule 3745-18-82, “Stark County Emission Limits”

Notice is hereby given that the Director of the Ohio Environmental Protection Agency (Ohio EPA) has adopted amended Ohio Administrative Code (OAC) rule 3745-18-82, “Stark County Emission Limits”.

The Director's order of adoption was issued on April 6, 2023. These amended rules will become effective on **April 16, 2023**.

Copies of the amended rules can be found on Ohio EPA’s website at: <https://epa.ohio.gov/divisions-and-offices/air-pollution-control/regulations>

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 January 6, 2023, and comments received during the public comment period.

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 St., 4th Floor
Columbus, Ohio 43215

Article III

Evidence Ohio EPA
Followed Rule Adoption
Procedures

Evidence Ohio EPA Followed Rule Adoption Procedures

Ohio Revised Code (ORC) 119.03, Procedures for adoption, amendment, or rescission of rules; finding that fiscal analysis is incomplete or inaccurate, outlines the requirements Ohio EPA must follow during the rule-making process. A copy of ORC 119.03 can be provided upon request. Ohio EPA fully complied with the requirements of this law and has provided evidence on the major requirements below:

1. ORC 119.03(A): Reasonable public notice shall be given in the register of Ohio at least 30 days prior to the date set for a hearing.

Ohio's electronic rule filing system automatically posts public notices in the Register of Ohio when rules are proposed. A copy of the Public Hearing notice is included (Attachment A to Article III). The Public Hearing notice was placed in the Ohio Register on November 30, 2022. Ohio EPA held a public hearing on January 4, 2023 in Columbus, Ohio and virtually. This hearing was held 36 days after the notice was placed in the register. The ORC 119.03 requirements for public notice contents were met as evidenced by comparing the public notice and ORC 119.03 (A)(1)-(4).

2. ORC 119.03(B): The required materials must be filed with the secretary of state and the director of the legislative service commission (LSC).

Ohio's electronic filing system automatically generates a letter when all the required elements have been uploaded on the system and the package is proposed. This letter is included (Attachment B to Article III).

Ohio EPA also complied with all requirements for incorporated materials. In addition, the answers to questions nine and ten of the Rule Summary and Fiscal Analysis (RSFA) document is provided (Attachment C to Article III).

3. ORC 119.03(C): Conduct public hearings as advertised.

Ohio EPA conducted the public hearing on January 4, 2023 as identified in the Public Hearing notice. A copy of the hearing summary is provided in Article IV.

4. ORC 119.03(D): After the period of time when legislative review and invalidation may occur expires, the agency may issue an order adopting the rule.

The Joint Committee on Agency Rule Review (JCARR) oversees agency rulemaking in Ohio. A hearing was held with JCARR on January 30, 2023 where these rules were placed on the consent agenda as item 15 (Attachment D to Article III). No testimony, questions or invalidation of the rules occurred during this hearing. JCARR jurisdiction expired on February 3, 2023 as evidenced by the JCARR consent agenda.

Ohio EPA issued the order to adopt the rules on April 6, 2023 as evidenced by the Director's Findings & Orders and the Public Notice (both contained in Article II).

The Secretary of the State and Director of the LSC once again received a letter of notice (Attachment E to Article III).

5. ORC 119.03(E): Provide notice to public prior to effective date of rules.

Ohio EPA provided an update of the adoption of the rules through the Ohio EPA website, in the Register of Ohio, in the director's Weekly review, and through an e-mail notice to all interested parties on April 6, 2023. A copy of these notifications can be provided upon request.

ORC 121.39, Provisions applicable to proposed legislation or administrative rules concerning environmental protection, imposes further requirements for interested party review specific to environmental rule adoption. Ohio EPA fully complied with the requirements of this law and has provided evidence on the major requirements below:

1. ORC 121.39(B): Legislation dealing with the environment must be accompanied by a statement identifying if it is necessary to comply with a federal requirement. It must also include information on the estimated cost of compliance.

The RSFA and Environmental Rule Adoption/Amendment Form (ERAF) documents are automatically generated questions that are part of the States electronic rule filing system (Attachment B to Article III). The questions are intended to address the items in ORC 121.39. As evidenced in Question 6 of the RSFA documents and item (C) of the ERAF for the rule, Ohio EPA stated the adoption of this rule, or a version as stringent as, is required by U.S. EPA. The RSFA documents also contain a section entitled Fiscal Analysis which addresses potential costs. Our responses met the requirements of this law as evidenced in the consent by JCARR who reviews these documents.

2. ORC 121.39(D): Prior to adopting any environmental rule, the agency must consult with interested parties, consider all documentation relevant to the need for the rule making, identify any need to adopt in order to maintain approval to administer a federal environmental law, and it must include an RSFA.

On September 8, 2022, Ohio EPA notified interested parties via e-mail of the draft rule language. A copy of the notification may be provided upon request. We provided a 30-day comment period closing October 11, 2022. The interested parties list included Ohio EPA, DAPC's general rule making list. A copy of the e-mail and interested party list will be provided upon request.

As evidenced in item (C) of the ERAF for this rule, Ohio EPA stated the adoption of this rule is required in order to maintain approval to administer a federal environmental law.

As evidenced in item (A) of the ERAF for this rule, Ohio EPA identified that it considered all documentation relevant to the need for the rule making and identified those documents in list form.

Article III

Attachment A

Public Hearing Notice

OHIO ENVIRONMENTAL PROTECTION AGENCY

Public Notice
Proposed Rulemaking Governing
Amendments to Ohio Administrative Code (OAC)
Rule 3745-18-82, "Stark County Emission Limits"

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, the Ohio EPA proposes to amend Ohio Administrative Code (OAC) rule 3745-18-82, "Stark County Emission Limits" and is now requesting public comments on the draft. This rule sets limits, testing and recordkeeping requirements for emissions of sulfur dioxide (SO₂) from sources in Stark County, Ohio.

The purpose of this rule making is to amend paragraph (F) of the rule to remove facility specific information for the Greif Brothers Corporation for emissions units that have been permanently removed from the facility.

Pursuant to Section 121.39 of the Ohio Revised Code, Ohio EPA was required to consult with interested parties affected by the rules before the agency formally adopts them. On September 8, 2022, 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 rule is a part of Ohio's SIP for the attainment and maintenance of the 2010 SO₂ NAAQS and the proposed amendments will be submitted to United States Environmental Protection Agency (U.S. EPA) as a modification of the SIP. The below hearing will also serve as the hearing for the SIP submittal.

Ohio EPA will be accepting comments on the proposed amended rule until January 4, 2023. 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 **January 4, 2023 at 10:30 AM**. 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/5853217592551459417>

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 Paul Braun in 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 January 4, 2023 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 Paul Braun in DAPC at the above email address or at 614-644-3734.

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 the DAPC 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>

Article III

Attachment B

Letter to Secretary of State
and Director of LSC



ELECTRONIC RULE-FILING SYSTEM

FILING OF OHIO ADMINISTRATIVE RULES AND RULE-RELATED DOCUMENTS

The Honorable Frank LaRose
Secretary of State
180 E. Broad St., 16th Floor
Columbus, OH 43215

Wendy Zhan, Director
Legislative Service Commission
77 South High St., 9th Floor
Columbus, OH 43215

Larry Wolpert, Director
Joint Committee on Agency Rule Review
77 South High St., Concourse Level
Columbus, OH 43215

It is hereby confirmed that the Ohio Environmental Protection Agency **original filed** the following rule(s) pursuant to section 119.03 of the Ohio Revised Code.

Package Number: 195344
File Date and Time: 11/30/2022 10:29 AM
Confirmation Number: f079e28be5b5f016b6d2954379c01ced

ORIGINAL FILE

Rule Number	Type	FYR	CSI	JE Date	Eff Date	Next FYR	Tagline
3745-18-82	Amendment	N	Y	02/03/2023			Stark county emission limits.

Article III
Attachment C
RSFAs

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 3745-18-82

Rule Type: Amendment

Rule Title/Tagline: Stark county emission limits.

Agency Name: Ohio Environmental Protection Agency

Division: Division of Air Pollution Control (DAPC)

Address: 50 West Town Street, Suite 700 PO Box 1049 Columbus OH 43216-1049

Contact: Paul J. Braun **Phone:** 614-644-2270

Email: Paul.Braun@epa.ohio.gov

I. Rule Summary

1. **Is this a five year rule review?** No
 - A. **What is the rule's five year review date?** 11/9/2026
2. **Is this rule the result of recent legislation?** No
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 3704.03(E)
5. **What statute(s) does the rule implement or amplify?** 3704.03(A), 3704.03(E)
6. **Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires?** No
 - A. **If so, what is the citation to the federal law or rule?** Not Applicable
7. **What are the reasons for proposing the rule?**

This rule is being proposed to remove facility specific rule language in paragraph (F) of the rule.
8. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

This rule contains emission limits for sulfur dioxide in Stark county. Ohio EPA is removing the emission limits for Greif Packaging LLC. contained in paragraph (F) of OAC rule 3745-18-82 due to an absence of permitted sources and to prevent confusion over the regulation of non-fuel burning process equipment at the facility.

9. **Does the rule incorporate material by reference? No**
10. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

Not Applicable

11. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Not Applicable

II. Fiscal Analysis

12. **Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

\$0.00

Not Applicable

13. **What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

This rule contains emission limits for sulfur dioxide in Stark county. The requirements to comply with these limits are contained in OAC rule 3745-18-03. There is no cost of compliance with this rule.

It should be noted that this rulemaking, by removing facility specific information, will make it easier and less confusing for both Ohio EPA and the facility to complete an appropriate and effective air pollution control permit. The cost of compliance for this facility should actually decrease, although it is difficult to determine to what magnitude.

14. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No
15. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). Yes
16. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.

Not Applicable

III. Common Sense Initiative (CSI) Questions

17. Was this rule filed with the Common Sense Initiative Office? Yes
18. Does this rule have an adverse impact on business? No
 - A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No
 - B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No
 - C. Does this rule require specific expenditures or the report of information as a condition of compliance? No
 - D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No

IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).

19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes
 - A. How many new regulatory restrictions do you propose adding to this rule? 0
 - B. How many existing regulatory restrictions do you propose removing from this rule? 1

The following restriction is being permanently removed:

OAC 3745-18-82(F) ("Shall not"): "...of the "Greif Packaging, LLC, 9420 Warmington Rd. SW, Massillon, Ohio" (shall not) cause or permit the emission of..."

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**
- D. Please justify the adoption of the new regulatory restriction(s).**

Not Applicable

Rule Summary and Fiscal Analysis

Part C - Environmental Rule Questions

Pursuant to Am. Sub. H.B. 106 of the 121st General Assembly, prior to adopting a rule or an amendment to a rule dealing with environmental protection, or containing a component dealing with environmental protection, a state agency shall:

- (1) Consult with organizations that represent political subdivisions, environmental interests, business interests, and other persons affected by the proposed rule or amendment.
- (2) Consider documentation relevant to the need for, the environmental benefits or consequences of, other benefits of, and the technological feasibility of the proposed rule or rule amendment.
- (3) Specifically identify whether the proposed rule or rule amendment is being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal environmental law or to participate in a federal environmental program, whether the proposed rule or rule amendment is more stringent than its federal counterpart, and, if the proposed rule or rule amendment is more stringent, the rationale for not incorporating its federal counterpart.
- (4) Include with the proposed rule or rule amendment and rule summary and fiscal analysis required to be filed with the Joint Committee on Agency Rule Review information relevant to the previously listed requirements.

(A) Were organizations that represent political subdivisions, environmental interests, business interests, and other persons affected by the proposed rule or amendment consulted? Yes

Please list each contact.

A draft of these rules was released for a 30-day public comment and review period ending October 11, 2022. The rules were released to Ohio EPA's electronic interested parties list, posted on Ohio EPA's regulations website and shared with interested industry parties. No comments were received on Ohio EPA's rulemaking effort. A copy of Ohio EPA's interested parties distribution list can be made available upon request.

(B) Was documentation that is relevant to the need for, the environmental benefits or consequences of, other benefits of, and the technological feasibility of the proposed rule or amendment considered? Yes

Please list the information provided and attach a copy of each piece of documentation to this form. (A SUMMARY OR INDEX MAY BE ATTACHED IN LIEU OF THE ACTUAL DOCUMENTATION.)

Facility records on Stars2 electronic permitting system, survey of historic records from Ohio EPA District Offices and Local Air Agencies, and Comments submitted by interested parties and affected facilities during a previous rulemaking in 2021.

- (C) **Is the proposed rule or rule amendment being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal environmental law or to participate in a federal environmental program? Yes**

Is the proposed rule or rule amendment more stringent than its federal counterpart?
No Not Applicable

- (D) **If this is a rule amendment that is being adopted under a state statute that establishes standards with which the amendment is to comply, is the proposed rule amendment more stringent than the rule that it is proposing to amend? No**

Article III
Attachment D
JCARR Agenda

JOINT COMMITTEE ON AGENCY RULE REVIEW
Agenda - 1/30/2023 - 1:30 PM
Statehouse Hearing Room 121(William McKinley Room)



FINAL REGULAR AGENDA

FINAL REGULAR AGENDA

1 Department of Aging •

Total Rules: 4 Original Filing Date: 11/29/2022

Jurisdiction Ends: 2/2/2023 Public Hearing:

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Rescission	Original Filing	Yes	Yes	173-40-04	PASSPORT program (state-funded component): provider certification.
New Rule	Original Filing	Yes	No	173-40-04	PASSPORT program (state-funded component): provider requirements.
Rescission	Original Filing	Yes	Yes	173-40-05	PASSPORT program (state-funded component): covered services.
New Rule	Original Filing	Yes	No	173-40-05	PASSPORT program (state-funded component): covered services.

2 Department of Aging •

Total Rules: 2 Original Filing Date: 11/29/2022

Jurisdiction Ends: 2/2/2023 Public Hearing:

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Rescission	Original Filing	Yes	Yes	173-51-04	Assisted living program (state-funded): provider certification.
New Rule	Original Filing	Yes	No	173-51-04	Assisted living program (state-funded): provider requirements.

3 Department of Agriculture • Enforcement and Compliance

Total Rules: 15 Original Filing Date: 11/30/2022

Jurisdiction Ends: 2/3/2023 Public Hearing: 1/3/2023

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	Yes	Yes	901:8-2-01	State auctioneers commission meetings.
Rescission	Original Filing	Yes	Yes	901:8-2-02	Apprentice auctioneer procedure; deposit or return of license.
Amendment	Original Filing	Yes	Yes	901:8-2-03	Auctioneer license procedure; deposit or return of license.
Rescission	Original Filing	Yes	Yes	901:8-2-04	License procedure for nonresidents requesting reciprocity.
Amendment	Original Filing	Yes	Yes	901:8-2-06	Contracts and records.
Amendment	Original Filing	Yes	Yes	901:8-2-08	Classification of offenses; investigative costs and civil penalties.
Amendment	Original Filing	Yes	Yes	901:8-2-10	Auction firm license; claim against auction firm.
Rescission	Original Filing	Yes	Yes	901:8-2-11	Online auction held in conjunction with live auction.
Rescission	Original Filing	Yes	Yes	901:8-3-01	Definitions.

Click on the rule number in blue above to view the rule in its entirety on the *Register of Ohio* website.

JOINT COMMITTEE ON AGENCY RULE REVIEW
1/30/2023 - 1:30 PM
Statehouse Hearing Room 121(William McKinley Room)

FINAL REGULAR AGENDA

FINAL REGULAR AGENDA

Rescission	Original Filing	Yes	Yes	901:8-3-02	Violations of statute and rules.	
Rescission	Original Filing	Yes	Yes	901:8-3-03	Auction school application school approval; content.	
Rescission	Original Filing	Yes	Yes	901:8-3-04	Prohibitions.	
Rescission	Original Filing	Yes	Yes	901:8-3-05	Facilities, fees, and records.	
Rescission	Original Filing	Yes	Yes	901:8-3-06	Instructors.	
Rescission	Original Filing	Yes	Yes	901:8-3-07	Mandatory curriculum for approved auction schools.	
Total Rules: 2		Original Filing Date: 11/30/2022		Date of Refiled Filing: 1/5/2023	Jurisdiction Ends: 2/4/2023	Public Hearing: 1/3/2023
<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>	
Amendment	Refiled Filing	Yes	Yes	901:8-2-05	License renewals and changes that require notification.	
Amendment	Refiled Filing	Yes	Yes	901:8-2-07	License procedure for corporations, partnerships, unincorporated associations, and auction firms.	

4 Department of Agriculture • Grain Warehouses

Total Rules: 12		Original Filing Date: 11/29/2022		Jurisdiction Ends: 2/2/2023		Public Hearing: 1/3/2023
<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>	
Amendment	Original Filing	Yes	Yes	901:7-2-01	License, examination and renewal fees.	
Amendment	Original Filing	Yes	Yes	901:7-2-02	Annual commodity statement.	
Amendment	Original Filing	Yes	Yes	901:7-2-03	Scale weight ticket format.	
Rescission	Original Filing	Yes	Yes	901:7-2-04	Suspension of license.	
Amendment	Original Filing	Yes	Yes	901:7-2-05	Suitability and safety of warehouses for inspection and handling agricultural commodities.	
Amendment	Original Filing	Yes	Yes	901:7-2-06	Additional warehouse examinations.	
Rescission	Original Filing	Yes	Yes	901:7-2-07	Handler's remittance of the per-bushel fee.	
Amendment	Original Filing	Yes	Yes	901:7-2-08	Asset valuation.	
Amendment	Original Filing	Yes	Yes	901:7-2-09	Delayed price agreements, form and contents.	
Amendment	Original Filing	Yes	Yes	901:7-2-10	Agricultural commodity tester training.	
Amendment	Original Filing	Yes	Yes	901:7-2-11	Application for commodity tester certificate.	
Amendment	Original Filing	Yes	Yes	901:7-2-12	Buyers exempt from licensing.	

5 Department of Agriculture • Plant Industry

Total Rules: 1		Original Filing Date: 11/29/2022		Jurisdiction Ends: 2/2/2023		Public Hearing: 1/3/2023
<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>	

Click on the rule number in blue above to view the rule in its entirety on the *Register of Ohio* website.

Amendment Original Filing Yes Yes [901:5-30-01](#) Invasive plant species.

6 Department of Health •

Total Rules: 2 Original Filing Date: 11/30/2022

Jurisdiction Ends: 2/3/2023

Public Hearing: 1/6/2023

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Rescission	Original Filing	Yes	Yes	3701-67-06	Child fatality review information system.
New Rule	Original Filing	Yes	No	3701-67-06	Child fatality review information system.

7 Department of Job and Family Services • Division of Social Services

Total Rules: 5 Original Filing Date: 11/30/2022

Jurisdiction Ends: 2/3/2023

Public Hearing: 1/5/2023

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	Yes	Yes	5101:2-53-04	Indian Child Welfare Act (ICWA) notice requirements.
Amendment	Original Filing	Yes	Yes	5101:2-53-05	Voluntary agreement for temporary custody of Indian child.
Amendment	Original Filing	Yes	Yes	5101:2-53-06	Emergency removal and involuntary custody of Indian children.
Amendment	Original Filing	Yes	Yes	5101:2-53-07	Permanent surrender or parental consent to adoptive placement of Indian children.
Amendment	Original Filing	Yes	Yes	5101:2-53-09	Procedures for the transfer of Indian children to a tribal court, a tribal Title IV-E agency or an Indian tribe with a Title IV-E agreement.

8 Department of Job and Family Services • Hearings

Total Rules: 13 Original Filing Date: 11/30/2022

Jurisdiction Ends: 2/3/2023

Public Hearing: 1/5/2023

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	No	Yes	5101:6-1-01	State hearings: general.
Amendment	Original Filing	No	Yes	5101:6-2-51	Notice of interim assistance reimbursement.
Amendment	Original Filing	No	Yes	5101:6-3-01	State hearings: grounds for requesting a state hearing.
Amendment	Original Filing	No	Yes	5101:6-3-02	State hearings: state hearing requests.
Amendment	Original Filing	No	Yes	5101:6-5-02	State hearings: postponement of the state hearing.
Amendment	Original Filing	No	Yes	5101:6-5-03	State hearings: denial and dismissal of state hearing requests.
Amendment	Original Filing	No	Yes	5101:6-6-02	State hearings: rights and responsibilities of the participants.
Amendment	Original Filing	No	Yes	5101:6-7-01	State hearings: state hearing decisions.
Amendment	Original Filing	No	Yes	5101:6-8-01	State hearings: administrative appeal of the state hearing decision.
Amendment	Original Filing	No	Yes	5101:6-9-01	State hearings: further appeal rights.

Amendment	Original Filing	No	Yes	5101:6-10-01	State hearings: hearings for the comprehensive case management and employment program.
Amendment	Original Filing	No	Yes	5101:6-20-13	Effect of a pending administrative disqualification hearing.
Amendment	Original Filing	No	Yes	5101:6-20-19	Opportunity for appeal of an administrative disqualification.

9 Department of Veterans Services •

Total Rules: 2	Original Filing Date: 10/12/2022	Date of Refiled Filing: 12/2/2022	Jurisdiction Ends: 2/2/2023	Public Hearing: 11/14/2022	
<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
New Rule	Refiled Filing	No	No	5902-8-01	Military injury relief fund (MIRF) grant program: definitions.
New Rule	Refiled Filing	No	No	5902-8-02	Military injury relief fund grant program: application and appeal process.

10 Medical Board - Genetic Counselor Licensing •

Total Rules: 1	Original Filing Date: 11/29/2022	Jurisdiction Ends: 2/2/2023	Public Hearing: 1/4/2023		
<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	Yes	No	4778-1-06	Miscellaneous provisions.

11 Ohio Department of Medicaid •

Total Rules: 1	Original Filing Date: 11/4/2022	Date of Refiled Filing: 12/30/2022	Jurisdiction Ends: 2/2/2023	Public Hearing: 12/5/2022	
<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
New Rule	Refiled Filing	Yes	No	5160-3-33	Nursing facilities (NFs): Reimbursement of NF relief payments upon sale of business or bed license.

12 Ohio Environmental Protection Agency •

Total Rules: 15	Original Filing Date: 11/30/2022	Jurisdiction Ends: 2/3/2023	Public Hearing: 1/5/2023		
<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	Yes	Yes	3745-31-01	Definitions.
Amendment	Original Filing	Yes	Yes	3745-31-02	Applicability, requirements, and obligations.
Rescission	Original Filing	Yes	Yes	3745-31-03	Exemptions and permits-by-rule.
New Rule	Original Filing	Yes	No	3745-31-03	Exemptions.
Amendment	Original Filing	Yes	Yes	3745-31-05	Criteria for decision by the director.
Amendment	Original Filing	Yes	Yes	3745-31-06	Completeness determinations, processing requirements, public participation, public notice, and issuance.
Amendment	Original Filing	Yes	Yes	3745-31-07	Termination, revocation, expiration, renewal, revision and transfer.

Click on the rule number in blue above to view the rule in its entirety on the *Register of Ohio* website.

Amendment	Original Filing	Yes	Yes	3745-31-10	NSR projects at existing emissions units at a major stationary source.	
Amendment	Original Filing	Yes	Yes	3745-31-11	Attainment provisions - ambient air increments, ceilings and classifications.	
Amendment	Original Filing	Yes	Yes	3745-31-12	Attainment provisions - data submission requirements.	
Amendment	Original Filing	Yes	Yes	3745-31-13	Attainment provisions - review of major stationary sources and major modifications, stationary source applicability and exemptions.	
Amendment	Original Filing	Yes	Yes	3745-31-14	Attainment provisions - preapplication analysis.	
Amendment	Original Filing	Yes	Yes	3745-31-15	Attainment provisions - control technology review.	
Amendment	Original Filing	Yes	Yes	3745-31-16	Attainment provisions - major stationary source impact analysis.	
New Rule	Original Filing	Yes	No	3745-31-30	Permits-by-rule.	
Total Rules: 1		Original Filing Date: 11/30/2022		Date of Revised Filing: 1/3/2023	Jurisdiction Ends: 2/3/2023	Public Hearing: 1/5/2023

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Revised Filing	Yes	Yes	3745-31-09	Variances on operation.

13 Ohio Environmental Protection Agency •

Total Rules: 14 Original Filing Date: 11/30/2022 Jurisdiction Ends: 2/3/2023 Public Hearing: 1/5/2023

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	Yes	Yes	3745-31-17	Attainment provisions - additional impact analysis.
Amendment	Original Filing	Yes	Yes	3745-31-18	Attainment provisions - air quality models.
Amendment	Original Filing	Yes	Yes	3745-31-19	Attainment provisions - notice to the United States environmental protection agency.
Amendment	Original Filing	Yes	Yes	3745-31-20	Attainment provisions - innovative control technology.
Amendment	Original Filing	Yes	Yes	3745-31-21	Nonattainment provisions - review of major stationary sources and major modifications - stationary source applicability and exemptions.
Amendment	Original Filing	Yes	Yes	3745-31-22	Nonattainment provisions - conditions for approval.
Amendment	Original Filing	Yes	Yes	3745-31-23	Nonattainment provisions - stationary sources locating in designated clean or unclassifiable areas which would cause or contribute to a violation of a national ambient air quality standard.
Amendment	Original Filing	Yes	Yes	3745-31-24	Nonattainment provisions - baseline for determining credit for emission and air quality offsets.
Amendment	Original Filing	Yes	Yes	3745-31-25	Nonattainment provisions - location of offsetting emissions.
Amendment	Original Filing	Yes	Yes	3745-31-26	Nonattainment provisions - offset ratio requirements.
Amendment	Original Filing	Yes	Yes	3745-31-27	Nonattainment provisions - administrative procedures for emission offsets.

Click on the rule number in blue above to view the rule in its entirety on the *Register of Ohio* website.

JOINT COMMITTEE ON AGENCY RULE REVIEW
1/30/2023 - 1:30 PM
Statehouse Hearing Room 121(William McKinley Room)

FINAL REGULAR AGENDA

FINAL REGULAR AGENDA

Amendment	Original Filing	Yes	Yes	3745-31-28
Amendment	Original Filing	Yes	Yes	3745-31-29
Amendment	Original Filing	Yes	Yes	3745-31-32

Review of major stationary sources of hazardous air pollutants requiring MACT determinations.
 General permit-to-install and general PTIO.
 Plantwide applicability limit (PAL).

14 Ohio Environmental Protection Agency •

Total Rules: 6 Original Filing Date: 11/29/2022

Jurisdiction Ends: 2/2/2023 Public Hearing: 1/6/2023

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>
Amendment	Original Filing	Yes	Yes	3745-14-11
Amendment	Original Filing	Yes	Yes	3745-15-01
Amendment	Original Filing	Yes	Yes	3745-15-03
Amendment	Original Filing	Yes	Yes	3745-15-05
Amendment	Original Filing	Yes	Yes	3745-15-06
Amendment	Original Filing	Yes	Yes	3745-17-07

Rule Title
 Portland cement kilns.
 Definitions.
 Submission of emission information.
 "De Minimis" air contaminant source exemption.
 Malfunction of equipment; scheduled maintenance; reporting.
 Control of visible particulate emissions from stationary sources.

15 Ohio Environmental Protection Agency •

Total Rules: 1 Original Filing Date: 11/30/2022

Jurisdiction Ends: 2/3/2023 Public Hearing: 1/4/2023

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>
Amendment	Original Filing	Yes	No	3745-18-82

Rule Title
 Stark county emission limits.

16 Ohio Respiratory Care Board •

Total Rules: 1 Original Filing Date: 11/29/2022

Jurisdiction Ends: 2/2/2023 Public Hearing: 1/4/2023

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>
Amendment	Original Filing	Yes	No	4761-15-01

Rule Title
 Miscellaneous provisions.

17 State Board of Deposit •

Total Rules: 1 Original Filing Date: 11/30/2022

Jurisdiction Ends: 2/3/2023 Public Hearing:

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>
Amendment	Original Filing	No	Yes	135-1-01

Rule Title
 Notice of meetings of the board of deposit.

18 State Medical Board •

Total Rules: 3 Original Filing Date: 11/29/2022

Jurisdiction Ends: 2/2/2023 Public Hearing: 1/4/2023

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>
Rescission	Original Filing	Yes	Yes	4731-11-09

Rule Title
 Prescribing to persons not seen by the physician.

Click on the rule number in blue above to view the rule in its entirety on the *Register of Ohio* website.

New Rule	Original Filing	Yes	No	4731-11-09	Controlled substance and telehealth prescribing.
New Rule	Original Filing	Yes	No	4731-37-01	Telehealth.

19 State Medical Board •

Total Rules: 4 Original Filing Date: 11/29/2022 Jurisdiction Ends: 2/2/2023 Public Hearing: 1/4/2023

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Rescission	Original Filing	Yes	Yes	4731-5-01	Admission to examinations.
Rescission	Original Filing	Yes	Yes	4731-5-02	Examination failure; inspection and regrading.
Rescission	Original Filing	Yes	Yes	4731-5-03	Conduct during examinations.
Rescission	Original Filing	Yes	Yes	4731-5-04	Termination of examinations.

20 State Medical Board •

Total Rules: 13 Original Filing Date: 11/29/2022 Jurisdiction Ends: 2/2/2023 Public Hearing: 1/4/2023

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Rescission	Original Filing	Yes	Yes	4731-12-01	Preliminary education for licensure in podiatric medicine and surgery.
New Rule	Original Filing	Yes	No	4731-12-01	Definitions.
Rescission	Original Filing	Yes	Yes	4731-12-02	Standing of colleges of podiatric surgery and medicine.
New Rule	Original Filing	Yes	No	4731-12-02	Preliminary education for licensure and standing of colleges of podiatric surgery and medicine.
Rescission	Original Filing	Yes	Yes	4731-12-03	Eligibility for the examination in podiatric medicine and surgery; passing average.
New Rule	Original Filing	Yes	No	4731-12-03	Podiatric Examination.
Rescission	Original Filing	Yes	Yes	4731-12-04	Eligibility for licensure in podiatric medicine and surgery by endorsement from another state.
New Rule	Original Filing	Yes	No	4731-12-04	Eligibility for licensure.
Rescission	Original Filing	Yes	Yes	4731-12-05	Application procedures for licensure in podiatric medicine and surgery; investigation.
New Rule	Original Filing	Yes	No	4731-12-05	Application procedures for licensure in podiatric medicine and surgery; investigation.
Rescission	Original Filing	Yes	Yes	4731-12-06	Visiting podiatric faculty certificates.
Rescission	Original Filing	Yes	Yes	4731-12-07	Podiatric training certificates.
New Rule	Original Filing	Yes	No	4731-12-07	Podiatric training certificates.

21 State Medical Board •

Click on the rule number in blue above to view the rule in its entirety on the *Register of Ohio* website.

Total Rules: 18 Original Filing Date: 11/29/2022

Jurisdiction Ends: 2/2/2023

Public Hearing: 1/4/2023

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Rescission	Original Filing	Yes	Yes	4731-1-01	Definition of terms.
New Rule	Original Filing	Yes	No	4731-1-01	Definition of terms.
Amendment	Original Filing	Yes	No	4731-1-02	Application of rules governing limited branches of medicine or surgery.
Amendment	Original Filing	Yes	Yes	4731-1-03	General prohibitions.
Amendment	Original Filing	Yes	Yes	4731-1-04	Scope of practice: mechanotherapy.
Amendment	Original Filing	Yes	No	4731-1-05	Scope of practice: massage therapy.
Rescission	Original Filing	Yes	Yes	4731-1-07	Eligibility of electrologists licensed by the Ohio state board of cosmetology to obtain licensure as cosmetic therapists pursuant to Chapter 4731. of the Revised Code and subsequent limitations.
Rescission	Original Filing	Yes	Yes	4731-1-08	Continuing cosmetic therapy education requirements for renewal, reinstatement, or restoration of a license to practice cosmetic therapy.
Rescission	Original Filing	Yes	Yes	4731-1-09	Cosmetic therapy curriculum requirements.
Rescission	Original Filing	Yes	Yes	4731-1-10	Distance education.
Rescission	Original Filing	Yes	Yes	4731-1-11	Application and examination for certificate to practice cosmetic therapy.
Amendment	Original Filing	Yes	Yes	4731-1-12	Application and examination for certificate to practice massage therapy.
Rescission	Original Filing	Yes	Yes	4731-1-15	Determination of standing of school, college or institution.
New Rule	Original Filing	Yes	No	4731-1-15	Massage Therapy Educational Requirements and Determination of standing of school, college or institution.
Rescission	Original Filing	Yes	Yes	4731-1-16	Massage therapy curriculum requirements.
Amendment	Original Filing	Yes	No	4731-1-17	Instructional staff in Ohio cosmetic therapy and massage therapy programs.
Rescission	Original Filing	Yes	Yes	4731-1-18	Grounds for suspension, revocation or denial of certificate of good standing; hearing rights.
Rescission	Original Filing	Yes	Yes	4731-1-19	Probationary status of a limited branch school.

22 State Medical Board •

Total Rules: 4 Original Filing Date: 11/29/2022

Jurisdiction Ends: 2/2/2023

Public Hearing: 1/4/2023

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	Yes	Yes	4731-11-03	Utilization of anabolic steroids, schedule II controlled substance cocaine hydrochloride, and schedule II controlled substance stimulants.
Rescission	Original Filing	Yes	Yes	4731-11-04	Controlled substances: Utilization of short term anorexiant for weight reduction.

Click on the rule number in blue above to view the rule in its entirety on the *Register of Ohio* website.

New Rule	Original Filing	Yes	No	4731-11-04	Controlled substances for the treatment of obesity.
Rescission	Original Filing	Yes	Yes	4731-11-04.1	Controlled substances: utilization for chronic weight management.

23 State Medical Board - Dietetics Licensure •

Total Rules: 1 Original Filing Date: 11/29/2022 Jurisdiction Ends: 2/2/2023 Public Hearing: 1/4/2023

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	Yes	No	4759-11-01	Miscellaneous provisions.

24 State Medical Board - Physician Assistant Licensing •

Total Rules: 2 Original Filing Date: 11/29/2022 Jurisdiction Ends: 2/2/2023 Public Hearing: 1/4/2023

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	Yes	Yes	4730-1-07	Miscellaneous provisions.
Amendment	Original Filing	Yes	No	4730-2-07	Standards for prescribing.

25 Treasurer of State •

Total Rules: 6 Original Filing Date: 11/30/2022 Jurisdiction Ends: 2/3/2023 Public Hearing:

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Original Filing	No	Yes	113-1-01	Definitions.
Amendment	Original Filing	No	Yes	113-1-03	Procedures for checks not accepted for deposit.
Amendment	Original Filing	No	Yes	113-2-01	State entity custodial accounts.
Amendment	Original Filing	No	No	113-7-02	Definitions.
Amendment	Original Filing	No	Yes	113-10-01	Treasurer's investment pool.
Amendment	Original Filing	No	Yes	113-10-02	Separately managed accounts.

Withdrawn

26 Accountancy Board •

Total Rules: 1 Original Filing Date: 12/22/2022 Date of Withdrawn Filing: 1/11/2023 Jurisdiction Ends: Public Hearing: 1/11/2023

<u>Rule Type</u>	<u>Action</u>	<u>CSI</u>	<u>FYR</u>	<u>Rule Number</u>	<u>Rule Title</u>
Amendment	Withdrawn Filing	Yes	No	4701-13-02	Public accounting firm registration requirements, renewal deadlines.

Article III

Attachment E

Final Adoption Notice to LSC
Director and Secretary of
State



ELECTRONIC RULE-FILING SYSTEM

FILING OF OHIO ADMINISTRATIVE RULES AND RULE-RELATED DOCUMENTS

The Honorable Frank LaRose
Secretary of State
180 E. Broad St., 16th Floor
Columbus, OH 43215

Wendy Zhan, Director
Legislative Service Commission
77 South High St., 9th Floor
Columbus, OH 43215

Greg Fouche, Interim Director
Joint Committee on Agency Rule Review
77 South High St., Concourse Level
Columbus, OH 43215

It is hereby confirmed that the Ohio Environmental Protection Agency **final filed** the following rule(s) pursuant to section 119.04 of the Ohio Revised Code.

Package Number: 195344
File Date and Time: 04/06/2023 8:44 AM
Confirmation Number: f645d65ed7f99c245b5c1b4f02db6ed

FINAL FILE

Rule Number	Type	FYR	CSI	JE Date	Eff Date	Next FYR	Tagline
3745-18-82	Amendment	N	Y	02/03/2023	04/16/2023		Stark county emission limits.

Article IV

Hearing Summary



Hearing Summary

Rule Package: OAC Rule 3745-18-82(F) Rulemaking

Original filing date: November 30, 2022

Public comment start date: November 30, 2022

Public comment end date: January 4, 2023

Public hearing date: January 4, 2023

List of Rules: 3745-18-82

Were there any participants in this public hearing beyond Ohio EPA staff or JCARR staff?

- Yes No

Were there comments received during the public comment period outside of those presented at this hearing?

- Yes No

This hearing summary has been compiled to meet the requirements of Section 119.03 of the Revised Code.

This hearing summary includes this cover sheet and the following attachments:

1. **Attachment A** - A copy of the public notice for this hearing.
2. **Attachment B** - A copy of the sign-in sheet for this hearing.
3. **Attachment C** - A copy of the script read into the record to begin and end the hearing.

Ohio EPA's response to comments document includes the comments received, who commented, the agency response to comments, and a statement of whether or not the rule was changed due to the comments.

Ohio EPA digitally records all public hearings for rules. The digital recordings are available upon request in a WAVE (.wav) file format. These recordings may be sent out for transcription if necessary.

OHIO ENVIRONMENTAL PROTECTION AGENCY

Public Notice
Proposed Rulemaking Governing
Amendments to Ohio Administrative Code (OAC)
Rule 3745-18-82, "Stark County Emission Limits"

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, the Ohio EPA proposes to amend Ohio Administrative Code (OAC) rule 3745-18-82, "Stark County Emission Limits" and is now requesting public comments on the draft. This rule sets limits, testing and recordkeeping requirements for emissions of sulfur dioxide (SO₂) from sources in Stark County, Ohio.

The purpose of this rule making is to amend paragraph (F) of the rule to remove facility specific information for the Greif Brothers Corporation for emissions units that have been permanently removed from the facility.

Pursuant to Section 121.39 of the Ohio Revised Code, Ohio EPA was required to consult with interested parties affected by the rules before the agency formally adopts them. On September 8, 2022, 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 rule is a part of Ohio's SIP for the attainment and maintenance of the 2010 SO₂ NAAQS and the proposed amendments will be submitted to United States Environmental Protection Agency (U.S. EPA) as a modification of the SIP. The below hearing will also serve as the hearing for the SIP submittal.

Ohio EPA will be accepting comments on the proposed amended rule until January 4, 2023. 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 **January 4, 2023 at 10:30 AM**. 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/5853217592551459417>

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 Paul Braun in 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 January 4, 2023 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 Paul Braun in DAPC at the above email address or at 614-644-3734.

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 the DAPC 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>

Registration Report

Generated

01/06/2023 05:05 PM EST

General Information

Webinar Name

Proposed Rulemaking: Stark Co. Sulfur Dioxide Emissions (3754-18-82)

Scheduled Start Date

01/04/2023

Scheduled Start Time

10:30:00 AM EST

Scheduled Duration (minutes)

30

Registrants

First Name

Greg

james

Honor

Jessica

Canton

GoTo Webinar

Webinar ID

228-567-731

Registered

5

Opened Invitation

0

Clicked Registration Link

16

Last Name	Email	Registration Date
Fouche	gfouche@jcarr.state.oh.us	01/04/2023 09:56 AM EST
Lee	james.lee@epaohio.gov	01/04/2023 09:46 AM EST
Banvard	honor.banvard@jcarr.state.oh.us	01/04/2023 09:42 AM EST
Harley	jharley@encinnoenergy.com	12/07/2022 07:18 AM EST
APC	tdzienis@cantonhealth.org	12/06/2022 09:02 AM EST

Registrant's Status	Unsubscribed
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Approved	No
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Approved	No
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Approved	No
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Approved	No
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Approved	No
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DAPC Stark Co. SO2 Proposed Rules

Jan. 4, 2023

Hello and welcome to Ohio EPA's public hearing regarding the Division of Air Pollution Control's proposed rules. My name is Cathryn Allen and I'm hosting today's public hearing. With me today from Ohio EPA's Division of Air Pollution Control is Paul Braun and our Rules Manager Mandi Payton. In a moment, we will move to the public hearing where we will take official comments on the proposed rules.

For those attending online, you may submit any comments you have about the proposed rules in the Questions pane at any time.

We will not be responding to any comments submitted during the public hearing today. I will read aloud any comments we receive in the GoTo platform.

Before we get started, I'd like to go over a few items to help our online attendees navigate the GoTo platform.

On this slide you will see an example screenshot of your Attendee interface. You should see something that looks like this on your computer desktop on the right-hand side of your screen. For this public hearing you are listening in using your computer audio. If you are having sound issues or if the slides stop advancing, try refreshing your browser. If that doesn't work, try logging off and logging back in.

Please submit public comments by clicking on the question mark icon and typing them into the Questions pane on your attendee interface. You may send your comments in at any time. All comments submitted will be read aloud for the whole audience to hear.

You can also click on the document icon to view included handouts.

We will now begin the hearing.

PUBLIC HEARING SPEECH

Thank you for taking time to attend this hearing before Ohio EPA. The purpose of the hearing today is to obtain comments from any interested person regarding Ohio EPA's proposed rules.

Ohio EPA proposes to amend Ohio Administrative Code rule 3745-18-82, "Stark County Emission Limits" and is now requesting public comments on the draft.

This rule sets limits, testing, and recordkeeping requirements for emissions of sulfur dioxide from sources in Stark County, Ohio.

The purpose of this rule making is to amend paragraph (F) of the rule to remove facility specific information for the Greif Brothers Corporation for emissions units that have been permanently removed from the facility.

Pursuant to Section 121.39 of the Ohio Revised Code, Ohio EPA was required to consult with interested parties affected by the rules before the agency formally adopts them. On September 8, 2022, these rules went out for a 30-day review by interested parties.

Pursuant to Part D of Title I of the Clean Air Act, Ohio EPA is required to establish a state implementation plan or SIP for the attainment and maintenance of the national ambient air quality standards. The abovementioned rule is a part of Ohio's SIP for the attainment and maintenance of the SO₂ national ambient air quality standards and the proposed amendments along with an analysis under Section 110(I) of the Clean Air Act will be submitted to U.S. EPA as a modification of the SIP. This hearing will also serve as the hearing for the SIP submittal and 110(I) demonstration.

These rules have been filed with the Joint Committee on Agency Rule Review. Copies of the rules are available for public review on our website and in the handouts section in GoTo.

All interested persons are entitled to attend or be represented, and to present written comments concerning the proposed rules. All written comments received as part of the official record will be considered by the director of Ohio EPA.

To be included in the official record, written comments must be received by Ohio EPA by the close of business, today, Jan. 4, 2023. These comments may be typed into the GoTo platform today or emailed to DAPC-Comments@epa.ohio.gov. All emailed comments submitted for the record receive the same consideration as typed comments given today.

Written statements submitted after today may be considered as time and circumstances permit but will not be part of the official record of the hearing.

This hearing affords citizens an opportunity to provide input. Therefore, we will not be able to answer questions today.

YOU MAY NOW SUBMIT COMMENTS IN WRITING. I will read aloud any comments we receive in the Questions pane. For those attending in person that would like to comment, please raise your hand and when we call on you, please state your name and spell it before proceeding with your testimony. I will keep the hearing open until 11:00 a.m. to provide time for participants to type in comments.

CLOSING

After the hearing closes, we will accept written comments through 5:00 p.m. today. You can send those comments to the email address on the screen.

Thank you for your comments, cooperation, and participation in Ohio EPA's decision-making process. The time is now _____ and this hearing is concluded.

Article V

Response to Comments

Note: Ohio EPA received no comments on the proposed amendments to this rule during the rulemaking process. Subsequently, Ohio EPA did not prepare a response to comments document.

Article VI

Application to Section 110(I) of the Clean Air Act

Ms. Debra Shore
Regional Administrator
U.S. EPA Region V
77 W. Jackson Blvd.
Chicago, IL 60604

Re: Demonstration under Section 110(I) of the Clean Air Act for Rule 3745-18-82(F) of the Ohio Administrative Code.

Dear Ms. Shore:

On December 28, 1979, Ohio EPA promulgated rules in Ohio Administrative Code (OAC) Chapter 3745-18 for the control of sulfur dioxide (SO₂) emissions from fuel burning equipment. Included in this rulemaking were regulations for SO₂ emissions from Greif Packaging, LLC (OEPA premise number 1576000431) in paragraph (F) of OAC rule 3745-18-82. This letter is intended to demonstrate that removing the requirements of OAC rule 3745-18-82(F) of Ohio's SIP would not cause a violation of Section 110(I) of the Clean Air Act.

Greif Packaging, LLC (Greif) operates a paperboard mill at 9420 Warmington Rd. SW in Massillon, Ohio. In 1979, when OAC rule 3745-18-82 was originally promulgated, Greif operated six boilers at their facility, emission units (EU) B001 to B006. Boilers B001 to B004 operated solely on natural gas, while B005 and B006 operated on natural gas with the capability to burn #2 or #6 fuel oil as a backup. Because boilers B005 and B006 had the ability to also burn fuel oil, Ohio EPA established facility specific regulations in OAC rule 3745-18-82(F). Ohio EPA did not develop emission limits for any other EUs at the facility because they burned solely natural gas and were therefore exempt from the requirements of OAC rule 3745-18-82.

As originally promulgated in 1979, Ohio EPA only established emission limits for boilers B005 and B006. The original language as adopted December 28, 1979, read:

“(F) The "Greif ~~Beard~~ Brothers Corporation" (OEPA premise number 1576000431) or any subsequent owner or operator of the "Greif ~~Beard~~ Brothers Corporation" facility located at 9420 Warmington, Southwest, Massillon, Ohio shall not cause or permit the emission of sulfur dioxide from boilers numbers 1 and 2 (OEPA source numbers B005 and B006) to exceed 1.8 pounds of sulfur dioxide per MM Btu actual heat input from each boiler and shall operate said boilers such that their combined average operating rate shall not exceed 53 MM Btu per hour for any calendar day.”

USEPA did not agree with Ohio's established emission limits in OAC rule 3745-18-82(F) and established a federal implementation plan (FIP). The FIP included an alternate SO₂ emission limits for fuel burning equipment at Greif (40 CFR 52.1881(a)(27)(v)).

On January 23, 2006, Ohio EPA made amendments to our rules in OAC Chapter 3745-18 to address the FIP and bring Ohio's rules in line with the FIP. OAC rule 3745-18-82(F) was amended to reflect the FIP language as follows:

“(F) The "Greif ~~Board~~ Brothers Corporation" (OEPA premise number 1576000431) or any subsequent owner or operator of the "Greif ~~Board~~ Brothers Corporation" facility located at 9420 Warmington, Southwest, Massillon, Ohio shall not cause or permit the emission of sulfur dioxide from ~~boilers numbers 1 and 2 (OEPA source numbers B005 and B006) to exceed 1.8 pounds of sulfur dioxide per MM Btu actual heat input from each boiler and shall operate said boilers such that their combined average operating rate shall not exceed 53 MM Btu per hour for any calendar day.~~ any stack at this facility in excess of 0.50 pound of sulfur dioxide per MM Btu actual heat input.”

Subsequently, boilers B005 and B006 were permanently shut down as of January 30, 2009, and August 4, 2009, respectively. There are no longer any boilers at this facility that can burn fuel oil or are equipped to burn any fuel other than natural gas. The burning of natural gas in fuel burning equipment is exempt from the requirements of OAC rule 3745-18-82 under OAC rule 3745-18-06(A). Therefore, as of 2009, there are no longer any boilers, and thereby any EUs at the facility subject to OAC rule 3745-18-82(F), and any new source (boiler) would have to undergo new permitting to show compliance with the more stringent 2010 1-hour SO₂ national ambient air quality standard.

On July 12, 2017, Greif began operation of a natural gas flare (P004) as a control device for emissions from an industrial wastewater pre-treatment anaerobic digester system. This unit emits sulfur dioxide but is not fuel burning equipment and would not be subject to the requirements in OAC rule 3745-18-82(F). Rather, P004 is subject to the SO₂ requirements for process equipment in OAC rule 3745-18-82(A)(3). The existence of the language for fuel burning equipment in OAC rule 3745-18-82(F) is causing confusion concerning the rule under which P004 should be regulated.

Ohio EPA plans to remove the emission limits for Greif ~~Packaging LLC~~. contained in paragraph (F) from OAC rule 3745-18-82 due to an absence of permitted sources and to prevent confusion over the regulation of non-fuel burning process equipment at the facility.

Application to Section 110(l) of the Clean Air Act

As originally adopted in 1979, OAC rule 3745-18-82(F) was intended to address SO₂ emissions from two boilers (B005 and B006) at Greif in Massillon, Ohio. After reviewing Ohio's rule, USEPA established a FIP for fuel burning equipment at Greif in 40 CFR 52.1881(a)(27)(v). Ohio adopted the FIP for Greif in 2006 and as of 2009, with the permanent shut down of B005 and B006, no fuel-burning equipment remained at the facility capable of burning fuel other than natural gas. Additionally, no new fuel burning equipment could be installed at this facility without obtaining new permitting under the more stringent 2010 1-hour SO₂ standard.

In 2017, Greif began operation of process equipment with SO₂ emissions. This equipment is not fuel-burning equipment and is required to comply with the requirements for process equipment in OAC rule 3745-18-82(A)(3). The existence of the language for fuel burning equipment in OAC rule 3745-18-82(F) is a cause of confusion.

For these reasons, Ohio EPA believes that removing the Greif facility's SO₂ emission limits in OAC rule 3745-18-82(F) is appropriate and will not violate Section 110(l) of the Clean Air Act.

We would appreciate U.S. EPA's expedited review of this material. Please contact Jennifer Van Vlerah (614-644-3696) if you have any questions about this submittal.

Sincerely,

Robert F. Hodanbosi, P.E.
Chief, Division of Air Pollution Control

cc: Jennifer Van Vlerah, DAPC Ohio EPA
Sarah Arrah, USEPA
Mary Portanova, USEPA