

STATE OF OHIO
Executive Department

OFFICE OF THE GOVERNOR

Columbus

EXECUTIVE ORDER 2006-07T

**THE EMERGENCY ADOPTION OF RULE 3745-14-05 OF THE OHIO
ADMINISTRATIVE CODE BY THE OHIO ENVIRONMENTAL
PROTECTION AGENCY**

WHEREAS, Section 119.03 of the Ohio Revised Code authorizes the Governor to determine that an emergency exists which necessitates the immediate adoption, amendment, or rescission of agency rules; and

WHEREAS, Section 3704.03(E) of the Ohio Revised Code authorizes the Ohio Environmental Protection Agency to promulgate rules in accordance with Chapter 119 of the Ohio Revised Code; and

WHEREAS, the Ohio Environmental Protection Agency has requested that an emergency exists requiring the adoption of Rule 3745-14-05 of the Ohio Administrative Code in order to generate emission reductions for the summer 2006 ozone season to partially replace the emission reductions lost due to the termination of the E-Check program in Dayton and Cincinnati.

WHEREAS, an emergency exists in that:

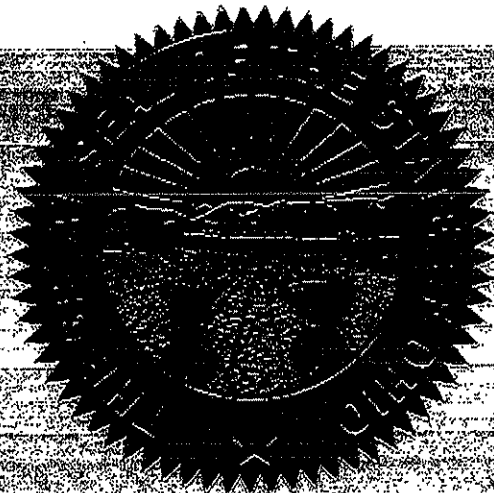
1. The elimination of the E-Check program in the Cincinnati and Dayton metropolitan areas has caused a shortfall in the emissions reductions required as part of the implementation rule for the eight-hour ozone standard; and
2. Under the anti-backsliding provisions of the rule implementing the eight-hour ozone standard, equivalent emission reductions must be implemented to replace the reductions associated with the E-Check program to avoid possible sanctions including loss of federal highway funding; and
3. A planned replacement program, the low-RVP fuel program, will not be available for use in the 2006 ozone season and the emissions reductions that the program offered must be replaced; and
4. The emissions reductions must be in place by June 1, 2006 to maintain compliance with federal requirements; then
5. The emergency rule would allow Ohio EPA to maintain federal compliance by retiring new source NOx set aside allowances to replace the emissions

shortfall due to the unavailability of the low-RVP fuel program for the 2006 ozone season.

NOW, THEREFORE, I, Bob Taft, do hereby order that an emergency exists requiring the immediate adoption of Rule 3745-14-05 of the Ohio Administrative Code by the Ohio Environmental Protection Agency. Further, I hereby order that the procedure prescribed by Section 119.03 of the Ohio Revised Code with respect to the adoption of such specified rule be suspended and the Ohio Environmental Protection Agency be permitted to adopt this rule immediately as an emergency rule.

Further, I hereby order that a copy of this Executive Order be filed forthwith with the Secretary of State, the Legislative Service Commission, and the Joint Committee on Agency Rule Review.

This Executive Order shall expire on my last day of service as Governor of the State of Ohio, unless rescinded before such date. Effective with this Order, I revoke all Executive Orders that are inconsistent with this Order.



IN WITNESS WHEREOF, I have

hereby subscribed my name and
caused the seal of the State of
Ohio to be affixed at Columbus, Ohio,
the 19th day of April in the year Two
Thousand and Six.

Bob Taft
Bob Taft, Governor

STATE OF OHIO

Executive Department

OFFICE OF THE GOVERNOR

*Columbus***EXECUTIVE ORDER 2006-08T****THE EMERGENCY ADOPTION OF RULES 3745-72-01 AND 3745-72-02 OF THE OHIO ADMINISTRATIVE CODE BY THE OHIO ENVIRONMENTAL PROTECTION AGENCY**

WHEREAS, Section 119.03 of the Ohio Revised Code authorizes the Governor to determine that an emergency exists which necessitates the immediate adoption, amendment, or rescission of agency rules; and

WHEREAS, Section 3704.03(E) of the Ohio Revised Code authorizes the Ohio Environmental Protection Agency to promulgate rules in accordance with Chapter 119 of the Ohio Revised Code; and

WHEREAS, the Ohio Environmental Protection Agency has requested that an emergency exists requiring the adoption of rules 3745-72-01 and 3745-72-02 of the Ohio Administrative Code in order to extend the implementation date of the low RVP gasoline program beyond the 2006 ozone season to allow implementation of the program in the most effective manner.

WHEREAS, an emergency exists in that:

1. The elimination of the E-Check program in the Cincinnati and Dayton metropolitan areas has caused a shortfall in the emissions reductions required as part of the implementation rule for the eight-hour ozone standard; and
2. Under the anti-backsliding provisions of the rule implementing the eight-hour ozone standard, equivalent emission reductions must be implemented to replace the reductions associated with the E-Check program to avoid possible sanctions including loss of federal highway funding; and
3. A planned replacement for this shortfall, the low RVP fuel program, was adopted on January 16, 2006 in Chapter 3745-72 of the Administrative Code; and
4. An appeal of the recently amended rules in Chapter 3745-72 of the Administrative Code and a USEPA documented inability of producers and marketers to meet the fuel supply requirements has negated the use of the RVP program in the Cincinnati and Dayton metropolitan areas for the 2006 ozone season; and

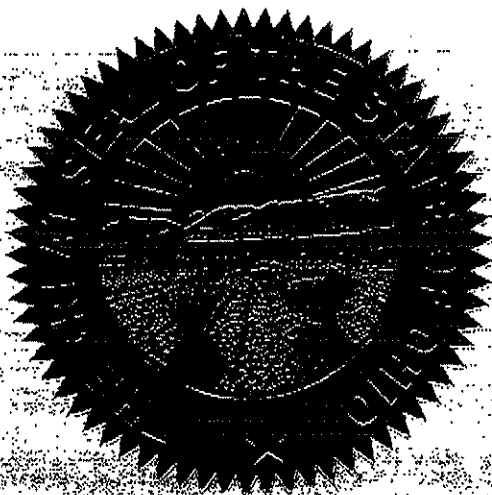
5. The low RVP fuel program was to have started June 1, 2006; then
6. This emergency rule will authorize the Ohio EPA to extend the implementation date of the low RVP fuel program beyond the 2006 ozone season to a date twelve months after approval of the program by the USEPA to allow implementation of the requirements in the most effective manner.

NOW, THEREFORE, I, Bob Taft, do hereby Order that an emergency exists requiring the immediate adoption of Rules 3745-72-01 and 3745-72-02 of the Ohio Administrative Code by the Ohio Environmental Protection Agency. Further, I hereby order that the procedure prescribed by Section 119.03 of the Revised Code with respect to the adoption of such specified rules be suspended and the Ohio Environmental Protection Agency be permitted to adopt these rules immediately as emergency rules.

Further, I hereby order that a copy of this Executive Order be filed forthwith with the Secretary of State, the Legislative Service Commission, and the Joint Committee on Agency Rule Review.

This Executive Order shall expire on my last day of service as Governor of the State of Ohio, unless rescinded before such date. Effective with this order, I revoke all Executive Orders that are inconsistent with this Order.

IN WITNESS WHEREOF, I have hereto subscribed my name and caused the Great Seal of the State of Ohio to be affixed at Columbus, this 19th day of April in the year Two Thousand and Six.



Bob Taft
Bob Taft, Governor