

Public Hearing
Ohio Environmental Protection Agency
Five-Year Rule Review of Ohio Administrative Code (OAC) rule 3745-19-01, 3745-19-02, 3745-19-03, 3745-19-04, 3745-19-05 and 3745-19-06

Notice is hereby given that the Ohio Environmental Protection Agency, Division of Air Pollution Control (DAPC) has performed a review of the above referenced rules primarily to satisfy the requirements of Section 119.032 of the Ohio Revised Code (five-year review). The DAPC finds the following rules to be necessary and with need for changes. The DAPC proposes to amend Ohio Administrative Code (OAC) rules 3745-19-01; Definitions, 3745-19-02; Relations to other prohibitions, 3745-19-03; Open burning in restricted areas, 3745-19-04; Open burning in unrestricted areas, 3745-10-05; Permission to individuals to open burn, and 3745-19-06; Open burning unilateral order.

DAPC is not recommending any changes to the scope or intent of the rules and most of the proposed amendments are minor in nature, primarily for clarification, formatting and typographical corrections. One new purpose for open burning was added to OAC rules 3745-19-03 and 3745-19-04. This addition to each rule will facilitate the disposal of confiscated marijuana by law enforcement officials. In the past, this activity could be performed via written permission under the emergency or extraordinary provisions of these two rules. As this activity is infrequent and performed only by law enforcement officials, Ohio EPA has determined that this activity would not require notification or written permission from Ohio EPA in order to expedite that open burning activity.

Based on a comment submitted by The Regional Air Pollution Control Agency (RAPCA) suggesting that a size restriction be incorporated into the rules for the disposal of agricultural and residential waste in unrestricted areas, Ohio EPA has added a notification requirement for waste piles exceeding a certain size for these types of waste disposal activities and created new paragraph (B)(3)(f) in OAC rule 3745-19-04.

Based on a comment that two additional health/medical agencies be referenced in OAC rule 3745-19-04(D) for the open burning for the control of disease or pests via notification to Ohio EPA, Ohio EPA has added the "Ohio Department of Health" and the "Centers for Disease Control and Prevention" to the list of agricultural agencies in that paragraph. These were also added to the equivalent rule for restricted areas found in OAC rule 3745-19-03(C)(1).

Based on a comment, additional clarification language, compared to the draft rule, was added to paragraph (A)(1) of OAC rule 3745-19-05 concerning the submittal and approval time frame requirements for written permission to open burn.

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 July 19, 2011 these rules went out for a 30-day review by interested parties.

Pursuant to Section 119.03 of the Ohio Revised Code, a public hearing on these rule changes will be conducted on **Friday, March 9, 2012 at 10:30 AM** at Ohio EPA, Lazarus Government Center, 50 W. Town Street, Suite 700, Columbus, Ohio. All visitors to Ohio EPA must register at the Security desk in the lobby upon arrival. Please bring photo identification (such as a valid driver's license). For security reasons, visitor's are required to wear their badge at all times while in the building. Please arrive early to complete these procedures.

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 are a part of Ohio's SIP and the proposed amendments will be submitted to USEPA as a modification of the SIP. The above-mentioned hearing shall be considered the public hearing for the SIP submittal.

All interested persons are entitled to attend or be represented at the hearing and give written or oral comments on these rule changes. All oral comments presented at the hearing, and all written statements submitted at the hearing or by the close of business on March 9, 2012, will be considered by Ohio EPA prior to final action on this rule. Written statements submitted after March 9, 2012, may be considered as time and circumstances permit, but will not be part of the official record of the hearing.

These rules are available on DAPC's regulations Web page for downloading at: <http://www.epa.ohio.gov/dapc/regs/regs.aspx#Open>. Questions regarding accessing the web site should be directed to Arunee Niamlarb at 614-728-1342; other questions or comments about these rules should be directed to Lee Burkleca at Ohio EPA, (614) 728-1344, lee.burkleca@epa.state.oh.us or mailed to Lee Burkleca, Ohio EPA, Division Air Pollution Control, Lazarus Government Center, P.O. Box 1049, Columbus, Ohio 43216-1049. Persons submitting comments electronically are encouraged to follow-up with a hard copy via regular mail.