

Public Hearing
Ohio Environmental Protection Agency
Five-Year Rule Review of Ohio Administrative Code (OAC) rule 3745-20-01
Through OAC rule 3745-20-15

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 3745-20-01(B), Definitions and incorporation by reference and OAC rule 3745-20-05(A), Standard for asbestos waste handling. The amendments are being proposed to 3745-20-01(B) for the definitions of "Facility"; "Friable asbestos material"; and the addition of new definition "Residential exempt structure", for clarification purposes only. The amendment to 3745-20-05(A) will allow only Category I nonfriable ACM that is not RACM to go to a CD&D landfill. The amendment will make this rule consistent with the federal asbestos NESHAP regulations at 40 CFR Part 61.154(b). Clarifying changes were made regarding referenced items in rules 3745-20-07; 3745-20-08; 3745-20-09; 3745-20-12; 3745-20-13; and 3745-20-15.

The DAPC has reviewed asbestos emission control rules in OAC rules 3745-20-02 to 3745-20-04, 3745-20-06, 3745-20-10, 3745-20-11 and 3745-20-14 and found them to be necessary but without need for changes:

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 October 7, 2011, these rules went out for a 30-day review by interested parties. Comments were addressed and a responsive summary prepared. A copy of the summary can be obtained at the website noted below.

Pursuant to Section 119.03 of the Ohio Revised Code, a public hearing on these rule changes will be conducted on Monday, January 9, 2012 at 10:00 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.

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 Monday, January 9, 2012, will be considered by Ohio EPA prior to final action on this rule. Written statements submitted after January 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 Ohio EPA's Regulations web page for electronic downloading at: <http://www.epa.ohio.gov/dapc/regs/regs.aspx>. 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 Tom Buchan at Ohio EPA, (614) 644-3607, tom.buchan@epa.state.oh.us, or mailed to Tom Buchan, 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.