

**Public Hearing**  
**Ohio Environmental Protection Agency**  
**Five-Year Rule Review of Ohio Administrative Code (OAC) rule 3745-78-01,**  
**OAC rule 3745-78-02, OAC rule 3745-78-03, OAC rule 3745-78-04,**  
**OAC rule 3745-78-05**

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 change only to correct the statutory authority for these rules. The DAPC proposes to amend Ohio Administrative Code (OAC) rules 3745-78-01, Definitions; 3745-78-02, Fee emission reports.

The DAPC proposes to rescind OAC rules 3745-78-03, Asbestos notification, removal, and cleanup fee; 3745-78-04, Permit fees, 3745-78-05, Fee penalties. These rules have been determined to be no longer necessary as the language in these rules is mirrored in Ohio Revised Code Section 3745.11.

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 proposes them. On March 8, 2005, 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 September 7, 2005, 10:00 a.m., in room West B & C, 31<sup>st</sup> Floor, at Riffe Center, 77 South High St., Columbus, Ohio 43215.

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 September 8, 2005, will be considered by Ohio EPA prior to final action on this rule. Written statements submitted after September 8, 2005, 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 the Web page for electronic downloading by clicking on "regulations" under the " topics" drop-down box. The URL is: <http://www.epa.state.oh.us/dapc/regs/regs.html>. 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 Elisa Thomas at Ohio EPA, (614) 644-3621, [elisa.thomas@epa.state.oh.us](mailto:elisa.thomas@epa.state.oh.us), or mailed to Elisa Thomas, Ohio EPA, Division Air Pollution Control, Lazarus Government Center, P.O. Box 1049, Columbus, Ohio 43216-1049.