

Public Notice
Ohio Environmental Protection Agency
Proposed amendment of
Ohio Administrative Code (OAC) rule 3745-16-01 and 3745-16-02,

Notice is hereby given that the Ohio Environmental Protection Agency, Division of Air Pollution Control (DAPC) proposes to amend Ohio Administrative Code (OAC) rules 3745-16-01 and 3745-16-02. These rules address good engineering practice for stack height design. Based on our review, DAPC is suggesting changes to the rules as follows:

Changes have been made to rules 3745-16-01 and 3745-16-02 to update references to sections of the Code of Federal Regulations (CFR) that have changed since the rules were promulgated, to fulfill the requirements of ORC 121.72 for the incorporation of materials by reference, and to amend the authorizing and amplifying statute citations of both rules in order to more accurately define these references

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 August 2, 2006, these rules went out for a 30 day review by interested parties. No comments were received.

Pursuant to Section 119.03 of the Ohio Revised Code, a public hearing on these rule changes will be conducted on Wednesday, November 8, 2006 at 1:00 PM, in Conference Room C, 5th Floor at Ohio EPA, Lazarus Government Center, 122 South Front Street, Columbus, Ohio.

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 November 8, 2006, will be considered by Ohio EPA prior to final action on this rule. Written statements submitted after November 8, 2006 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 Paul Braun at Ohio EPA, (614) 644-3734, paul.braun@epa.state.oh.us, or mailed to Paul Braun, Ohio EPA, Division Air Pollution Control, Lazarus Government Center, P.O. Box 1049, Columbus, Ohio 43216-1049.