

Public Hearing
Ohio Environmental Protection Agency
Five-Year Rule Review of Ohio Administrative Code (OAC) Chapter 3745-31, and
proposal of new OAC rule 3745-31-33

Notice is hereby given that the Ohio Environmental Protection Agency, Division of Air Pollution Control (DAPC) has performed a review of OAC rules 3745-31-01 to 3745-31-32 to fulfill the requirements of Section 119.032 of the Ohio Revised Code (five-year review). This chapter of the Administrative Code addresses permits-to-install new sources. The DAPC finds these rules to be necessary and with need for changes. The DAPC also proposes new OAC rule 3745-31-33, "site preparation activities prior to obtaining a final permit-to-install."

The amendments are being proposed to: correct format and grammar; create consistency between definitions and terminology used throughout the chapter; update references to incorporated materials; update the administrative section of the rules; clarify requirements for portable sources; add new exemptions regarding dynamometers, low emitting paint booths which prepare samples for bench scale laboratory work, and short-term use of a mobile treatment units or vacuum trucks during an emergency response; update the auto body refinishing facility and printing facility permit-by-rules as a result of recent changes to OAC Chapter 21; incorporate requirements in Senate Bill 265 regarding the definition of "begin actual construction," exempt sources emitting <10 ton/year from BAT, and revise the definition of "air contaminant source."

New OAC rule 3745-31-33 is being proposed to address the requirements of Senate Bill 265. SB 265 requires DAPC include in rules the types of activities which do not constitute beginning actual construction and therefore can commence before issuance of a final permit-to-install.

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 June 7, 2006 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 Monday, October 23, 2006 at 10:00 AM in the Center for Excellence, 6th Floor, 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). Many of 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 Monday, October 23, 2006, will be considered by Ohio EPA prior to final action on this rule. Written statements submitted after October 23, 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 Jennifer Nichols at Ohio EPA, (614) 644-3696, jennifer.nichols@epa.state.oh.us, or mailed to Jennifer Nichols, Ohio EPA, Division Air Pollution Control, Lazarus Government Center, P.O. Box 1049, Columbus, Ohio 43216-1049.