

Public Hearing
Ohio Environmental Protection Agency
Five-Year Rule Review of Ohio Administrative Code (OAC) Chapter 3745-15

Notice is hereby given that the Ohio Environmental Protection Agency, Division of Air Pollution Control (DAPC) has performed a review of the following rules in the above referenced chapter primarily to satisfy the requirements of Section 119.032 of the Ohio Revised Code (five-year review). DAPC finds the rules to be necessary and with need for changes. The DAPC proposes to amend OAC rules 3745-15-01, "Definitions;" 3745-15-02, "Purpose;" 3745-15-04, "Measurement of emissions of air contaminants;" 3745-15-05, "De Minimis air contaminant source exemption;" 3745-15-06, "Malfunction of equipment; scheduled maintenance; reporting;" 3745-15-07, "Air pollution nuisances prohibited;" 3745-15-08, "Circumvention;" and 3745-15-09, "Severability."

The amendments are being proposed to: update the amplifying and authorizing statutes; address incorporation by reference requirements of ORC 121.72; make minor changes to grammar/format; include updates for de minimis sources to meet the requirements reflected in recent amendments to OAC Chapter 3745-77 for insignificant emissions units; include updates to the requirements for malfunction reporting to increase consistency with other state programs and clarity in Ohio's program; and include updates to clarify that public nuisance conditions consisting of odors caused solely by the emissions of odorous substances not subject to the listed Administrative Code Chapters are not regulated by the Agency.

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 June 26, 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 January 8, 2007 at 2:00 PM, in Conference room 5B 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 January 8, 2007, will be considered by Ohio EPA prior to final action on this rule. Written statements submitted after leave date blank, 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 Michael Ahern at Ohio EPA, (614) 644-3631, mike.ahern@epa.state.oh.us or mailed to Michael Ahern, Ohio EPA, Division Air Pollution Control, Lazarus Government Center, P.O. Box 1049, Columbus, Ohio 43216-1049.