

**PUBLIC NOTICE
OHIO ENVIRONMENTAL PROTECTION AGENCY
PUBLIC NOTICE OF PROPOSED RULE MAKING**

Notice is hereby given that the Ohio Environmental Protection Agency (Ohio EPA) proposes to originally file the following rules as changes to the Ohio Administrative Code.

3745-1-51 (Amend)	Wetland narrative criteria
3745-1-54 (Amend)	Wetland Antidegradation
3745-2-08 (Amend)	Mixing zone demonstration and sizing requirements
3745-40-03 (Amend)	Permits, plans and authorizations
3745-40-04 (Amend)	Land application agronomic management
3745-42-01 (New)	Definitions
3745-42-02 (New)	Applicability and procedures
3745-42-03 (New)	Requirements for applications and engineering plans
3745-42-04 (New)	Criteria for decision by the director
3745-34-16 (Amend)	Application for permit: authorization for permit
3745-91-03 (Rescind)	Requirements for plan drawings
3745-91-03 (Rescind)	Requirements for plan drawings
3745-27-02 (New)	Requirements for professional engineer certification of plans, specifications, and information
3745-27-99 (New)	Permit to install
3745-31-01 (Amend)	Definitions
3745-31-02 (Amend)	Requirements
3745-31-03 (Amend)	Permit to install exemptions
3745-31-04 (Amend)	Applications
3745-31-05 (Amend)	Criteria for decision by director
3745-31-06 (Amend)	Termination
3745-31-07 (Amend)	Revocation
3745-31-08 (Amend)	Procedure for decision by director
3745-31-29 (New)	General permits to install
3745-35-01 (Amend)	Definitions
3745-35-02 (Amend)	Permits to operate
3745-35-08 (New)	General permit to operate

Over the past several years, the Ohio Environmental Protection Agency (Ohio EPA) has been evaluating several aspects of its rules relating to permits to install and plan approvals. The review included the rules' complexity, clarity and the overall logic of their structure. As a result of this evaluation it has been determined that the restructuring of rules relating to the permit to install process should be revised.

Currently, the permit to install rules (PTI) which relate to most of the media programs are

found in Ohio Administrative Code (OAC) 3725-31. Upon review it was determined that it can be difficult for users of the rule to be able to effectively determine applicable components of Chapter 31 when most media program requirements are located in other chapters. As a result, Ohio EPA has determined that revising the rules to place PTI rules into context with their respective media programs is a reasonable approach.

The rules being proposed today include rules which affect the PTI requirements for the surface water discharge, air pollution control and solid waste disposal components of Ohio EPA rules. Chapter 31, and the requirements it currently contains relating to the air pollution PTI program will remain applicable to the air program. PTI requirements for surface water discharges currently found in OAC 3745-31 will be moved to OAC 3745-1, -2, 40 and new chapter 3745-42 which are more closely associated with the surface water program. Solid waste related PTI rules have been moved to OAC 3745-27.

In addition to revising the PTI rules the draft rules also attempt to clarify other areas of the rules where the Agency has received questions. The proposed rule changes are intended to clarify which components of a PTI, plan approval submissions and reports are required to be prepared and sealed by a licensed professional engineer. These clarifying sections address requirements for the surface water discharge, solid waste and drinking water components of the rules.

The final permit related rules included in this rule making are proposed rules found in OAC 3745-31 and 35 which relate to the establishment of a general permit program in the Division of Air Pollution Control. These rules are an effort to increase the efficiency and effectiveness of the current PTI and PTO process for air pollution control permits.

Pursuant to Chapter 119.03 of the Ohio Revised Code, a public hearing on this rule making will be conducted on September 3, 2003, from 1:30 to 3:30, in Conference Room 5A on the 5th Floor of the Ohio EPA, 122 South Front Street, Columbus, Ohio.

All interested persons are entitled to attend or be represented at the hearing and give written or oral comments on this rule proposal. All oral comments presented at the hearing, and all written statements submitted at the hearing or by the close of business on September 3, 2003, will be considered by Ohio EPA prior to final action on this rule amendment. Written statements submitted after September 3, 2003, may be considered as time and circumstances permit, but will not be part of the official record of the hearing.

To obtain a copy of these rules or if you have questions regarding the rules, please contact Edward Kitchen at 614-644-2782. Written comments may be submitted to Edward Kitchen at edward.kitchen@epa.state.oh.us or at the Office of the Director, Ohio EPA, c/o Lazarus Government Center, 122 South Front Street, P.O. Box 1049, Columbus, Ohio 43216-1049.