

Public Notice – Request for Comment
Draft Amended Rules in OAC Chapter 3745-19

Notice is hereby given that in accordance with Ohio Revised Code (ORC) 119.032 (5-year rule review), the Ohio Environmental Protection Agency, Division of Air Pollution Control has reviewed the following rules contained in the Ohio Administrative Code (OAC) rules 3745-19-01 through 3745-19-06. These rules are related to Ohio's open burning standards. Our preliminary review indicates that these rules continue to be necessary and require changes as follows:

Modification of OAC rule(s) 3745-19-01, 3745-19-02, 3745-19-03, 3745-19-04, 3745-19-05 and 3745-19-06.

DAPC is not recommending any changes to the scope or intent of the rules and most of the draft amendments are minor in nature primarily for clarification, and formatting and typographical corrections. One new purpose for open burning was added to paragraphs (B)(5) and (B)(6) of OAC rules 3745-19-03 and 04. This addition to each rule will facilitate the disposal of confiscated marijuana by law enforcement officials. In the past, this activity could be performed via written permission under the emergency or extraordinary provisions requirements of these two rules. As this activity is infrequent and performed only by law enforcement officials, Ohio EPA has determined that this activity would not require notification or written permission from Ohio EPA in order to expedite that open burning activity.

As part of the rule-making process, DAPC is required by Section 121.39 of the Ohio Revised Code to consult with organizations that represent political subdivisions, environmental interests, business interests, and others affected by the rules. The DAPC is offering your organization the opportunity to comment on these rules before the division formally proposes them.

Ohio EPA is working with the Common Sense Initiative (CSI) Office on this rulemaking as a pilot in preparation for the implementation of Senate Bill 2. A summary analysis of the bill can be found here: <http://www.lsc.state.oh.us/analyses129/11-sb2-129.pdf>. In addition to the draft rule amendments, Ohio EPA is also seeking comments and feedback on the draft CSI Pilot Form, which is being released with the draft rules during interested party review.

These rules, the CSI Pilot Form, and supporting documentation are available electronically for review at: <http://epa.ohio.gov/dapc/regs/regs.aspx>. See the information under the drafts and notices for OAC Chapter 3745-19, "Open Burning Standards" We request that you provide us with any comments you may have to the changes that have been recommended by August 19, 2011.

Please submit your comments or suggestions to the following addresses. Persons submitting comments electronically are encouraged to follow-up with a hard copy via regular mail:

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Thank you,

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Ohio Environmental Protection Agency