

## **RULE SYNOPSIS**

Draft rule language for Ohio Administrative Code (OAC) Chapter 3745-19  
“Open Burning Standards”  
Five- year review

The Ohio EPA Division of Air Pollution Control (DAPC) has completed draft rule language for the incorporation of revisions in Ohio Administrative Code (OAC) Chapter 3745-19, “Open Burning Standards”, as required by Ohio Revised Code (ORC) Sections 106.03 and 106.031 (Five-year review). DAPC has determined that all the rules in this chapter are still necessary and some require amendments.

Summary of draft revisions for OAC Chapter 3745-19, 5-year review:

### OAC rule 3745-19-01 (Definitions):

1. Paragraph (D): A new definition for “building materials” was added. This term is used in both rules 3745-19-03 and 3745-19-04 as an example of materials that may not be burned as agriculture waste. The definition clarifies the items that Ohio EPA considers to be building materials for the purpose of these rules.
2. Paragraph (P): Information on the version and availability of items referenced in this chapter were updated. No new information on the availability of referenced items in the United States Code was added.

### OAC rule 3745-19-03 (Open burning in restricted areas):

1. Paragraph (C)(3)(b): The sentence is being changed to clarify that the smoke from the fire cannot cause visibility hazards.
2. Paragraphs (C)(4) and (D)(4): Ohio EPA is changing language in the rule regarding fires for recognized horticultural, silvicultural (forestry), range management, prairie and grassland management, invasive species management, or wildlife management practices. These fires will no longer require a written permission from Ohio EPA, but rather a written notification, as long as the conditions in the rule are met. The conditions are intended to match the standard general conditions attached to written permissions issued by Ohio EPA for such fires under paragraph (A)(3) of OAC rule 3745-19-05.

### OAC rule 3745-19-04 (Open burning in unrestricted areas):

1. Paragraph (B)(3)(b): The sentence is being changed to clarify that the smoke from the fire cannot cause visibility hazards.
2. Paragraphs (C)(5) and (D)(2): Ohio EPA is changing language in the rule regarding fires for recognized horticultural, silvicultural (forestry), range management, prairie and grassland management, invasive species management, or wildlife management practices. These fires will no longer

require a written permission from Ohio EPA, but rather a written notification, as long as the conditions in the rule are met. The conditions are intended to match the standard general conditions attached to written permissions issued by Ohio EPA for such fires under paragraph (A)(3) of OAC rule 3745-19-05.

OAC rule 3745-19-05 (Permission to individuals and notification to the Ohio EPA):

Various minor changes are being made for clarification and to match agency and LSC formatting conventions.

Ohio EPA also performed a review of OAC rules 3745-19-02 and 3745-19-06 and found that the two rules remain necessary, but are without need of changes.