

State of Ohio
Environmental Protection Agency
Notice of Adoption of Rules

Notice is hereby given that the Director of Environmental Protection, under the authority of Ohio Revised Code Section 3704.03 has adopted amended rules 3745-105-01, "Applicability, definitions, and reference to materials;" 3745-105-02, "Emission limits;" 3745-105-03, "Design parameters and operating restrictions;" 3745-105-04, "Monitoring requirements;" 3745-105-05, "Recordkeeping;" and 3745-105-06, "Compliance and performance testing" of the Ohio Administrative Code (OAC). These rules relate to incineration of human and animal remains, anatomical parts and/or tissue, bags or containers used to transport the waste material, and animal bedding if applicable. They do not pertain to waste categories regulated by the Infectious Waste Incineration Chapter (3745-75) or to certain other incinerator categories such as crematories for human remains.

The primary purpose of this rulemaking is to modify information on the availability and version of referenced materials, and make various other minor changes required for consistency with the latest style manual of the Legislative Services Commission.

Pursuant to Section 121.39 of the Ohio Revised Code, DAPC is required to consult with interested parties affected by the rules before the division formally adopts them. On November 28, 2008, 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 was conducted on June 30, 2009, in Columbus, Ohio. There were no comments received during the public comment period. The Director's order of adoption was issued on August 14, 2009. The effective date of these rules is August 24, 2009.

To request a copy of these rules, obtain further information, or inspect or request copies of agency files and records pertaining to the proceeding contact Dana Thompson, Ohio EPA, Division of Air Pollution Control, Lazarus Government Center, PO Box 1049, Columbus, Ohio 43216-1049 or call Dana Thompson at 614-644-3701. The rules are available on Ohio EPA's Web page for electronic downloading. The URL is: <http://www.epa.state.oh.us/dapc/page/whatsnew.html> See the information on this chapter dated August 14, 2009.

This action of the Director is final and may be appealed to the Environmental Review Appeals Commission ("ERAC") pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with ERAC within thirty (30) days after notice of the Director's action, at 309 South Fourth Street, Suite 222, Columbus, Ohio 43215. Copies of the appeal must be served upon the Director of the Ohio EPA within three (3) days of filing with ERAC. The appeal must be accompanied by a filing fee of \$70.00 which the Commission, in its discretion, may reduce if by affidavit you demonstrate that payment of the full amount of the fee would cause extreme hardship. Ohio EPA also requests that a copy of the appeal be served upon the Environmental Enforcement Section of the Ohio Attorney General's Office.