FACT SHEET

Division of Air Pollution Control
January 14, 2014

Early Stakeholder Outreach — OAC Chapter 3745-19 - Open Burning Program Rules

Ohio EPA prepares early stakeholder outreach fact sheets to ensure stakeholders are brought into the review process as early as possible and to obtain additional input and discussion before development of interested party draft rules.

What does OAC Chapter 3745-19 cover?

Chapter 3745-19 of the Ohio Administrative Code (OAC) contains the requirements for Ohio's Open Burning Program. These rules assist Ohio in the attainment and maintenance of the national ambient air quality standards for particulate matter and are a part of Ohio's State Implementation Plan (SIP) as required in Section 110 of the Clean Air Act.

Why are these rules being sent out for Early Stakeholder Outreach?

The first step in the rule-making process is for Ohio EPA to identify that a rule needs to be amended, rescinded, or created. In response to EO 2011-01K, Ohio EPA has added an additional step to ensure stakeholders are brought into the rule process as early as possible. This additional interested party notification and request for information will allow for early feedback before the rule language has been developed by the Agency.

What changes are being considered?

Ohio EPA has identified a need to clarify the approved purposes for open burning. Ohio EPA anticipates adding language make this clarification. This may include as necessary; new rule language, new definitions for added terms, and information on newly referenced materials.

Who will be regulated by these rules?

The rules in OAC Chapter 3745-19 are applicable to individual and businesses wishing to perform open burning and regulate the type of fire, size of fire, and materials that may be burned. The anticipated amendments will be applicable to those individuals or entities wishing to control prairies through burning.

How can I provide input?

The Agency is seeking stakeholder input on the Open Burning Program Rules. When preparing your comments, be sure to:

- explain your views as clearly as possible;
- describe any assumptions used;
- provide any technical information and/or data used to support your views;
- explain how you arrived at your estimate for potential burdens, benefits or costs;
- provide specific examples to illustrate your views; and
- offer alternatives.

Written comments will be accepted through close of business **Friday, February 21, 2013**. Please submit input to:

Mr. Paul Braun
Ohio EPA Division of Air Pollution Control
PO Box 1049
Columbus, Ohio 43216-1049
(614)644-3134
Paul.braun@epa.ohio.gov

What if I have questions?

These rules can be found on Ohio EPA's website for electronic downloading at: http://epa.ohio.gov/dapc/regs/3745_19.aspx or contact Mr. Braun (information provided above).

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What is the rulemaking schedule?

Upon completion of the Early Stakeholder Outreach portion of this rulemaking, Ohio EPA will make any changes necessary to the rule language and make a draft of the rule language available to the public for a 30-day review.

What input is the Agency seeking?

The following questions may help guide you as you develop your comments.

- Is the general regulatory framework proposed the most appropriate? Should the Agency consider any alternative framework?
- What options are available for improving an identified concept?
- Are there considerations the Agency should take into account when developing a specific concept?
- Is there any information or data the Agency should be aware of when developing program concepts or rule language?

Ohio EPA would especially like to hear information regarding the following from stakeholders who may be impacted by the new program.

- Would this regulatory program have a positive impact on your business? Please explain how.
- Would this regulatory program have an adverse impact on your business? If so, please identify the nature of the adverse impact (for example, license fees, fines, employer time for compliance).