



## **Early Stakeholder Outreach for Asbestos Emissions Control Rules July 12, 2012**

### **Asbestos Emission Control rules in Ohio Administrative Code (OAC) Chapter 3745-20, specifically OAC Rule 3745-20-01**

OAC Chapter 3745-20 establishes requirements for the control of emissions of asbestos. These rules regulate the proper handling procedures of asbestos containing materials for demolitions, renovations, manufacturing, fabricating, waste conversion processes and landfill disposal facilities. These rules remain consistent with the federal rules at 40 CFR Part 61, Subpart M.

Ohio EPA is specifically requesting stakeholder input on anticipated changes to OAC rule 3745-20-01, "Definitions."

#### **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The first step in the rule-making process is for Ohio EPA to identify that a rule needs to be amended, rescinded, or created. Ohio EPA may also review a rule pursuant to the five year rule review requirements (ORC 119.032) and determine that the rule should be filed with the Joint Committee on Agency Rule Review (JCARR) as 'no change'.

In response to Executive Order 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 is considering modifying the definition of "facility" in paragraph (B)(18) of OAC rule 3745-20-01. This change would be necessary for clarification that residential exempt structures are not considered facilities.

#### **Who will be regulated by these rules?**

The rules in this chapter are applicable statewide and include, but are not limited to, such affected parties as: demolition contractors, asbestos removal and maintenance contractors, facilities maintaining or removing asbestos containing materials, and asbestos disposal facilities.

#### **What is the rulemaking schedule?**

Ohio EPA plans to propose these rules to the Joint Committee on Agency Rule review no later than October 1, 2012.

## **What additional information is the Agency seeking?**

Ohio EPA wants to hear from interested stakeholders who may be impacted by these rules. General comments and specific factual information are welcome. Ohio EPA is specifically asking for stakeholders to identify the following:

- Do this rule impact your business?
- Do this rule have an adverse impact on your business? If so, please identify the nature of the adverse impact (e.g., license fees, fines, employer time for compliance).
- Are there any alternative rules (or specific provisions within the rule) that the Agency should consider?

## **What should you consider when preparing comments?**

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at your estimate.
5. Provide specific examples to illustrate your concerns.
6. Offer alternatives.
7. Make sure to submit your comments by the comment period deadline.

## **How can I provide input on the rules?**

Questions and comments on these rules should be sent by **Monday, August 13, 2012** to the following email address: Tom.buchan@epa.state.oh.us or to the address listed below. Persons submitting comments electronically are encouraged to follow-up with a hard copy via regular mail:

Mailing address: Tom Buchan  
Ohio Environmental Protection Agency, DAPC  
Lazarus Government Center  
P.O. Box 1049  
Columbus, Ohio 43216-1049  
Phone: (614) 644-3607

## **How can I get more information?**

For more information on Division of Air Pollution Control (DAPC) rules, please visit our website at:  
<http://www.epa.ohio.gov/dapc/regs/regs.aspx>.