

RULE SYNOPSIS

Draft rule language for Ohio Administrative Code (OAC) Rule 3745-20-01, "Definitions and incorporation by reference", Part of Ohio EPA's Asbestos Emission Control Program

The Ohio EPA Division of Air Pollution Control (DAPC) has completed draft rule language for a change in the definition of "Facility" and the removal of the definition of "Residential Exempt Structure."

On February 8, 2013, DAPC made available for public comment a draft of proposed rule language. The comment period ended on March 20, 2013. Although DAPC received several comments, DAPC chose to leave the rule language as it was in the draft for proposal to the Joint committee on Agency Rule Review.

A Summary of revisions for this rulemaking is as follows:

1. **Paragraph (B)(18), Definition of "Facility"**

In May, 2012, Ohio EPA adopted changes to the rules in OAC chapter 3745-20. The changes had been made as part of a review of the rules to fulfill the requirements of ORC 119.032 (5-year review).

As part of those changes, Ohio EPA changed the wording of paragraph (B)(18) clarify its meaning; however, subsequent review showed the new definition may interfere with Ohio EPA's attempt to grant relief to municipalities and land banks addressing urban blight through publicly funded demolition programs. Therefore, Ohio EPA is reverting the language of the definition back to its previous wording prior to the 2012 rulemaking, which is the same as the federal asbestos NESHAP.

2. **Paragraph (B)(45), Definition of "Residential Exempt Structure"**

With the removal of the language in paragraph (B)(18), the definition of "Residential Exempt Structure" has become unnecessary as it was only used as part of the definition for facility. Ohio EPA is, therefore, removing this definition from the rule.