

3750-25-15 **Calculations for reportable quantities of continuous releases.**

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see paragraph (YY) of rule 3750-1-01 of the Administrative Code titled "Referenced materials."]

- (A) Except as provided in paragraph (C) of this rule, no release notification shall be required under rule 3750-25-25 of the Administrative Code for any release of a hazardous substance that is pursuant to the definitions in paragraph (B) of this section continuous and stable in quantity and rate.
- (B) The following terms are defined terms which apply this section of release notification of continuous releases:
- (1) "Continuous" or "continuous release" means a release that occurs without interruption or abatement or that is routine, anticipated, and intermittent and incidental to normal operations or treatment processes.
 - (2) "Normal range" means all releases (in pounds or kilograms) of a hazardous substance reported or occurring over any twenty-four hour period under normal operating conditions during the preceding year. Only releases that are both continuous and stable in quantity and rate may be included in the normal range.
 - (3) "Routine" means a release that occurs during normal operating procedures or processes.
 - (4) "Stable in quantity and rate" means a release that is predictable and regular in amount and rate of emission.
 - (5) "Statistically significant increase" means a release is an in the quantity of the hazardous substances released above the upper bound of the reported normal range of the release.
- (C) The owner or operator of the facility or vessel shall establish a sound basis for qualifying the release as a continuous release by:
- (1) Using release data, engineering estimates, knowledge of operating procedures, or best professional judgement to establish the continuity and stability of the release; or
 - (2) Reporting the release to the Ohio EPA for a period sufficient to establish the continuity and stability of the release.

When an owner or operator in charge of the facility or vessel believes that a basis has been established to qualify the release for reduced reporting under this section, initial reporting shall be made consistent with paragraph (D) of this rule.

(D) The owner or operator of a facility or vessel shall provide the following notifications for any release qualifying for the reduced reporting under this rule:

(1) Initial telephone notification. Initial notification shall be made by telephone to the Ohio EPA. The person in charge must identify the notification as an initial continuous release notification report and provide the following information:

- (a) The name and location of the facility or vessel; and,
- (b) The name(s) and identity(ies) of the hazardous substance(s) being released.

(2) Initial written notification. Initial written notification of a continuous release shall be made to the Ohio EPA and appropriate committee for the geographic area where the releasing facility or vessel is located.

(a) Initial written notification to the Ohio EPA and appropriate committee shall occur within thirty days of the initial telephone notification, and shall include, for each release for which reduced reporting as a continuous release is claimed, the following information:

- (i) The name of the facility or vessel;
- (ii) The location of the facility or vessel, including the latitude and longitude;
- (iii) The spill number assigned by the Ohio EPA and the national response center case number;
- (iv) The dunn and bradstreet number of the facility, if available;
- (v) The port of registration of the vessel;
- (vi) The name and telephone number of the person in charge of the facility;
- (vii) The population density within a one-mile radius of the facility or vessel, described in terms of the following:

0 - 50 persons

51 - 100 persons

101 - 500 persons

501 - 1,000 persons

More than 1,000 persons

(viii) The identity and location of sensitive populations and ecosystems

within a one-mile radius of the facility or vessel (e.g., elementary schools, hospitals, retirement communities, or wetlands); and,

(ix) For each hazardous substance release claimed to qualify for continuous release, the following information must be supplied:

(a) The name and identity of the hazardous substance, the chemical abstracts service registry number for the substance (if available); and if the substance being released is a mixture, the components of the mixture and their approximate concentrations and quantities, by weight;

(b) The upper and lower bounds of the normal range of the release (in pounds or kilograms) over the previous year;

(c) The source(s) of the release (e.g., valves, pump seals, storage tank vents, stacks). If the release is from a stack, the stack height (in feet or meters);

(d) The frequency of the release and the fraction of the release from each release source and the specific periods over which it occurs;

(e) A brief statement describing the basis for stating that the release is continuous and stable in quantity and rate;

(f) An estimate of the total annual amount that was released in the previous year (in pounds or kilograms);

(g) The environmental medium(a) affected by the release:

(i) If surface water, the names of the surface water body;

(ii) If a stream, the stream order or average flowrate (in cubic feet/second) and designated use;

(iii) If a lake, the surface area (in acres) and average depth (in feet or meters);

(iv) If on or under ground, the location of public water supply wells with-in two miles.

(h) A signed statement that the hazardous substance release(s) described is (are) continuous and stable in quantity and rate under the definitions in paragraph (B) of this rule and that all reported information is accurate and current to the best knowledge of the owner or operator.

(3) Follow-up notification. Within thirty days of the first anniversary date of the initial written notification, the owner or operator of the facility or vessel shall

evaluate each hazardous substance release reported to verify and update the information submitted in the initial written notification. The follow-up notification shall include the following information:

- (a) The name of the facility or vessel;
- (b) The location of the facility or vessel including the latitude and longitude;
- (c) The spill number assigned by Ohio EPA and the national response center case number.
- (d) The dunn and bradstreet number of the facility, if available;
- (e) The port of registration of the vessel;
- (f) The name and telephone number of the person in charge of the facility or vessel;
- (g) The population density within a one-mile radius of the facility or vessel, described in terms of the following:
 - 0 - 50 persons
 - 51 - 100 persons
 - 101 - 500 persons
 - 501 - 1,000 persons
 - More than 1,000 persons
- (h) The identity and location of sensitive populations and ecosystems within a one-mile radius of the facility or vessel (e.g., elementary schools, hospitals, retirement communities, or wetlands); and,
- (i) For each hazardous substance release claimed to qualify for reporting as a continuous release as defined under paragraph (B) of this rule, the following information shall be supplied:
 - (i) The name and identity of the hazardous substance; the chemical abstracts service registry number for the substance (if available); and if the substance being released is a mixture, the components of the mixture and their approximate concentrations and quantities, by weight;
 - (ii) The upper and lower bounds of the normal range of the release (in pounds or kilograms) over the previous year;
 - (iii) The source(s) of the release (e.g., valves, pump seals, storage tank vents, stacks). If the release is from a stack, the stack height (in feet or meters);

- (iv) The frequency of the release and the fraction of the release from each release source and the specific periods over which it occurs;
- (v) A brief statement describing the basis for stating that the release is continuous and stable in quantity and rate;
- (vi) An estimate of the total annual amount that was released in the previous year (in pounds or kilograms);
- (vii) The environmental medium(a) affected by the release:
 - (a) If surface water, the names of the surface water body;
 - (b) If a stream, the stream order or average flowrate (in cubic feet/second) and designated use;
 - (c) If a lake, the surface area (in acres) and average depth (in feet or meters);
 - (d) If on or under ground, the location of public water supply wells within two miles.
- (viii) A signed statement that the hazardous substance release(s) described is (are) continuous and stable in quantity and rate under the definitions in paragraph (B) of this rule and that all reported information is accurate and current to the best knowledge of the owner or operator.

- (4) Notification of changes in release. If there is a change in the release, notification of the change, not otherwise reported, shall be provided in the following manner:

Notification of changes required under this rule shall include the spill number assigned by the Ohio EPA and the national response center case number and also the signed certification statement required under paragraphs (D)(2)(a)(ix)(h) and (D)(3)(i)(viii) of this rule.

- (a) If there is any change in the composition or source(s) of the release, the release is a new release and must be qualified for reporting under this rule by the submission of the initial verbal telephone notification and the initial written notification in accordance with paragraphs (D)(1) and (D)(2) of this rule as soon as there is a sufficient basis for asserting that the release is continuous and stable in quantity and rate.
- (b) If there is a change in the release such that the quantity of the release exceeds the upper bound of the reported normal range, the release must be reported as a statistically significant increase in the release. If a change will result in a number of releases that exceed the upper bound of the normal range, the owner or operator of a facility or vessel may modify the normal range by:

- (i) Reporting at least one statistically significant increase report as required under paragraph (D)(5) of this rule and, at the same time, informing the Ohio EPA of the change in the normal range; and,
 - (ii) Submitting, within thirty days of the initial telephone notification, written notification to the Ohio EPA and appropriate committee describing the normal range, the reason for the change, and the basis for stating that the release in the increased amount is continuous and stable in quantity and rate under the definitions in paragraph (B) of this rule.
- (c) If there is a change in any information submitted in the initial written notification or the follow-up notification other than the change in the source, composition, or quantity of the release, the owner or operator of the facility or vessel shall provide written notification of the change to Ohio EPA and the appropriate committee for the geographic area where the facility or vessel is located, within thirty days of determining that the information submitted previously is no longer valid. Notification shall include the reason for the change, and the basis for stating that the release is continuous and stable under the changed conditions.
- (5) Notification of statistically significant increase in the release. Notification of statistically significant increase in release shall be made to the Ohio EPA as soon as the owner or operator of the facility or vessel has knowledge of the increase. The release must be identified as a statistically significant increase in the continuous release. A determination of whether the increase is a "statistically significant increase" shall be made based upon calculations or estimation procedures that will identify releases that exceed the upper bound of the normal range.
- (E) Each hazardous substance release shall be evaluated annually to determine if changes have occurred in the information submitted in the initial written notification, the follow-up notification, and/or in a previous change notification.
- (F) In lieu of an initial written report or follow-up report, owners or operators of subject facilities subject to the requirements of Section 313 of the SARA Title III, Emergency Planning and Community Right to Know Act (EPCRA) 1986, and Chapter 3751. of the Revised Code may submit to the Ohio EPA and the appropriate committee for the geographic area where the facility is located, a copy of the Toxic Release Inventory Form submitted under Section 313 of SARA Title III, Emergency Planning and Community Right to Know Act (EPCRA), and Chapter 3751. of the Revised Code the previous July first, provided that the following information is added:
- (1) The population density within a one-mile radius of the facility or vessel, described in terms of the following:
 - 0 - 50 persons

51 - 100 persons

101 - 500 persons

501 - 1,000 persons

More than 1,000 persons

- (2) The identity and location of sensitive populations and ecosystems within a one-mile radius of the facility or vessel (e.g., elementary schools, hospitals, retirement communities, or wetlands); and,
 - (3) For each hazardous substance release claimed to qualify for continuous release, the following information must be supplied:
 - (a) The upper and lower bounds of the normal range of the release (in pounds or kilograms) over the previous year.
 - (b) The frequency of the release and the fraction of the release from each release source and the specific periods over which it occurs.
 - (c) A brief statement describing the basis for stating that the release is continuous and stable in quantity and rate;
 - (d) A signed statement that the hazardous substance release(s) is (are) continuous and stable in quantity and rate under the definitions in paragraph (B) of this rule and that all reported information is accurate and current to the best knowledge of the owner or operator.
- (G) Where necessary to satisfy the requirements of this rule, the owner or operator of the facility or vessel may rely on recent release data, engineering estimates, the operating history of the facility or vessel, or other relevant information to support notification.
- (1) All supporting documents, materials, and other information shall be kept on file at the facility, or in the case of a vessel, at an office within the state of Ohio in either the port of call, a place of regular berthing, or the headquarters of the business operating the vessel.
 - (2) Supporting materials shall be kept on file for a period of one year and shall substantiate the reported normal range of releases, the basis for stating that the release is continuous and stable in quantity and rate, and the other information in the initial written report, the follow-up report, and the annual evaluations required under paragraphs (D)(2), (D)(3), and (E) of this rule.
 - (3) Supporting information shall be made available to Ohio EPA upon request as necessary to enforce the requirements of this rule.
- (H) Multiple current release of the same substance occurring at various locations with respect to contiguous plants or installations upon contiguous grounds that are

under common ownership or control may be considered separately or added together in determining whether such releases constitute a continuous release or statistically significant increase under the definitions in paragraph (B) of this rule; whichever approach is elected for purposes of determining whether a release is continuous also must be used to determine a statistically significant increase in the release.

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