

3750-1-01

Definitions and incorporation by reference.

[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 this rule titled "Referenced materials."]

Terms defined in section 11049 of the Emergency Planning and Community Right to Know Act of 1986 and in 40 CFR Parts 350, 355 and 370 which are not explicitly defined herein are used within the meaning given in that statute and parts as used in the rules adopted by the state emergency response commission:

- (A) "Administrator" means the administrator of the United States environmental protection agency or the administrator's designee.
- (B) "Agriculture producer" means a facility engaged in the growing of crops or livestock production for retail consumption. The term "agriculture" is a broad term encompassing a wide range of growing operations, not just farms, and includes nurseries or other horticultural operations.
- (C) "Chemical" means any element, chemical compound or mixture of elements and/or compounds.
- (D) "Chemical name" means scientific designation of a chemical in accordance with the nomenclature system developed by the "International Union of Pure and Applied Chemistry (IUPAC)" or "Chemical Abstract Service (CAS)" rules of nomenclature, or a name which will clearly identify the chemical.
- (E) "Commission" means the Ohio state emergency response commission.
- (F) "Committee" means the local emergency planning committee for the emergency planning district in which the facility is located nominated by the county commissioners and adopted by the commission.
- (G) "Common name" means any designation or identification such as code names, code numbers, trade name, brand name, or generic name used to identify a chemical other than by its chemical name.
- (H) "Construction facility" means a facility which the equipment is owned and operated by a company involved in the process of building a permanent structure or roadway in which the equipment and company will be removed from the site upon completion of the building process.
- (I) "Contiguous" means the same or geographically adjacent property that may be divided by public or private right-of-way if the entrance and exit between the properties is at a crossroads intersection, and access is by crossings as opposed to going along the

right-of-way. Noncontiguous properties owned by the same person but connected by a right-of-way that the person controls and to which the public does not have access is considered contiguous property.

- (J) "Director" means the director of the Ohio EPA, or the director's designee.
- (K) "Emergency contact" means one person or office that can act as a referral if emergency responders need assistance in responding to a chemical release at the facility.
- (L) "Emergency Planning and Community Right-To-Know Act" (EPCRA) means Emergency Planning and Community Right-To-Know Act of 1986 contained in 42 USC 11001 to 11050 and regulations adopted thereunder.
- (M) "Emergency planning district" means an emergency planning district or joint emergency planning district designated under section 3750.03 of the Revised Code or a joint interstate emergency planning district established by agreement under that section.
- (N) "Environment" means navigable waters and any other surface water, ground water, drinking water supply, land surface or subsurface strata or ambient air.
- (O) "Establishment" means an economic unit, generally at a single physical location, where business is conducted or where services or industrial operations are performed.
- (P) "Extremely hazardous substance" means a substance listed by USEPA in paragraph (A) of rule 3750-20-30 of the Administrative Code and a substance listed by the commission in paragraph (B) of rule 3750-20-30 of the Administrative Code.
- (Q) "Facility" means all buildings, equipment, structures, and other stationary items which are located on a single site or contiguous or adjacent sites and which are owned or operated by the same person (or by person which controls, is controlled by, or under common control with). For purposes of chemical release notification under section 3750.06 of the Revised Code, the term does include motor vehicles, rolling stock, and aircraft. "Facility" includes man-made structures as well as all natural structures in which chemicals are purposefully placed or removed through human means such that it functions as a containment structure for human use. A facility may contain more than one establishment.
- (R) "Facility emergency coordinator" means a designated facility representative who will participate in local emergency planning.
- (S) "Fire department" means a fire department of a municipal corporation or township, a township fire district, a joint township fire district, a private fire company or volunteer fire company that has entered into an agreement for the use and operation of

firefighting equipment with a municipal corporation, township, township fire district, or joint township fire district or, in a municipal corporation or township where no such fire department or district exists and no such agreement is in effect, the fire prevention officer of the municipal corporation or township having response jurisdiction for a regulated facility.

- (T) "First response equipment" means equipment, other than emergency response and firefighting vehicles, designed primarily for the purpose of facilitating the safe and efficient response to unanticipated and unauthorized releases of hazardous substances and extremely hazardous substances.
- (U) "Hazardous chemical" has the meanings given to that term in 29 CFR 1910.1200(c). The term also includes chemicals identified or listed pursuant to rule 3750-20-60 of the Administrative Code, but does not include any of the following:
- (1) Any food, food additive, color additive, drug, or cosmetic regulated by the food and drug administration of the United States department of health and human services;
 - (2) Any substance present as a solid in any manufactured item, to the extent that exposure to the substance does not occur under normal conditions of use;
 - (3) Any substance to the extent it is used for personal, family, or household purposes, or is present in the same form and concentration as a product packaged for distribution and use by the general public, including, without limitation, household and consumer products that are stored prior to or displayed for distribution to the consumer when in the same form and concentration and products that are not intended for distribution to the general public and are in the same form and concentration as products packaged for distribution to and use by the general public, unless the chemical is subject to a reporting requirement for which a variance has been issued under division (B) or (C) of section 3750.11 of the Revised Code;
 - (4) Any substance to the extent it is used in a research laboratory or a hospital or other medical facility under the direct supervision of a technically qualified individual;
 - (5) Any substance to the extent it is used in routine agricultural operations or is a fertilizer held for sale by a retailer to the ultimate customer; ~~or~~
 - (6) Any substance that is subject to an exclusion under 29 CFR 1910.1200(b)(6).
- (V) "Hazard communication standard" means standards promulgated by the occupational safety and health administration, 29 CFR 1910.1200.

- (W) "Hazardous substances" means a substance listed by USEPA in paragraph (A) of rule 3750-20-50 of the Administrative Code and a substance listed by the commission in paragraph (B) of rule 3750-20-50 of the Administrative Code.
- (X) "Inventory form" means the "Emergency and Hazardous Chemical Inventory Form" containing Tier I and Tier II information as set forth in 42 USC 11022 or a form adopted by the commission as prescribed in rule 3750-30-20 of the Administrative Code.
- ~~(Y)~~ "Material safety data sheet (MSDS)" means the sheet required to be developed under ~~29 CFR 1910.1200(g)~~.
- ~~(Z)~~(Y) "Ohio EPA" means the Ohio environmental protection agency.
- ~~(AA)~~(Z) "Oil" means oil of any kind or in any form including, without limitation, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil.
- ~~(BB)~~(AA) "Oil and gas extraction storage facility" means a facility that exclusively stores crude oil or liquid hydrocarbons or other fluids resulting, obtained, or produced in connection with the production of storage of crude oil or natural gas; receives the crude oil liquid hydrocarbon or other stored fluids by direct conveyance through piping or tubing; is located on the same site as, or on a site adjacent to, the well from which the crude oil, liquid hydrocarbons, or other fluids are produced or obtained; and is used for the storage of the crude oil, liquid hydrocarbons, or other fluids prior to their transportation off the premises of the facility for sale, use or disposal.
- ~~(CC)~~(BB) "OSHA" means the occupational safety and health administration created by the Occupational Safety and Health Act of 1970.
- ~~(DD)~~(CC) "Owner or operator" means the person who actually owns or operates any such facility and any other person who controls, is controlled by, or is under common control with the person who actually owns or operates the facility.
- ~~(EE)~~(DD) "Person" means the state, any political subdivision, any other state or local body, the United States and any agency or instrumentality thereof, and any person as defined in section 1.59 of the Revised Code.
- ~~(FF)~~(EE) "Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing of into the environment including, without limitation: The abandonment or discarding of barrels, containers, and other closed receptacles that contained any oil, hazardous chemical, hazardous substance, or extremely hazardous substance. The term does not include any discharge, emission, injection, or disposal into the environment of any oil,

hazardous chemical, hazardous substance, or extremely hazardous substance that is in compliance with Chapter 1509., 3704., 3734., or 6111. of the Revised Code, or rules adopted thereunder, the terms or conditions of a current and valid permit or license, or order, issued thereunder, or a plan approval made thereunder.

~~(GG)~~(FF) "Reportable quantity (RQ)" means for any hazardous substance or extremely hazardous substance, the reportable quantity established in rule 3750-20-50 of the Administrative Code or rule 3750-20-30 of the Administrative Code.

(GG) "Safety data sheet" or "SDS" means the sheet required to be developed under 29 CFR 1910.1200(g).

(HH) "SARA" means the Superfund Amendments and Reauthorization Act of 1986.

(II) "State" means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, United States Virgin Islands, the Northern Mariana Islands, and any other territory or possession over which the United States has jurisdiction and tribal lands.

(JJ) "Threshold planning quantity (TPQ)" means, for an-extremely hazardous substance listed in 40 CFR Part 355 Appendices A and B, the quantity listed in the columns (threshold planning quantity) for that substance.

(KK) "Threshold quantity (TQ)" means the minimum level for a hazardous chemical after which a facility becomes subject to rules 3750-30-15 and 3750-30-20 of the Administrative Code with respect to such chemical.

(LL) "USEPA" means the United States environmental protection agency.

(MM) "Vessel" means every watercraft or other artificial contrivance used or capable of being used as a means of transportation on water.

(NN) "Working days" include any day on which the state and federal government offices are open for normal business. Saturdays, Sundays, and official state and federal holidays are not working days; all other days are.

(OO) "Discharge" includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping, but excludes the following:

(1) Discharges in compliance with a permit under Section 402 of the Clean Water Act.

(2) Discharges resulting from circumstances identified and reviewed and made a part of the public record with respect to a permit record with respect to a permit

issued or modified under Section 402 of the Clean Water Act, and subject to a condition in such permit.

- (3) Continuous or anticipated intermittent discharges from a point source, identified in a permit or permit application under Section 402 of the Clean Water Act, that are caused by events occurring within the scope of relevant operating or treatment systems.
- (PP) "Navigable waters" means the waters of the United States including the territorial seas as contained within the state of Ohio. The term includes the following:
- (1) All waters that are currently used, were used in the past, or may be susceptible to use in the interstate or foreign commerce, including all waters that are subject to the ebb and flow of the tide.
 - (2) Interstate waters, including interstate wetlands.
 - (3) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, and wetlands, the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any of the following:
 - (a) That are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (b) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (c) That are used or could be used for industrial purposes in interstate commerce.
 - (4) All impoundments of waters otherwise defined as navigable waters under Section 402 of the Clean Water Act.
 - (5) Tributaries of waters identified in paragraphs (PP)(1) to (PP)(4) of this rule: provided, that waste treatment systems (other than cooling ponds that meets the criteria contained in Section 402 of the Clean Water Act) are not waters of the United States.
- (QQ) "Sheen" means an iridescent appearance on the surface of water.
- (RR) "Sludge" means an aggregate of oil or oil and other matter of any kind in any form other than dredged soil having a combined specific gravity equivalent to or greater than water.

- (SS) "Crude oil", "Crude", or "Petroleum" means liquid petroleum as ~~it~~ the petroleum comes out of the ground, as distinguished from refined oils manufactured out of ~~it~~ the petroleum.
- (TT) "Complete file" means for the purposes of the first time filer credits under section 3750.14 of the Revised Code, the forms approved by the commission under rule 3750-30-20 and fee forms under rule 3750-50-01 of the Administrative Code for any facility that has met the requirements for a first time file in a previous year.
- (UU) "First time file" means any file for a facility subject to the annual chemical inventory requirements of the section 3750.08 of the Revised Code, and the fee requirements of section 3750.13 of the Revised Code that has submitted an annual chemical inventory, as required, to the commission and to the responsible committee, and that has submitted an appropriate fee to the commission. Such a facility file shall become a first time file during the state fiscal year in which the requirements of sections 3750.08 and 3750.13 of the Revised Code have been met for the first time.
- If a facility changes ownership and is subject to the requirements of section 3750.08 of the Revised Code the next annual submission of a complete file is considered to be a first time file. When such change results in the submission of a new report under sections 3750.07 and 3750.08 of the Revised Code.
- (VV) "Inactive file" means a file for a facility for which the owner or operator has previously filed under rules 3750-30-20 and 3750-50-01 of the Administrative Code and that has subsequently changed ownership or status.
- (WW) "Incomplete file" means, for the purposes of the first time filer credits under section 3750.14 of the Revised Code, any facility file not meeting the conditions required to be classified as a first time file or a complete file.
- (XX) "Negative declaration" means any document which may be filed by a facility that it is not subject to either section 3750.07 or 3750.08 of the Revised Code and certifying that it has no hazardous chemicals at or above the threshold planning quantity.
- (YY) Referenced materials. This chapter includes references to certain matter or materials. The text of the referenced materials is not included in the rules contained in this chapter. Information on the availability of the referenced materials as well as the date of, or the particular edition or version of the material is included in this rule. For material subject to change, only the specific versions specified in this rule are referenced. Material is referenced as existed on the effective date of this rule. Except for subsequent annual publication of existing (unmodified) Code of Federal Regulation compilations, any amendment or revision to a referenced document is not applicable unless and until this rule has been amended to specify the new dates.

(1) Availability. The materials incorporated by reference are available as follows:

~~(a)~~ Annual Statement of Production (Form 10 Annual Statement of Production (DNR 5601)). Information and copies may be obtained by contacting: The Division of Mineral Resources Management, Ohio Department of Natural Resources, 1855 Fountain Square Court, Building H-2, H-3, Columbus, OH 43224; or by calling 614-265-6633; or by visiting the web site at <http://oilandgas.ohiodnr.gov/industry/electronic-forms>

~~(b)~~(a) Atomic Energy Act of 1954. Information and copies may be obtained by writing to: "Superintendent of Documents, Attention: New Orders, PO Box 371954, Pittsburgh, PA 15250-7954." The full text of the Act is also available in electronic form at <http://www.nrc.gov/about-nrc/governing-laws.html>. The Act is also available for inspection and copying at most public libraries and "The State Library of Ohio."

~~(c)~~(b) Chemical Abstract Service (CAS). Information can be obtained by writing to: "Chemical Abstract Service, 2540 Olentangy River Road, Columbus, OH 43202," or by visiting their web site at www.cas.org.

~~(d)~~(c) Clean Air Act. Information and copies may be obtained by writing to: "Superintendent of Documents, Attn: New Orders, PO Box 371954, Pittsburgh, PA 15250-7954." The full text of the Act as amended in 1990 is also available in electronic format at www.epa.gov/oar/caa/. A copy of the Act is also available for inspection and copying at most public libraries and "The State Library of Ohio."

~~(e)~~(d) Clean Water Act. Information and copies may be obtained by writing to: "Superintendents of Documents, Attention: New Orders, PO Box 371954, Pittsburgh, PA 15250-7954." The full text of the Act is also available in electronic form at <https://www.gpo.gov/fdsys/pkg/USCODE-2015-title33/pdf/USCODE-2015-title33-chap26.pdf>. The Act is also available for inspection and copying at most public libraries and "The State Library of Ohio."

~~(f)~~(e) Code of Federal Regulations. Information and copies may be obtained by writing to: "Superintendent of Documents, Attention: New Orders, PO Box 371954, Pittsburgh, PA 15250-7954." The full text of the CFR is also available in electronic format at <http://www.ecfr.gov/cgi-bin/ECFR?page=browse>. The CFR compilations are also available for inspection and copying at most public libraries and "The State Library of Ohio."

- ~~(g)~~(f) Comprehensive Environmental Response, Compensation, and Liability Act of 1980. Information and copies may be obtained by writing to: "Superintendent of Documents, Attention: New Orders, PO Box 371954, Pittsburgh, PA 15250-7954." The full text of the Act is also available in electronic form at <https://www.gpo.gov/fdsys/pkg/USCODE-2009-title42/pdf/USCODE-2009-title42-chap103.pdf>. The Act is also available for inspection and copying at most public libraries and "The State Library of Ohio."
- ~~(h)~~(g) Dunn & Bradstreet. Information may be obtained by contacting: The D&B Corporation, 103 JFK Parkway, Short Hills, NJ 07078; or by calling their customer service number at 1-800-234-3467 or by visiting the web site at <http://www.dnb.com/us/>.
- ~~(i)~~(h) Emergency Planning and Community Right-to-Know Act of 1986. Information and copies may be obtained by writing to: "Superintendent of Documents, Attention: New Orders, PO Box 371954, Pittsburgh, PA 15250-7954." The full text of the Act is also available in electronic format at <https://www.gpo.gov/fdsys/pkg/USCODE-2009-title42/pdf/USCODE-2009-title42-chap116.pdf>. The Act is also available for inspection and copying at most public libraries and "The State Library of Ohio."
- ~~(j)~~(i) Hazardous Material Transportation Act. Information and copies may be obtained by writing to: "Superintendent of Documents, Attention: New Orders, PO Box 371954, Pittsburgh, PA 15250-7954." The full text of the Act is also available in electronic format at <https://www.gpo.gov/fdsys/pkg/USCODE-2009-title49/pdf/USCODE-2009-title49-subtitleIII.pdf>. The Act is also available for inspection and copying at most public libraries and "The State Library of Ohio."
- ~~(k)~~(j) International Union of Pure and Applied Chemistry (IUPAC). Information can be obtained by writing to: "IUPAC Secretariat, PO Box 13757, Research Triangle Park, NC, 27709-3757," or by visiting their web site at <https://iupac.org/>.
- ~~(l)~~(k) National Response Center. Information may be obtained by contacting: National Response Center, c/o United States Coast Guard (G-OPF)-Room 2611, 2100 2nd Street, Southwest, Washington, DC 20593-8802; or by calling 1-800-424-8802 or 202-267-2675 or by visiting the web site at <http://www.nrc.uscg.mil/>.

- ~~(m)~~(l) North American Industry Classification System. Information may be obtained by contacting: The Census Bureau, Policy Office (Room 2430-FB-3), Washington, DC 20233-3700; or by calling their customer service at 301-763-4636 or by visiting the web site at www.census.gov/epcd/www/naics.html.
- ~~(n)~~(m) Occupational Safety and Health Act of 1970. Information and copies may be obtained by writing to: "Superintendent of Documents, Attention: New Orders, PO Box 371954, Pittsburgh, PA 15250-7954." The full text of the Act is also available in electronic format at <https://www.gpo.gov/fdsys/pkg/USCODE-2009-title29/pdf/USCODE-2009-title29-chap15.pdf>. The Act is also available for inspection and copying at most public libraries and "The State Library of Ohio."
- ~~(o)~~(n) Resource Conservation and Recovery Act. Information and copies may be obtained by writing to: "Superintendent of Documents, Attn: New Orders, PO Box 371954, Pittsburgh, PA 15250-7954." The full text of the act is also available in electronic format at <https://www.gpo.gov/fdsys/pkg/USCODE-2009-title42/pdf/USCODE-2009-title42-chap82.pdf>. A copy of the Act is also available for inspection and copying at most public libraries and "The State Library of Ohio."
- ~~(p)~~(o) SERC Facility Annual Chemical Inventory Filing Fee Worksheet, EPA Form 0320; revised September ~~2001~~2019.
- ~~(q)~~(p) Specifications of the "American Society for Testing and Materials." Information and copies may be obtained by writing to: "ASTM International, 100 Bar Harbor Drive, P.O. Box C700, West Conshohocken, Pennsylvania 19426-2959." These documents are available for purchase at www.astm.org. ASTM documents are also generally available at local public libraries and "The State Library of Ohio."
- ~~(r)~~(q) Specifications of the "National Fire Protection Association." Information and copies may be obtained by writing to: "NFPA (National Fire Protection Association), 1 Batterymarch Park, Quincy, MA 02169-7471." These documents are available for purchase at www.nfpa.org/. NFPA documents are also generally available at local public libraries and the "The State Library of Ohio."
- ~~(s)~~(r) Standard Industrial Classification. Information may be obtained by contacting: The Census Bureau, Policy Office (Room 2430-FB-3),

Washington, DC 20233-3700; or by calling their customer service at 301-763-4636 or by visiting the web site at www.census.gov/epcd/www/naics.html.

~~(t)~~ Statement of Production of Oil, Gas, and Brine (Form 10 Annual Statement of Production (DNR5601); revised December 2001.

~~(s)~~ Superfund Amendments and Reauthorization Act of 1986. Information and copies may be obtained by writing to: "Superintendent of Documents, Attention: New Orders, PO Box 371954, Pittsburgh, PA 15250-7954." The full text of the Act is also available in electronic format at <https://www.gpo.gov/fdsys/pkg/USCODE-2009-title42/pdf/USCODE-2009-title42-chap103.pdf>. The Act is also available for inspection and copying at most public libraries and "The State Library of Ohio."

~~(t)~~ United States Code. Information and copies may be obtained by writing to: "Superintendent of Documents, Attn: New Orders, PO Box 371954, Pittsburgh, PA 15250-7954." The full text of the United States Code is also available in electronic format at <http://www.gpo.gov/fdsys/browse/collectionUScode.action?collectionCode=USCODE>. The USC compilations are also available for inspection and copying at most public libraries and "The State Library of Ohio."

~~(u)~~ Uranium Mill Tailings Radiation Control Act of 1978. Information and copies may be obtained by writing to: "Superintendent of Documents", Attention: New Orders, PO Box 371954, Pittsburgh, PA 15250-7954." The full text of the Act is also available in electronic form at <https://www.gpo.gov/fdsys/pkg/USCODE-2009-title42/pdf/USCODE-2009-title42-chap88.pdf>. The Act is also available for inspection and copying at most public libraries and "The State Library of Ohio."

(2) Incorporated materials.

(a) 29 USC 651 to 678; "Occupational Safety and Health"; ~~as published January 22, 2002 in Supplement I of the 2000 Edition in the 2018 edition~~ of the United States Code; ~~as amended June 12th, 2002, Pub. L. 107-188, sec. 153, 116 Stat. 631; February 20th, 2003, Pub. L. 108-7, 117 Stat. 303; and January 23rd, 2004, Pub. L. 108-199, 118 Stat. 232.~~

(b) 29 CFR 1910.119; "Process Safety Management of Highly Hazardous Chemicals;" ~~57 FR 6403, Feb. 24, 1992; 57 FR 7847, Mar. 4, 1992, as~~

~~amended at 61 FR 9238, Mar. 7, 1996; 67 FR 67964, Nov. 7, 2002~~ as published in the July 1, 2019 Code of Federal Regulations.

- (c) 29 CFR 1910.120(q); " Hazardous Waste Operations and Emergency Response;" ~~54 FR 9317, Mar. 6, 1989, as amended at 55 FR 14073, Apr. 13, 1990; 56 FR 15832, Apr. 18, 1991; 59 FR 43270, Aug. 22, 1994; 61 FR 9238, Mar. 7, 1996; 67 FR 67964, Nov. 7, 2002~~ as published in the July 1, 2020 Code of Federal Regulations.
- (d) 29 CFR 1910.1200; "Hazard Communication;" ~~59 FR 6170, Feb. 9, 1994, as amended at 59 FR 17479, Apr. 13, 1994; 59 FR 65948, Dec. 22, 1994; 61 FR 9245, Mar. 7, 1996~~ as published in the July 1, 2020 Code of Federal Regulations.
- (e) 29 CFR 1910.1200(b); "Hazard Communication Standard;" ~~59 FR 6170, Feb. 9, 1994, as amended at 59 FR 17479, Apr. 13, 1994; 59 FR 65948, Dec. 22, 1994; 61 FR 9245, Mar. 7, 1996~~ as published in the July 1, 2020 Code of Federal Regulations.
- (f) 29 CFR 1910.1200(c); "Hazard Communication Standard, Definitions;" ~~59 FR 6170, Feb. 9, 1994, as amended at 59 FR 17479, Apr. 13, 1994; 59 FR 65948, Dec. 22, 1994; 61 FR 9245, Mar. 7, 1996~~ as published in the July 1, 2020 Code of Federal Regulations.
- (g) 29 CFR 1910.1200(g); "Hazard Communication Standard;" ~~59 FR 6170, Feb. 9, 1994, as amended at 59 FR 17479, Apr. 13, 1994; 59 FR 65948, Dec. 22, 1994; 61 FR 9245, Mar. 7, 1996~~ as published in the July 1, 2020 Code of Federal Regulations.
- (h) 33 CFR Part 154, Subpart F; "Facilities Transferring Oil or Hazardous Materials in Bulk, Response Plans for Oil Facility;" as published in the July 1, ~~2010~~ 2020 Code of Federal Regulations.
- (i) 33 USC Section 1251 to 1387; " Water Pollution Prevention and Control;" published ~~January 5, 2010 in Supplement III of the 2006~~ in the 2018 edition of the United States Code."
- (j) 40 CFR 110.5; "Discharges of oil not determined "as may be harmful" pursuant to Section 311(b)(3) of the Act;" ~~61 FR 7421, Feb. 28, 1996~~ as published in the July 1, 2020 Code of Federal Regulations.
- (k) 40 CFR 112.7(d); "General Requirements for Spill Prevention, Control, and Counter Response Plans;" ~~67 FR 47146, July 17, 2002~~ as published in the July 1, 2020 Code of Federal Regulations.

- (l) 40 CFR 112.20 to 112.21; "Facility Response Plans, Facility Response Training and Drills/Exercises;" ~~59 FR 34098-34101, July 1, 1994, as amended at 65 FR 40798, June 30, 2000; 66 FR 34560, June 29, 2001; 67 FR 47151, July 17, 2002~~ as published in the July 1, 2020 Code of Federal Regulations.
- (m) 40 CFR 261.2; "Definition of Solid Waste;" ~~50 FR 664, Jan. 4, 1985, as amended at 50 FR 33542, Aug. 20, 1985; 56 FR 7206, Feb. 21, 1991; 56 FR 32688, July 17, 1991; 56 FR 42512, Aug. 27, 1991; 57 FR 38564, Aug. 25, 1992; 59 FR 48042, Sept. 19, 1994; 62 FR 6651, Feb. 12, 1997; 62 FR 26019, May 12, 1997; 63 FR 28636, May 26, 1998; 64 FR 24513, May 11, 1999; 67 FR 11253, Mar. 13, 2002~~ as published in the July 1, 2020 Code of Federal Regulations.
- (n) 40 CFR 261.4(b); "Exclusions;" as published in the July 1, ~~2016~~ 2020 Code of Federal Regulations.
- (o) 40 CFR 261.20 to 261.24; "Subpart C- Characteristics of Hazardous Waste;" ~~45 FR 33119, May 19, 1980, as amended at 46 FR 35247, July 7, 1981; 51 FR 40636, Nov. 7, 1986; 55 FR 11862, Mar. 29, 1990; 55 FR 22684, June 1, 1990; 55 FR 26987, June 29, 1990; 56 FR 3876, Jan. 31, 1991; 58 FR 46049, Aug. 31, 1993; 67 FR 11254, Mar. 13, 2002~~ as published in the July 1, 2020 Code of Federal Regulations.
- (p) 40 CFR 261.24; "Toxicity Characteristic;" ~~55 FR 11862, Mar. 29, 1990, as amended at 55 FR 22684, June 1, 1990; 55 FR 26987, June 29, 1990; 58 FR 46049, Aug. 31, 1993; 67 FR 11254, Mar. 13, 2002~~ as published in the July 1, 2020 Code of Federal Regulations.
- (q) 40 CFR 279.53; "Standards for the Management of Used Oil;" ~~57 FR 41612, Sept. 10, 1992, as amended at 59 FR 10560, Mar. 4, 1994~~ as published in the July 1, 2020 Code of Federal Regulations.
- (r) 40 CFR 350.25; "Disclosure in special circumstances;" ~~53 FR 28801, July 29, 1988~~ as published in the July 1, 2020 Code of Federal Regulations.
- (s) 40 CFR Part 68; "Chemical Accident Prevention Provisions;" as published in the July 1, ~~2016~~ 2020 Code of Federal Regulations.
- (t) 40 CFR Part 122; "EPA Administered Permit Program: The National Pollutant Discharge Elimination System;" as published in the July 1, ~~2016~~ 2020 Code of Federal Regulations.

- (u) 40 CFR Part 264, Subpart D; "Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities, Contingency Plan and Emergency Procedures;" ~~45 FR 33221, May 19, 1980, as amended at 50 FR 4514, Jan. 31, 1985; 46 FR 27480, May 20, 1981; 48 FR 30115, June 30, 1983; 53 FR 37935, Sept. 28, 1988~~ as published in the July 1, 2020 Code of Federal Regulations.
- (v) 40 CFR Part 265, Subpart D; "Interim Status Standards for Owners and operators of Hazardous Waste Treatment, Storage, and Disposal Facilities, Contingency Plan and Emergency Procedures;" ~~45 FR 33232, May 19, 1980, as amended at 50 FR 4514, Jan. 31, 1985; 46 FR 27480, May 20, 1981~~ as published in the July 1, 2020 Code of Federal Regulations.
- (w) 40 CFR Part 302; "Designation, Reportable Quantities, and Notification;" ~~50 FR 13474, Apr. 4, 1985, as amended at 51 FR 34547, Sept. 29, 1987; 54 FR 22538, May 24, 1989; 54 FR 33481, Aug. 14, 1989; 54 FR 33449, Aug. 14, 1989; 55 FR 30185, July 24, 1990; 63 FR 13475, Mar. 19, 1998; 63 FR 42189, Aug. 6, 1998; 64 FR 13114, Mar. 17, 1999; 65 FR 87132, Nov. 8, 2001; 67 FR 45321, July 9, 2002; 67 FR 45356-57, July 9, 2002; 71 FR 58533, Oct. 4, 2006; 73 FR 76959, Dec. 18, 2008; 76 FR 9666, Feb. 22, 2011; 77 FR 10390, Feb. 22, 2012; 80 FR 37123, June 29, 2015~~ as published in the July 1, 2020 Code of Federal Regulations.
- (x) 40 CFR Part 350; "Trade Secrecy Claims For Emergency Planning And Community Right-To-Know Information: And Trade Secret Disclosures To Health Professionals;" as published in the July 1, ~~2016~~ 2020 Code of Federal Regulations.
- (y) 40 CFR Part 355; "Emergency Planning and Notification;" ~~52 FR 13395, April 22, 1987, as amended at 54 FR 22543, May 24, 1989; 54 FR 38853, Sept. 21, 1989; 55 FR 30188, July 24, 1990; 55 FR 30645, July 26, 1990; 61 FR 20479-20484, May 7, 1996; 63 FR 13475, Mar. 19, 1998; 64 FR 13115, Mar. 17, 1999; 68 FR 52984, Sept. 8, 2003; 73 FR 65462 Nov. 3, 2008; 73 FR 76960, Dec. 18, 2008; 77 FR 16688, Mar. 22, 2012~~ as published in the July 1, 2020 Code of Federal Regulations.
- (z) 40 CFR Part 355, Appendix A; "Emergency Planning and Notification, The List of Extremely Hazardous Substances and their Threshold Planning Quantities;" ~~61 FR 20479, May 7, 1996, as amended at 68 FR 52984, Sept. 8, 2003~~ as published in the July 1, 2020 Code of Federal Regulations.

- (aa) 40 CFR, Part 355, Appendix B; "Emergency Planning and Notification, The List of Extremely Hazardous Substances and their Threshold Planning Quantities;" ~~61 FR 20484, May 7, 1996, as amended at 68 FR 52984, Sept. 8, 2003~~ as published in the July 1, 2020 Code of Federal Regulations.
- (bb) 40 CFR Part 370; "Hazardous Chemical Reporting: Community Right-To-Know;" ~~52 FR 38364, Oct. 15, 1987, as amended at 55 FR 30645, July 26, 1990; 64 FR 7047, Feb. 11, 1999; 55 FR 30646-30650, July 26, 1990~~ as published in the July 1, 2020 Code of Federal Regulations.
- (cc) 42 USC Section 6901 to 6992K; "Solid Waste Disposal;" as published ~~January 5, 2010 in Supplement III of the 2006~~ in the 2018 edition of the United States Code.
- (dd) 42 USC 9601 to 9675; "Superfund Amendments and Authorization Act of 1986;" as published ~~January 5, 2010 in "Supplement III" of the 2006~~ in the 2018 edition of the United States Code.
- (ee) 42 USC 11001 to 11050; "Emergency Planning and Community Right-to-Know Act;" ~~Pub.L. 99-499, Title III, Section 301-330, October 17, 1986, 100 Stat. 1729-1758~~ as published in the 2018 edition of the United States Code.
- (ff) 42 USC 11022; "Emergency and Hazardous Chemical Inventory Forms;" ~~Pub. L. 99-499, title III, sec. 312, Oct. 17, 1986, 100 Stat. 1738~~ as published in the 2018 edition of the United States Code.
- (gg) 49 CFR Part 194; " Response Plans for Onshore Oil Pipelines;" ~~58 FR 253, Jan. 5, 1993, as amended at 62 FR 67293, Dec. 24, 1997; 63 FR 37505, July 13, 1998~~ as published in the July 1, 2019 Code of Federal Regulations.
- (hh) 49 USC Section 5112; "Highway Routing of Hazardous Materials;" as published ~~January 5, 2010 in Supplement III of the 2006~~ in the 2018 edition of the United States Code."
- (ii) ASTM E136-11; "Standard Test, Method for Behavior of Materials in a Verticle Tube Furnace at 750*C;" approved January 15, 1993; reapproved 2000; amended January 15, 2011.
- (jj) NFPA 414, "Standard for Aircraft Rescue and Fire-Fighting Vehicles;" approved July 13, 2001; effective date August 2, 2001.

- (kk) Section 7 of NFPA 101, "The Life Safety Code;" approved January 17, 2003; effective date February 6, 2003.
- (ll) Section 101(10) of CERCLA; contained in 42 USC 9601; "Notification Requirements Respecting Released Substances;" as published ~~January 5, 2010 in "Supplement III" of the 2006~~ in the 2018 edition of the United States Code.
- (mm) Section 102(a)(1) of the Uranium Mill Tailings Radiation Control Act of 1978; contained in 42 USC 7912; "Processing Site Designations;" as published ~~January 5, 2010 in "Supplement III" of the 2006~~ in the 2018 edition of the United States Code.
- (nn) Section 103(a) of CERCLA; contained in 42 USC 9603; "Notice to National Response Center Upon Release From Vessel or Offshore or Onshore Facility by Person in Charge; Conveyance of Notice by Center;" as published ~~January 5, 2010 in "Supplement III" of the 2006~~ in the 2018 edition of the United States Code.
- (oo) Section 103(e) of CERCLA; contained in 42 USC 9603; "Notification Requirements Respecting Released Substances, Applicability to Registered Pesticide Product;" as published ~~January 5, 2010 in "Supplement III" of the 2006~~ in the 2018 edition of the United States Code.
- (pp) Section 104 of CERCLA; contained in 42 USC 9604; "Response Authorities;" as published ~~January 5, 2010 in "Supplement III" of the 2006~~ in the 2018 edition of the United States Code.
- (qq) Section 170 of the Atomic Energy Act of 1954: as contained in 42 USC 2210, "Indemnification and Limitations of Liability;" published ~~January 5, 2010 in "Supplement III" of the 2006~~ in the 2018 edition of the United States Code."
- (rr) Section 302 of the Emergency Planning and Community Right-to-Know Act of 1986; contained in 42 USC 11002; "Substance Facilities Covered and Notification;" as published ~~January 5, 2010 in "Supplement III" of the 2006~~ in the 2018 edition of the United States Code.
- (ss) Section 302(a) of the Uranium Mill Tailings Radiation Control Act of 1978; contained in 42 USC 7942; "Designation by Secretary as Processing Sites for Subchapter I Purposes;" as published ~~January 5, 2010 in "Supplement III" of the 2006~~ in the 2018 edition of the United States Code.

- (tt) Section 312 of the Emergency Planning and Community Right-to-Know Act; contained in 42 USC 11022; "Emergency and Hazardous Chemical Inventory Forms;" as published ~~January 5, 2010 in "Supplement III" of the 2006~~ in the 2018 edition of the United States Code.
- (uu) Section 313 of the Emergency Planning and Community Right-to-Know Act; contained in 40 CFR Part 372; "Toxic Chemical Release Reporting: Community Right-to-Know;" as published ~~January 5, 2010 in "Supplement III" of the 2006~~ in the 2018 edition of the United States Code.
- (vv) Section 322 of the Emergency Planning and Community Right-to-Know Act; contained in 42 USC 11042; "Trade Secrets;" as published ~~January 5, 2010 in "Supplement III" of the 2006~~ in the 2018 edition of the United States Code.
- (ww) Section 402 of the Clean Water Act; contained in 33 USC 1342; "National Pollutant Discharge Elimination System;" as published ~~January 5, 2010 in "Supplement III" of the 2006~~ in the 2018 edition of the United States Code.
- (xx) Section 11049 of the Emergency Planning and Community Right-to-Know Act of 1986; "Definitions;" as published ~~January 5, 2010 in "Supplement III" of the 2006~~ in the 2018 edition of the United States Code.

Effective:

Five Year Review (FYR) Dates: 3/17/2021

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 3750.02(B)(1)(j)
Rule Amplifies: 3750.01
Prior Effective Dates: 07/30/1990, 06/30/1993, 12/31/1994, 09/01/1998,
02/10/2005, 06/05/2006, 01/02/2007, 10/29/2011,
11/18/2017