

## **RULE SYNOPSIS**

### **State Emergency Response Commission Amendments to Rules in OAC Chapter 3750 of the Ohio Administrative Code**

On behalf of the State Emergency Response Commission (SERC), the Ohio Environmental Protection Agency has reviewed the rules in Ohio Administrative Code (OAC) Chapter 3750 pursuant to Ohio law (Ohio Revised Code Section 106.03) which requires all agencies to review existing rules every five years to determine if the rules should be eliminated or amended, or remain “as-is.” If the agency determines the rules should not be amended, the rules are filed with the legislative “Joint Committee on Agency Rule Review” (JCARR) as “no-change” rules. This literally means there are no changes to the existing rule. Based on our review, Ohio EPA finds the following rules remain necessary, but are without need of change:

- 3750-1-02, Purpose
- 3750-10-03, General Management Rules
- 3750-10-05, Internal Operating Rules
- 3750-10-07, Executive Committee: Issuance of Orders: Persons Who May Request Enforcement Order Procedure
- 3750-10-08, Issuance of Orders to Facilities
- 3750-10-09, Public Testimony
- 3750-15-01, Applicability
- 3750-15-02, Construction of Rules
- 3750-15-05, Public Notice of Proposed Rules
- 3750-15-10, Severability
- 3750-20-60, Addition of Hazardous Chemicals, Extremely Hazardous Substances and Hazardous Substances
- 3750-20-76, Types of Exercises
- 3750-20-78, Execution of Exercises
- 3750-20-80, Review of Exercises
- 3750-20-82, Issuance of Exercise Order by Commission
- 3750-20-84, Public Review of Plan Exercises
- 3750-25-01, Facilities Subject to Emergency Release Notification Requirements
- 3750-25-05, Designation of Hazardous Substances
- 3750-25-10, Determination of Reportable Quantities for Hazardous Substance
- 3750-25-12, Determining Notification Requirements of Mixtures or Solutions
- 3750-25-13, Release Notification Requirements for Radionuclides and Solid Particles
- 3750-25-20, Reportable Quantities for Oil Including Crude Oil
- 3750-25-25, Release Notification Requirements
- 3750-30-25, Identification of Hazardous Chemicals
- 3750-50-03, Emergency Planning and Community Right-to-Know Fund
- 3750-50-05, Special Emergency Planning Fund
- 3750-50-07, First-time Filer Grant Awards
- 3750-50-08, Committees Responsibilities for First-time Filer Grant Application
- 3750-50-09, Commission Responsibilities for First-time Filer Grant Awards

3750-50-10, Grant Application for Emergency Planning and Community Right-to Know Funds  
3750-50-15, Reimbursement for Costs Incurred under Chapter 3750 of the Revised Code  
3750-50-20, Emergency Planning and Community Right-to-Know reserve Fund  
3750-50-25, Grant Application for Funds in the Emergency Planning and Community Right-to-Know Reserve Fund  
3750-75-02, Facilities Subject to the Emergency Response Lock Box Unit Requirements  
3750-75-03, Criteria for the Construction of an Emergency Response Lock Box Unit;  
3750-75-04, Emergency Response Lock Box Unit Contents and Maintenance  
3750-75-05, Conditions for the Placement of and access to an Emergency Lock Box Unit  
3750-75-07, Application for Issuance of a Lock Box Order by a Fire Department  
3750-75-08, Application for Issuance of Lock Box Order by a Local emergency Planning Committee  
3750-75-09, Decision by Emergency Response Commission Regarding a Lock Box Application from a Local Emergency Planning Committee  
3750-75-10, Criteria for Issuing an Order Requiring the Placement of a Lock Box Upon Request by a Political Subdivision  
3750-80-01, Application for Variance by Local Emergency Planning Committee  
3750-80-02, Criteria for Granting a Variance to a Local Emergency Planning Committee  
3750-80-03), Decision by Emergency Response Commission  
3750-85-01, Application for variance by Political Subdivision  
3750-85-02, Criteria for Granting a Variance to a Political Subdivision  
3750-85-03, Decision by Local Emergency Planning Committee.  
3750-90-01, Applying for Access to Information

On March 10, 2020, DAPC sent out a draft of amended rule language for a 30-day comment period. DAPC received one set of comments on the rules, however, after discussions with the commenter, it was determined that no additional changes were necessary. The amendments to the rules are as presented in the March 2020 draft are as follows:

Ohio EPA recommends amending OAC rules to fix typos, correct simple changes in terminology and add federal rule language contained in Federal Register Notice, Final Rule Volume 77, Number 56, pages 16679-16688 dated Thursday March 22, 2012 verbatim that provides regulatory guidance for the calculation of quantities for comparison with threshold planning quantities for solid and mixtures used within OAC 3750-20-10. EPA revised the way regulated facilities apply the threshold planning quantities (TPQs) for Extremely Hazardous Substances (EHSs) that are non-reactive solid chemicals in solution form. Facilities with a non-reactive EHS solid in solution are subject to EPCRA section 302, if the on-site amount of a non-reactive EHS solid in solution, when multiplied by 0.2, equals or exceeds the lower published TPQ. Ohio EPA recommends amending 12 administrative rules:

3750-1-01, Definitions and Incorporation by Reference  
3750-10-01, Establishment of State Emergency Response Commission, Executive Committee and Committees  
3750-20-10, Calculation of Quantities for Comparison with Threshold Planning Quantities for Solids and Mixtures  
3750-20-70, Exercise Definitions  
3750-20-72, Chemical Emergency Response Plans  
3750-20-74, Review of Plans  
3750-25-15, Calculation for Reportable Quantities of Continuous Releases  
3750-30-01, Facilities Subject to Hazardous Chemical Reporting Requirements  
3750-30-15, List or Material Safety Data Sheets (MSDS) Reporting Requirements for Subject Facilities  
3750-30-20, Facility Emergency and Hazardous Chemical Inventory Form  
3750-30-27, Threshold Quantities for Hazardous Chemical Reporting  
3750-50-01 and Annual Inventory Filing Fees and Form.