

Public Hearing
Ohio Environmental Protection Agency
Five-Year Rule Review of Ohio Administrative Code (OAC)
Rules 3745-104-01 through 3745-104-53

Notice is hereby given that in accordance with Ohio Revised Code (ORC) 106.03 (5-year rule review), the Ohio Environmental Protection Agency, Division of Air Pollution Control (DAPC) has reviewed the rules contained in Ohio Administrative Code (OAC) Chapter 3745-104. These rules are related to the Accidental Release Prevention Program, or Risk Management Program (RMP). Our review indicates that these rules continue to be necessary and require amending as follows:

Amendments to rules 3745-104-01, 3745-104-05, 3745-104-06, 3745-104-17, 3745-104-24, 3745-104-36, 3745-104-37, 3745-104-47, and 3745-104-51 to address the November 20, 2019 Pre-Publication Notice signed by the USEPA Administrator that either rescinds, retains and/or modifies requirements to the final 2017 Risk Management Plan Amendments Rule.

DAPC is proposing to amend OAC 3745-104-01 to add definitions for Confidential Business Information and LEPC (local emergency planning committee). Rules 3745-104-05, 3745-104-06, 3745-104-36 and 3745-104-37 are being amended to correlate with US EPA's annual notification drill requirements and emergency response agency coordination efforts for all covered facilities. Additionally, these rules are being modified to reflect exercise requirements for responding facilities, including field and tabletop exercises. Rules 3745-104-17 and 3745-104-24 are being amended to reflect the current terminology for Safety Data Sheets (formerly Material Safety Data Sheets). Rule 3745-104-41 requires a public meeting to be held within 90 days of an RMP reportable incident that had offsite impacts.

DAPC is also making minor changes throughout the chapter to fix typos, address LSC and agency formatting issues and to remove unnecessary restrictions.

Our review also indicates the following rules continue to be necessary and are without need for change: OAC rules, 3745-104-03, 3745-104-04, 3745-104-07, 3745-104-09, 3745-104-12 to 3745-104-15, 3745-104-20, 3745-104-21, 3745-104-39, 3745-104-40, 3745-104-44, 3745-104-48, and 3745-104-50.

Pursuant to Section 121.39 of the Ohio Revised Code, DAPC was required to consult with interested parties affected by the rules before the Division formally adopts them. On August 18, 2020, these rules went out for a 30-day review by interested parties.

Ohio EPA will be holding a virtual public hearing on the proposed rules on **Tuesday, May 18, 2021 at 2:30 PM**. The meeting will be held exclusively online. During the virtual hearing the public can submit written comments that will be read into the record by the hearing host. The virtual hearing may be accessed through the following website: <https://attendee.gotowebinar.com/register/7487899999198592270>

All interested persons are entitled to attend or be represented at the hearing and give written or oral comments on these rule changes. All oral comments presented at the hearing, and all written statements submitted at the hearing or by the close of business on May 18, 2021, will be considered by Ohio EPA prior to final action on this rule. Written statements submitted after May 18, 2021, may be considered as time and circumstances permit, but will not be part of the official record of the hearing.

These rules are available on DAPC's Web page for electronic downloading. The URL is:

<http://epa.ohio.gov/dapc/DAPCrules.aspx> and see the information under the “proposed rules” tab. Questions regarding accessing the web site should be directed to Paul Braun at 614-644-3734; other questions or comments about these rules should be directed to Sherri Swihart at Ohio EPA, (614) 644-3594, sherri.swihart@epa.ohio.gov, or mailed to Sherri Swihart, Ohio EPA, Division Air Pollution Control, Lazarus Government Center, P.O. Box 1049, Columbus, Ohio 43216-1049. Persons submitting comments electronically are encouraged to follow-up with a hard copy via regular mail.