

3745-104-05

**Applicability.**

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions reference in this rule, see paragraph (C) of rule 3745-104-01 of the Administrative Code titled "Referenced materials."]

(A) An owner or operator of a stationary source that has more than a threshold quantity of a regulated substance in a process, as determined by rule 3745-104-02 of the Administrative Code, shall comply with the requirements of this rule no later than the latest of the following dates:

- (1) June 21, 1999~~;~~
- (2) Three years after the date on which a regulated substance is first listed under rule 3745-104-04 of the Administrative Code~~;~~~~or~~
- (3) The date on which a regulated substance is first present at the facility above a threshold quantity in a process.

(B) The owner or operator of a stationary source shall comply with the following:

- (1) By March 14, 2018, the emergency response coordination activities in paragraph (C) of rule 3745-104-36 of the Administrative Code.
- (2) Within three years of when the owner or operator determines that the stationary source is subject to the emergency response program requirements of rule 3745-104-37 of the Administrative Code, pursuant to paragraph (A) of rule 3745-104-36 of the Administrative Code, develop and implement an emergency response program in accordance with rule 3745-104-37 of the Administrative Code.
- (3) By December 19, 2023, the emergency response provisions in paragraph (D) of rule 3745-104-37 of the Administrative Code.
- (4) Within ninety days of any RMP reportable accident at the stationary source with known offsite impacts specified in paragraph (A) of rule 3745-104-16 of the Administrative Code, that occurs after March 15, 2021, the public meeting requirement of rule 3745-104-51 of the Administrative Code.
- (5) By December 19, 2024, rules 3745-104-38 and 3745-104-41 to 3745-104-49 of the Administrative Code and report the following:
  - (a) A public meeting after an RMP reportable accident in paragraph (B)(21) of rule 3745-104-42 of the Administrative Code.

(b) Emergency response program information in paragraph (A)(1) of rule 3745-104-47 of the Administrative Code.

(c) Emergency response program information in paragraphs (A)(2) and (A)(3) of rule 3745-104-47 of the Administrative Code.

(d) Emergency response program and exercises information in paragraph (D) of rule 3745-104-37 of the Administrative Code; including dates of the most recent notification, field and tabletop exercises in the risk management plan, for exercises completed as required in paragraph (D) of rule 3745-104-37 of the Administrative Code at the time the risk management plan is either submitted in rule 3745-104-38 of the Administrative Code, or is updated in rule 3745-104-49 of the Administrative Code.

~~(B)~~(C) Program one eligibility requirements. A covered process is eligible for program one requirements as provided in paragraph (B) of rule 3745-104-06 of the Administrative Code if it meets all of the following requirements:

(1) For the five years prior to the submission of an RMP, the process has not had an accidental release of a regulated substance where exposure to the substance, its reaction products, overpressure generated by an explosion involving the substance, or radiant heat generated by a fire involving the substance led to ~~any~~ ~~of~~ the following offsite:

(a) Death~~;~~

(b) Injury~~;~~~~or~~

(c) Response or restoration activities for an exposure of an environmental receptor.

(2) The distance to a toxic or flammable endpoint for a worst-case release assessment conducted under rules 3745-104-08, 3745-104-09, and 3745-104-10 of the Administrative Code is less than the distance to any public receptor, as defined in paragraph (B)(33) of rule 3745-104-01 of the Administrative Code; and

(3) Emergency response procedures have been coordinated between the stationary source and local emergency planning and response organizations.

~~(C)~~(D) Program two eligibility requirements. A covered process is subject to program two requirements if ~~it~~ the process does not meet the eligibility requirements of either paragraph (B) or (D) of this rule. A program two process shall comply with rules 3745-104-17 to 3745-104-23 of the Administrative Code to meet the prevention program requirements.

~~(D)~~(E) Program three eligibility requirements. A covered process is subject to program three if the process does not meet the requirements of paragraph (B) of this rule, and if either of the following conditions is met:

- (1) The process is in NAICS code 32211, 32411, 32511, 325181, 325188, 325192, 325199, 325211, 325311, or 32532; or
- (2) The process is subject to the OSHA Process Safety Management Standard, 29 CFR 1910.119 as adopted by reference in rule 4167-3-01 of the Administrative Code.

Processes classified as program three as defined by paragraphs (D)(1) and (D)(2) of this rule shall comply with rules 3745-104-24 to 3745-104-35 of the Administrative Code to meet the prevention program requirements.

~~(E)~~(F) If at any time a covered process no longer meets the eligibility criteria of its program level, the owner or operator shall comply with the requirements of the new program level that applies to the process and update the RMP as provided in rule 3745-104-49 of the Administrative Code.

Effective:

Five Year Review (FYR) Dates: 4/9/2021

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Certification

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Date

Promulgated Under: 119.03  
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Rule Amplifies: 3753  
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