

3745-104-38

Risk management plan: submission.

[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 (C) of rule 3745-104-01 of the Administrative Code titled "Referenced materials."]

(A) The owner or operator shall submit a single RMP that: ~~includes the information required by rules 3745-104-41 to 3745-104-48 of the Administrative Code for all covered processes. The RMP shall be submitted in a method and format to a central point as specified by USEPA as of the date of submission.~~

(1) Includes the information required by rules 3745-104-41 to 3745-104-48 of the Administrative Code for all covered processes.

(2) Is submitted in a method and format to a central point as specified by USEPA as of the date of submission.

(B) The owner or operator shall submit the first RMP no later than the latest of the following:

(1) June 21, 1999~~;~~

(2) Three years after the date on which a regulated substance is first listed under 40 CFR Part 68, which is incorporated into rule 3745-104-04 of the Administrative Code~~; or~~

(3) The date on which a regulated substance is first present above a threshold quantity in a process with a copy of the initial RMP submitted to Ohio EPA.

~~A copy of the initial RMP shall also be submitted to Ohio EPA.~~

(C) The owner or operator for which an RMP was submitted before June 21, 2004, shall revise the RMP to include the information required by paragraphs (B)(6) and (B)(14) of rule 3745-104-42 of the Administrative Code by June 21, 2004 in the manner specified by USEPA prior to that date. Any such submission shall also include the information required by paragraph (B)(20) of rule 3745-104-42 of the Administrative Code (indicating that the submission is a correction to include the information required by paragraphs (B)(6) and (B)(14) of rule 3745-104-42 of the Administrative Code or an update under rule 3745-104-49 of the Administrative Code).

(D) Subsequent submissions of RMPs shall be in accordance with rule 3745-104-49 of the Administrative Code. ~~A copy with copies of subsequent submissions shall~~ also be submitted to Ohio EPA, but only when the subsequent submission is being made in accordance with paragraphs (B)(2) to (B)(4), paragraph (B)(6), (B)(7), (C), or (D)(1) of rule 3745-104-49 of the Administrative Code.

- (E) Nothing in these rules is intended to enlarge or diminish any rights the owner or operator may have to make a claim to USEPA for confidential business information for any such information contained in the RMP that is submitted to USEPA. However, to secure confidential treatment of information in the RMP which is submitted to Ohio EPA, the owner or operator must seek protection of the information as a trade secret exclusively in the manner set forth in rules 3745-104-39 and 3745-104-40 of the Administrative Code.
- (F) Procedures for asserting that information submitted in the RMP is entitled to protection as trade secret information are set forth in rules 3745-104-39 and 3745-104-40 of the Administrative Code.
- (G) An owner or operator who is required to submit a risk management plan under this chapter shall pay to Ohio EPA fees as specified in section 3753.05 of the Revised Code.

Replaces: OAC 3745-104-53 is being replaced with OAC 3745-104-38(G)

Effective:

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

Certification

Date

Promulgated Under: 119.03
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