

NOTICE OF ADOPTION OF RULES
OHIO ENVIRONMENTAL PROTECTION AGENCY
Adoption of Rules in the Ohio Administrative Code
Chapter 3745-104, Accidental Release Prevention

Notice is hereby given that the Director of the Ohio Environmental Protection Agency (Ohio EPA) has adopted the following rules of the Ohio Administrative Code:

Amended

<u>Rule #</u>	<u>Title:</u>
3745-104-01	Definitions
3745-104-02	Threshold determination
3745-104-05	Applicability
3745-104-06	General requirements
3745-104-08	Hazard assessment: applicability
3745-104-10	Hazard assessment: worst-case release scenario analysis
3745-104-11	Hazard assessment: alternative release scenario analysis
3745-104-12	Hazard assessment: defining offsite impacts – population
3745-104-16	Hazard assessment: five-year accident history
3745-104-17	Program two prevention program: safety information
3745-104-18	Program two prevention program: hazard review
3745-104-19	Program two prevention program: operating procedures
3745-104-22	Program two prevention program: compliance audits
3745-104-23	Program two prevention program: incident investigation
3745-104-24	Program three prevention program: process safety information
3745-104-25	Program three prevention program: process hazard analysis
3745-104-26	Program three prevention program: operating procedures
3745-104-27	Program three prevention program: training
3745-104-28	Program three prevention program: mechanical integrity
3745-104-29	Program three prevention program: management of change
3745-104-30	Program three prevention program: pre-startup review
3745-104-31	Program three prevention program: compliance audits
3745-104-32	Program three prevention program: incident investigation
3745-104-34	Program three prevention program: hot work permit
3745-104-35	Program three prevention program: contractors
3745-104-36	Emergency response: applicability
3745-104-37	Emergency response program
3745-104-38	Risk management plan: submission
3745-104-41	Risk management plan: executive summary
3745-104-42	Risk management plan: registration
3745-104-43	Risk management plan: offsite consequence analysis
3745-104-45	Risk management plan: prevention program/program 2
3745-104-46	Risk management plan: prevention program/program 3
3745-104-49	Risk management plan: updates

- 3745-104-51 Availability of information to the public
3745-104-52 Permit content and air permitting authority or designated agency requirements

Rescind/Replace

Rule # **Title:**

- 3745-104-33 Program three prevention program: employee participation
3745-104-47 Risk management plan: emergency response program

Rescind

Rule # **Title:**

- 3745-104-53 Fees

These rules are related to the implementation of Ohio Revised Code 3753, Accidental Release Prevention Program, or Risk Management Program (RMP). Our review indicates that these rules continue to be necessary and were amended as follows:

Administrative 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 were amended to include federal language from the November 20, 2019 Risk Management Program (RMP) Reconsideration Final Rule as signed by the USEPA Administrator, effective December 19, 2019. The amended language modifies and improves the existing rules as related to local level emergency response planning.

Specifically, DAPC amended OAC 3745-104-01 to add the definition for the 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 made minor changes throughout the 3745-104 chapter to fix typos, address LSC and agency formatting issues and to remove unnecessary restrictions. Due to these changes, OAC rules 3745-104-33 and 3745-104-47 are being rescinded/replaced. OAC rule 3745-104-53 is being rescinded since the fee requirements are covered in the Ohio Revised Code.

The Director's order of adoption was issued on July 26, 2021. These adopted rules will become effective on **August 5, 2021**.

The Director's action in this matter is pursuant to the procedural requirements of Ohio Revised Code Chapter 119 and is based upon the record of the public hearing conducted by Ohio EPA on May 18, 2021, and any comments received during the public comment period.

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within thirty (30) days after notice of the Director's action. The appeal must be accompanied by a filing fee of \$70.00, made payable to "Treasurer, State of Ohio," which the Commission, in its discretion, may reduce if by affidavit you demonstrate that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the Director within three (3) days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission
77 South High Street, 17th Floor
Columbus, Ohio 43215