

Rule Summary and Fiscal Analysis (Part A)**Emergency Response Commission**

Agency Name

Division

Jeff Beattie

Contact

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3750-25-10

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Determination of reportable quantities for hazardous substances.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **Yes**

2. Are you proposing this rule as a result of recent legislation? **No**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **3750.02(B)(3)**

5. Statute(s) the rule, as filed, amplifies or implements: **3750.06**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

Five year rule review.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

This rule adopts by reference the federal list of hazardous substances and unlisted hazardous substances and unlisted hazardous substances for reportable quantities.

Added "Incorporation by Reference" language at beginning referencing OAC 3750-1-01. Minor changes were also made to create consistency in how the documents are referenced in the text.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

This rule contains references to the Code of Federal Regulations (CFR). These rules are generally available through libraries, Ohio EPA and U.S. EPA websites. CFR references have also been dated to reference the specific version of the rules. ORC 121.75 (D) exempts such references from the requirements of ORC 121.71 through 121.74.

Reference materials are cited, dated, and availability noted in rule OAC 3750-1-01.

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

Not Applicable.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

Not Applicable.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so:

Not Applicable.

12. 119.032 Rule Review Date: **1/13/2006**

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required:

the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

Not Applicable.

Not Applicable.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

Not Applicable.

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

Not Applicable.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **Yes**

You must complete the Environmental rule Adoption/Amendment Form in order to comply with Am. Sub. 106 of the 121st General Assembly.

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Rule Number: 3750-25-10

Environmental Rule Adoption/Amendment Form

Pursuant to Am. Sub. H.B. 106 of the 121st General Assembly, prior to adopting a rule or an amendment to a rule dealing with environmental protection, or containing a component dealing with environmental protection, a state agency shall:

- (1) Consult with organizations that represent political subdivisions, environmental interests, business interests, and other persons affected by the proposed rule or amendment.
 - (2) Consider documentation relevant to the need for, the environmental benefits or consequences of, other benefits of, and the technological feasibility of the proposed rule or rule amendment.
 - (3) Specifically identify whether the proposed rule or rule amendment is being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal environmental law or to participate in a federal environmental program, whether the proposed rule or rule amendment is more stringent than its federal counterpart, and, if the proposed rule or rule amendment is more stringent, the rationale for not incorporating its federal counterpart.
 - (4) Include with the proposed rule or rule amendment and rule summary and fiscal analysis required to be filed with the Joint Committee on Agency Rule Review information relevant to the previously listed requirements.
-

- (A) Were organizations that represent political subdivisions, environmental interests, business interests, and other persons affected by the proposed rule or amendment consulted ? **Yes**

Please list each contact.

See attached.

- (B) Was documentation that is relevant to the need for, the environmental benefits or consequences of, other benefits of, and the technological feasibility of the proposed rule or amendment considered ? **Yes**

Please list the information provided and attach a copy of each piece of documentation to this form. (A SUMMARY OR INDEX MAY BE ATTACHED IN LIEU OF THE ACTUAL DOCUMENTATION.)

See "Incorporation by Reference" at the end of OAC 3750-1-01 especially 40 CFR Part 370.

- (C) Is the proposed rule or rule amendment being adopted or amended to enable

the state to obtain or maintain approval to administer and enforce a federal environmental law or to participate in a federal environmental program ? **No**

Is the proposed rule or rule amendment more stringent than its federal counterpart ? **No**

(D) If this is a rule amendment that is being adopted under a state statute that establishes standards with which the amendment is to comply, is the proposed rule amendment more stringent than the rule that it is proposing to amend? **No**

Not Applicable

Mail Envelope Properties (42C54D57.215 : 18 : 20394)**Subject:** Ohio EPA DAPC Rule Making: SERC, OAC 3750**Creation Date** 7/1/2005 10:04:07 AM**From:** Jennifer Nichols**Created By:** Jennifer.Nichols@epa.state.oh.us

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	Pending	holophane.com
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	Pending	intlsteel.com
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	Pending	laa.ci.canton.oh.us
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leagueofohiosportsmen.org	Pending	lexisnexis.com
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15-02.pdf	9482	7/1/2005 9:45:14 AM
15-10.pdf	9957	7/1/2005 9:45:44 AM
25-01.pdf	16154	7/1/2005 9:24:58 AM
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Options

Auto Delete:	No
Expiration Date:	None
Notify Recipients:	Yes
Priority:	Standard
ReplyRequested:	No
Return Notification:	None

Concealed Subject:	No
Security:	Standard

To Be Delivered:	Immediate
Status Tracking:	Delivered & Opened

Mail Envelope Properties (42C55211.18A : 20 : 42703)

Subject: Fwd: Ohio EPA DAPC Rule Making: SERC, OAC 3750
Creation Date 7/1/2005 10:24:17 AM
From: Jeff Beattie

Created By: Jeff.Beattie@epa.state.oh.us

Recipients

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eoc (Belmont County LEPC)
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TKern (tkern@ag.state.oh.us)

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cloh.net
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dbritton (Clermont County LEPC)

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bgilbert (Union County LEPC)

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jlarson (Wood County LEPC)

Columbus.gov

FEBeasley (febeasley@columbus.gov)
jerry (Franklin County LEPC)

com.state.oh.us
rklema (rklema@com.state.oh.us)

coshoctoncounty.net
jamesvanhorn (Coshocton County)

crawford-co.org
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cros.net
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cuyahogacounty.us
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dbscorp.net
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defiance-county.com
protectr (Defiance County LEPC)

dnr.state.oh.us
Tom.Tugend (Tom.tugend@dnr.state.oh.us)

dot.state.oh.us
Alan.Phillips (alan.phillips@dot.state.oh.us)

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NDragani (ndragani@dps.state.oh.us)

earthlink.net
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ehstech.com

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eoio.net

ccemalepc (Carroll County LEPC)

epa.state.oh.us

Central-Support.Central-Office

Pmadigan (Pat Madigan)

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DAPC.Central-Office

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erie-county-ohio.net

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netpluscom.com
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nwbright.net
pcops (Putnam County LEPC)

odh.ohio.gov
SWAGNER (swagner@odh.ohio.gov)

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onecom.com
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pickawayboc.org
ema (Pickaway County LEPC)

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nobleema (Noble County LEPC)

sycamoretownship.org
tcrowthers (tcrowthers@sycamoretownship.org)

udata.com

wycoema (Wyandot County LEPC)

valkyrie.net

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ema (Wayne County LEPC)

wcoh.net

lmcfarland (Warren County LEPC)

wirefire.com

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woh.rr.com

Jbostater (Miami County)

shcoema (Shelby County LEPC)

www.cuyahoga.oh.us

esjms (Cuyahoga County LEPC2)

yahoo.com

cclepc15 (Columbiana County LEPC)

muskingum_ema (Muskingum County LEPC)

zoomnet.net

gclepc (Gallia County LEPC)

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athenscountygovernment.com

Route

1st.net

2access.net

ag.state.oh.us

allencountyohio.com

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bizwoh.rr.com

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butlercountyohio.org

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clarkcountyohio.gov

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co.ashtabula.oh.us

Central-Support.Central-Office
DAPC.Central-Office

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Columbus.gov
com.state.oh.us
coshoctoncounty.net
crawford-co.org
cros.net
ctcn.net
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dbscorp.net
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dot.state.oh.us
dps.state.oh.us
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erie-county-ohio.net
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Files	Size	Date & Time
MESSAGE	539	7/1/2005 10:24:17 AM
Mail		

Options

Expiration Date:	None
Priority:	Standard
ReplyRequested:	No
Return Notification:	None

Concealed Subject:	No
Security:	Standard

Junk Mail Handling Evaluation Results

Message is not eligible for Junk Mail handling
Message is from an internal sender

Junk Mail settings when this message was delivered

Junk Mail handling disabled by User
Junk List is not enabled
Junk Mail using personal address books is not enabled
Block List is not enabled