

# Hearing Summary

Rule Package: OAC Chapter 3745-104, "Accidental Release Prevention Program", 5-year review

Original filing date: April 9, 2021

Public comment start date: April 9, 2021

Public comment end date: May 18, 2021

Public hearing date: May 18, 2020

List of Rules: OAC Rules 3745-104-01 to 3745-104-53

 

 

Were there any participants in this public hearing beyond Ohio EPA staff or JCARR staff?

☒ Yes

☐ No

Were there comments received during the public comment period outside of those presented at this hearing?

☐ Yes

☒ No

This hearing summary has been compiled to meet the requirements of Section 119.03 of the Revised Code.

This hearing summary includes this cover sheet and the following attachments:

1. **Attachment A** - A copy of the public notice for this hearing.
2. **Attachment B** - A copy of the script read into the record to begin and end the hearing.
3. **Attachment C** - A copy of the sign-in sheet for this hearing.

Ohio EPA's response to comments document includes the comments received, who commented, the agency response to comments, and a statement of whether or not the rule was changed due to the comments.

Ohio EPA digitally records all public hearings for rules. The digital recordings are available upon request in a WAVE (.wav) file format. These recordings may be sent out for transcription if necessary.

**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/748789999198592270>

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](mailto: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.

Risk Management Plan Program Proposed Rules  
May 18, 2021

Hello and welcome to Ohio EPA's virtual public hearing regarding Division of Air Pollution Control proposed rules. My name is Heather Lauer and I'm hosting today's public hearing. With me online from Ohio EPA are Paul Braun and Mandy Payton. I'd like to note that we are recording this hearing. We will save all comments submitted during the hearing.

Before we get started, I'd like to go over a few items to help you navigate the GoTo platform.

On this slide here you will see an example screenshot of your Attendee interface. You should see something that looks like this on your computer desktop on the right-hand side of your screen. For this public hearing you are listening in using your computer audio. If you are having sound issues or if the slides stop advancing, try refreshing your browser. If that doesn't work, try logging off and logging back in.

Please submit public comments by clicking on the question mark icon and typing them into the Questions pane on your attendee interface. You may send your questions in at any time during the hearing. All comments submitted will be read aloud for the whole audience to hear.

~~(You can also click on the document icon to view included handouts.)~~

~~Before I start, I have a couple of tips about the technical end of today's hearing:~~

**PUBLIC HEARING SPEECH**

Thank you for taking time to attend this hearing before Ohio EPA. The purpose of the hearing today is to obtain comments from any interested person regarding Ohio EPA's proposed rules.

Ohio EPA Division of Air Pollution Control is proposing to amend all the rules in Ohio Administrative Code 3745-104 sections 01 through 53.

This rulemaking adds definitions for Confidential Business Information and LEPC (local emergency planning committee); amendments are intended 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; reflect the current terminology for Safety Data Sheets (formerly Material Safety Data Sheets); and, require a public meeting to be held within 90 days of an RMP reportable incident that had offsite impacts. Minor changes also will be made throughout the chapter to fix typos, address LSC and agency formatting issues and to remove unnecessary restrictions.

These rules have been filed with the Joint Committee on Agency Rule Review. Copies of the rules are available for public review on our website.

All interested persons are entitled to attend or be represented, and to present written comments concerning the proposed rules. All written comments received as part of the official record will be considered by the director of Ohio EPA.

To be included in the official record, written comments must be received by Ohio EPA by the close of business, today, May 18, 2021. These comments may be typed into the chat today or emailed to [sherri.swihart@epa.ohio.gov](mailto:sherri.swihart@epa.ohio.gov). All emailed comments submitted for the record receive the same consideration as typed testimony given today.

Written statements submitted after today may be considered as time and circumstances permit but will not be part of the official record of the hearing.

This hearing affords citizens an opportunity to provide input. Therefore, we will not be able to answer questions today.

**YOU MAY NOW SUBMIT COMMENTS IN WRITING. I will read aloud any comments we receive in the hearing chat. I will keep the chat open until 11 a.m. to provide time for participants to type in comments.**

**CLOSING**

We will close the hearing. After the hearing closes, we will accept written comments through 5:00 p.m. today. You can send those comments to the email address on the screen.

Thank you for your comments, cooperation and participation in Ohio EPA's decision-making process. The time is now \_\_\_\_\_ and this hearing is concluded.

**CAPTURE CHATS AND Q&A**

## Attendee Report: Public Hearing: Risk Management Plan Program Proposed Rules (Statewide)

Report Generated:

05/18/2021 03:05 PM EDT

Webinar ID	Actual Start Date/Time	Duration	# Registered	# Attended	Clicked Registration Link	Opened Invitation
673-969-011	05/18/2021 01:57 PM EDT	1 hour 4 minutes	4	4	20	0

## Attendee Details

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