



## MEMORANDUM OF RESPONSE

To: Jacob Ritzenthaler, Regulatory Policy Advocate

From: Michelle Mountjoy, Division Rules Coordinator

Date: June 15, 2017

Subject: Memorandum of Response to CSI Review – State Emergency Response Commission Rules (OAC 3750-1-013750-1-02, 3750-15-05, 3750-25-01, 3750-25-05, 3750-25-10, 3750-25-15, 3750-30-01, 3750-30-20, 3750-50-03, 3750-50-05, 3750-50-10, 3750-50-20)

### Recommendations

On June 15, 2017, Ohio EPA received the Recommendations for the Division of Air Pollution Control State Emergency Response Commission Rules.

The CSI memorandum stated that:

“This rule package contains two no-change and eleven amended rules proposed by the Ohio Environmental Protection Agency (OEPA), as part of the five-year rule review requirement contained in Ohio statute. The rule package was submitted to the CSI Office on April 19, 2017 and the public comment period was held open through May 23, 2017. No public comments were received during this time.

The federal Emergency Planning and Community Right-to-Know Act (EPCRA) of 1986 was enacted in response to the concerns of communities across the country regarding the environmental and safety hazards posed by toxic chemicals. The act was intended for implementation across federal, state, and local governments in order to respond quickly and knowledgeably to toxic emergencies. The rules of this package relate directly to Ohio’s implementation of the EPCRA; specifically, emergency release notification, hazardous chemical reporting and the fund established through reporting fees.

During the early stakeholder outreach period, OEPA reached out to stakeholders through their online Interested Parties list. OEPA received two comments regarding federal code reference dates, which recommended updating two instances in the rule. OEPA made changes based on these comments.

The rule impacts entities that store or release toxic chemicals that could have a negative effect on the surrounding environment and community. The adverse impacts of these rules include an inventory filing fee of \$150 each year and an additional fee of \$25 for every hazardous chemical above threshold quantities and \$150 for each extremely hazardous chemical reported. Filing fees for a single facility are limited to \$2,500 per year. Businesses are impacted by the need to provide inventory lists, marked facility maps, and coordination with local first response teams. Facilities that have no changes to the previous annual report are not obligated to file entirely new reports, easing the administrative burden for compliant facilities. Filing fees are collected and sent to the state’s Emergency Planning and Community Right-To-Know Fund, which furthers the goals of hazardous material emergency management. OEPA

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states that reporting violation fines are discretionary for first-time violations and are usually waived. After reviewing the proposed rules and the BIA, the CSI Office has determined that the rules satisfactorily meet the standards espoused by the CSI Office, and the purpose of the rule package is justified.

For the reasons described above, the CSI Office has no recommendations on this rule package.

Based on its review of the proposed rule package, the CSI Office recommends the Ohio Environmental Protection Agency should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.”

### **Next Steps**

At this time, it is Ohio EPA’s plan to move forward with the original filing of this rule with the Joint Committee on Agency Rule Review.

If you have any questions, please contact Michelle Mountjoy at 614-728-5372.