

**RULE SYNOPSIS**  
**FIVE YEARS REVIEW AND REVISIONS TO SECTION 3745-100-12 OF CHAPTER 3745-100**  
**OF THE OHIO ADMINISTRATIVE CODE TOXIC CHEMICAL RELEASE REPORTING (TRI)**

In accordance with Ohio Revised Code (ORC) 106.03 & 106.031 (5-year rule review), the Ohio Environmental Protection Agency, Division of Air Pollution Control (DAPC) has reviewed the following rule contained in Ohio Administrative Code (OAC) Chapter 3745-100. This rule is related to the Toxic Release Inventory reporting requirements. Our preliminary review indicates that this rule continues to be necessary.

The Ohio EPA Division of Air Pollution Control (DAPC) has prepared draft language for amendments to OAC rule 3745-100-01, 3745-100-02, 3745-100-03, 3745-100-04, 3745-100-05, 3745-100-06, 3745-100-07, 3745-100-08, 3745-100-09, 3745-100-10, 3745-100-11, 3745-100-13, 3745-100-14, 3745-100-15, 3745-100-16, and 3745-100-17 to make our rules consistent with the Federal rules as a result of rules updates by the USEPA.

OAC Chapter 3745-100 is authorized by chapter 3751 of the Ohio Revised Code (ORC). This is the state equivalent of Code of Federal Regulations (CFR) 40 Chapter 1 subchapter J part 372 as authorized by Section 313 of the federal Superfund Amendments and Reauthorization Act, (SARA), also known as the Emergency Planning and Community Right to Know Act, (EPCRA).

Section 313 of EPCRA requires facilities which manufacture, process, or otherwise use listed toxic chemicals to annually summarize and report their toxic chemical usages and environmental releases and waste management activities. This is known as Toxic Release Inventory (TRI), Section 313 Reporting.

TRI reporting was first required for the 1987 reporting year. The Pollution Prevention Act of 1990 expanded and redefined the scope of TRI reporting. Beginning with the 1991 reporting year, reporting facilities also must report source reduction and recycling data for reportable toxic chemicals. Prior to recent revisions of federal rulemaking, this reporting requirement was limited to owners and operators of facilities that had 10 or more full time employees in a covered Standard Industrial Classification (SIC).

The Ohio legislature enacted chapter 3751 of the ORC shortly after Congress enacted federal TRI reporting. This reinforced the federal rule, directed the DAPC within the Ohio EPA to provide oversight of the reporting and provided a fee system to support the program.

Facilities which are subject to the reporting requirements must report toxic chemical releases, transfers, waste managements, and pollution prevention activities to both Ohio EPA and U.S. EPA on or before July 1 for the previous calendar year. A separate report is required for each reportable chemical.

Initially, rule 3745-100-12 was proposed as no change rule. However, JCARR has brought to our attention that the rule cites reference to paragraph (F) of rule 3745-100-07 which does not exist

anymore. After examining the rule, it was determined that the rule should reference paragraph (D) of rule 3745-100-07. For this reason, we are filing this rule as amended.

The following outline summarizes the rule change:

Rule 3745-100-12: amended to correct a minor typographical error in paragraph (C) of the rule citing paragraph (F) of rule 3745-100-07 instead of paragraph (D) of rule 3745-100-07.