

## Early Stakeholder Outreach — OAC Chapter 3745-100 – Toxic Chemical Release Reporting Rules

*Ohio EPA prepares early stakeholder outreach fact sheets to ensure stakeholders are brought into the review process as early as possible and to obtain additional input and discussion before development of interested party draft rules.*

### What does OAC Chapter 3745-100 cover?

Chapter 3745-100 of the Ohio Administrative Code (OAC) codifies the requirements of Section 3751.02 of the Ohio Revised Code (ORC). This is the state equivalent of Code of Federal Regulations (CFR) title 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.

### Why are these rules being sent out for Early Stakeholder Outreach?

The first step in the rule-making process is for Ohio EPA to identify that a rule needs to be amended, rescinded, or created. In response to the Governor's Executive Order (EO) 2011-01K, Ohio EPA has added an additional step to ensure stakeholders are brought into the rule process as early as possible. This additional interested party notification and request for information will allow for early feedback before the rule language has been developed by the Agency.

### What changes are being considered?

Ohio EPA will be performing a general review of the rules in this chapter to fulfill the requirements of ORC 106.03 and ORC 106.031 (5-year review). Ohio EPA is currently aware of one change required. USEPA has changed reporting from SIC codes to NAICS codes and Ohio EPA will be changing the rules to reflect the federal change..

### Who will be regulated by these rules?

The rules in OAC Chapter 3745-100 as currently existing are applicable to the following facilities:

a) For toxic chemical reporting under US EPA Form R (OAC rule 3745-

### How can I provide input?

The Agency is seeking stakeholder input on the above mentioned rules. When preparing your comments, be sure to:

- explain your views as clearly as possible;
- describe any assumptions used;
- provide any technical information and/or data used to support your views;
- explain how you arrived at your estimate for potential burdens, benefits or costs;
- provide specific examples to illustrate your views; and
- offer alternatives.

Written comments will be accepted through close of business **February 2, 2016**. Please submit input to:

Mr. Paul Braun  
Ohio EPA Division of Air Pollution Control  
PO Box 1049  
Columbus, Ohio 43216-1049  
(614)644-3734  
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### What if I have questions?

These rules can be found on Ohio EPA's website for electronic downloading at: [http://epa.ohio.gov/dapc/regs/3745\\_100.asp](http://epa.ohio.gov/dapc/regs/3745_100.asp) or contact Mr. Braun (information provided above).

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100-07), facilities having 10 or more full-time employees and operating in an SIC major group listed in paragraph (A) of OAC rule 3745-100-17.

b) For toxic chemical notifications (OAC rule 3745-100-09), an owner or operator of a facility that operates in SIC codes 20 to 39 or a corresponding NAICS code, manufactures (including imports) or processes a toxic chemical, and sells or otherwise distributes a mixture or trade name product containing the chemical.

### What is the rulemaking schedule?

Upon completion of the Early Stakeholder Outreach portion of this rulemaking, Ohio EPA will make any changes necessary to the rule language and make a draft of the rule language available to the public for a 30-day review.

### What input is the Agency seeking?

The following questions may help guide you as you develop your comments.

- Is the general regulatory framework proposed the most appropriate? Should the Agency consider any alternative framework?
- What options are available for improving an identified concept?
- Are there considerations the Agency should take into account when developing a specific concept?
- Is there any information or data the Agency should be aware of when developing program concepts or rule language?

Ohio EPA would especially like to hear information regarding the following from stakeholders who may be impacted by the new program.

- Would this regulatory program have a positive impact on your business? Please explain how.
- Would this regulatory program have an adverse impact on your business? If so, please identify the nature of the adverse impact (for example, license fees, fines, employer time for compliance).