

3750-50-20 **Emergency planning and community right-to-know reserve fund.**

~~{Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see the "Incorporation by Reference" section at the end of rule 3750-1-01.}~~

(A) Moneys collected and accumulated by the commission under rule 3750-50-03 of the Administrative Code in excess of five million dollars during a state fiscal year shall be credited to the Emergency Planning and Community Right-To-Know Reserve Fund (hereinafter referred to as "Reserve Fund") created ~~in the state treasury by Substitute Senate Bill 367 of the 117th General Assembly~~ section 3750.14 of the Revised Code. The commission shall administer the ~~Reserve Fund~~ reserve fund.

(B) If moneys accumulate in the reserve fund is in excess of three million dollars during any state fiscal year, the treasurer of the state of Ohio shall refund those excess moneys at the end of the state fiscal year on a pro rata basis to the owners or operators of facilities who paid filing fees under rule 3750-50-01 of the Administrative Code.

(C) If, in any state fiscal year, less than five million dollars is credited to the fund under rule 3750-50-03 of the Administrative Code, the director of budget and management, upon the certification of the commission, may transfer up to fifty per cent of the moneys in the reserve fund to the fund.

The director of budget and management shall transfer only such amounts as are necessary to ensure all budgetary requirements of the fund are met, provided that expenditures from the fund shall not exceed five million dollars during any state fiscal year.

(D) Fifty per cent of the moneys in the reserve fund shall be used for the grant program provided under paragraph (E) of rule 3750-50-10 of the Administrative Code and fifty per cent of the moneys shall remain in reserve for purposes of paragraph (F) of this rule.

(E) The commission may make grants from the reserve fund to the commission, state agencies represented on the commission, committees and the fire departments. No more than twenty-five per cent of the moneys available for grants during any state fiscal year shall be available to the commission.

(F) The commission may make grants to the commission, state agencies represented on the commission, committees, and the fire departments for:

- (1) The development and implementation of chemical emergency response and preparedness plans;
 - (2) Advance training;
 - (3) Data management;
 - (4) Performance of hazard analysis and vulnerability studies for purposes of developing or revising their plans;
 - (5) The acquisition of first response equipment.
- (G) Moneys shall be awarded to the committees and fire departments for advanced training, data management, performing of hazard analysis and vulnerability studies, or the acquisition of first response equipment only when expenditures for those purposes are identified as being needed in the chemical emergency response and preparedness plan of the emergency planning district prepared pursuant to section 3750.04 of the Revised Code or in the most recent review of the plan conducted under division (C) of that section.
- (H) Moneys awarded under this rule shall not be used to do either of the following:
- (1) Reimburse any person for expenditures incurred for emergency response and cleanup of a release of oil, a hazardous substance, or an extremely hazardous substance;
 - (2) To perform any assessment of damages to natural resources resulting from release of oil, hazardous substance, or an extremely hazardous substance.
- (I) Grant moneys awarded to the commission under this rule may be expended, by contract, to support the participation of any state agency in chemical emergency response planning and training or to acquire first response equipment for any state agency whose needs have been identified in the state emergency response plan prepared under division (B)(13) of section 3750.02 of the Revised Code.

The state agency receiving moneys under this rule shall provide the required matching funds as established in rule 3750-50-25 of the Administrative Code from moneys available to the agency other than those received under rule 3750-50-10 of the Administrative Code.

Effective:

R.C. 119.032 review dates: 08/10/2011

Certification

Date

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