

State of Ohio

Environmental Protection Agency

Notice of Adoption of Rules

Notice is hereby given that the Director of Environmental Protection, under the authority of Ohio Revised Code Section 3704.03 has adopted amended rules 3750-1-01, Definitions and incorporation by reference; 3750-1-02, Purpose, 3750-15-05, Public notice of proposed rules; 3750-25-01, Facilities subject to emergency release notification requirements; 3750-25-05, Designation of hazardous substances; 3750-25-10, Determination of reportable quantities for hazardous substances; 3750-25-15, Calculations for reportable quantities of continuous releases; 3750-25-25, Release notification requirements; 3750-30-01, Facilities subject to hazardous chemical reporting requirements; 3750-30-20, Facility emergency and hazardous chemical inventory form; 3750-50-03, Emergency planning and community right-to-know fund; 3750-50-05, Special emergency planning fund; 3750-50-10, Grant for emergency planning and community right-to-know funds; and 3750-50-20, Emergency planning and community right-to-know reserve fund of the Ohio Administrative Code (OAC).

The primary purpose of this rulemaking is to adhere to the five (5) year rule review process and to ensure that the rules maintain being equivalent in scope, content and coverage with the federal Emergency Planning and Community Right-to-Know Act (EPCRA).

Pursuant to Section 121.39 of the Ohio Revised Code, DAPC is required to consult with interested parties affected by the rules before the division formally adopts them. On 8/10/2011, these rules went out for a 30 day review by interested parties. Pursuant to Section 119.03 of the Ohio Revised Code, a public hearing on these rule changes was conducted on 9/14/2011, in Columbus, Ohio. There was one (1) comment received during the public comment period that did result in a change to one of the rules proposed. The minor change was requested to add clarification to an acronym that was not spelled out. The Director's order of adoption was issued on October 19, 2011. **The effective date of these rules is October 29, 2011.**

To request a copy of these rules, obtain further information, or inspect or request copies of agency files and records pertaining to the preceding, please contact Jeff Beattie, Ohio EPA, Division of Air Pollution Control, Lazarus Government Center, PO Box 1049, Columbus, Ohio 43216-1049 or call Jeff Beattie at 614-644-2260. The rules are available on Ohio EPA's Web page for electronic downloading at: <http://www.epa.ohio.gov/Default.aspx?tabid=3991>

This action of the Director is final and may be appealed to the Environmental Review Appeals Commission (ERAC) pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with ERAC within thirty (30) days after notice of the Director's action, at 309 South Fourth Street, Suite 222, Columbus, Ohio 43215. Copies of the appeal must be served upon the Director of the Ohio EPA within three

(3) days of filing with ERAC. The appeal must be accompanied by a filing fee of \$70.00 which the Commission, in its discretion, may reduce if by affidavit you demonstrate that payment of the full amount of the fee would cause extreme hardship. Ohio EPA also requests that a copy of the appeal be served upon the Environmental Enforcement Section of the Ohio Attorney General's Office.