

3745-100-05

Covered facilities for toxic chemical release reporting.

[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 paragraph (FF) of rule 3745-100-01 of the Administrative Code titled "Referenced materials."]

A facility that meets all of the following criteria for a calendar year is a covered facility for that calendar year and ~~must~~shall report under rule 3745-100-07 of the Administrative Code:

- (A) The facility has ten or more full-time employees.
- (B) The facility is in a standard industrial classification (SIC) (as in effect on January 1, 1987) major group or industry code listed in paragraph (A) of rule 3745-100-17 of the Administrative Code for which the corresponding North American industry classification (NAICS) (as in effect on January 1, ~~2007~~2012, for reporting year ~~2008~~2013 and thereafter) subsector and industry codes are listed in paragraphs (B) and (C) of rule 3745-100-17 of the Administrative Code) by virtue of the fact that the facility meets one of the following ~~criteria~~:
- (1) The facility is an establishment with a primary SIC major group or industry code listed in paragraph (A) of rule 3745-100-17 of the Administrative Code, or a primary NAICS subsector or industry code listed in paragraph (B) or (C) of rule 3745-100-17 of the Administrative Code.
 - (2) The facility is a multi-establishment complex where all establishments have primary SIC major group or industry codes listed in paragraph (A) of rule 3745-100-17 of the Administrative Code, or primary NAICS subsector or industry codes listed in paragraph (B) or (C) of rule 3745-100-17 of the Administrative Code.
 - (3) The facility is a multi-establishment complex in which one of the following is true:
 - (a) The sum of the value of services provided ~~and/or~~or products shipped ~~and/or~~or produced from those establishments that have primary SIC major group or industry codes listed in paragraph (A) of rule 3745-100-17 of the Administrative Code, or primary NAICS subsector or industry codes listed in paragraph (B) or (C) of rule 3745-100-17 of the Administrative Code is greater than fifty per cent of the total value of all services provided ~~and/or~~or products shipped from ~~and/or~~or produced by all establishments at the facility.

- (b) One establishment having a primary SIC major group or industry code listed in paragraph (A) of rule 3745-100-17 of the Administrative Code, or a primary NAICS subsector or industry code listed in paragraph (B) or (C) of rule 3745-100-17 of the Administrative Code contributes more in terms of value of services provided ~~and/or~~ products shipped from ~~and/or~~ produced at the facility than any other establishment within the facility.

- (c) The facility manufactured (including imported), processed or otherwise used a toxic chemical in excess of an applicable threshold quantity of that chemical as set forth in rule 3745-100-06, 3745-100-14, or 3745-100-16 of the Administrative Code.

Effective:

Five Year Review (FYR) Dates: 10/20/2016

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 3751.02
Rule Amplifies: 3751.03
Prior Effective Dates: 6/22/1989, 5/07/2001, 01/16/2006, 9/25/2008,
10/25/2011