

3745-104-01      **Definitions.**

[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 "Referenced Materials" paragraph at the end of this rule.]

(A) Except as otherwise provided in this rule, the definitions in rule 3745-15-01 of the Administrative Code shall apply to this chapter.

(B) As used in Chapter 3745-104 of the Administrative Code:

- (1) "Accidental release" means an unanticipated emission of a regulated substance into the ambient air from a stationary source.
- (2) "Administrative controls" means written procedural mechanisms used for hazard control.
- (3) "AIChE/CCPS" means the American institute of chemical engineers/center for chemical process safety.
- (4) "API" means the American petroleum institute.
- (5) "Article" means a manufactured item, as defined under 29 CFR 1910.1200(b), that is formed to a specific shape or design during manufacture, that has end use functions dependent in whole or in part upon the shape or design during end use, and that does not release or otherwise result in exposure to a regulated substance under normal conditions of processing and use.
- (6) "ASME" means the American society of mechanical engineers.
- (7) "CAS" means the chemical abstracts service.
- (8) "Catastrophic release" means a major uncontrolled emission, fire, or explosion, involving one or more regulated substances that presents imminent and substantial endangerment to public health and the environment.
- (9) "Clean Air Act Amendments" means the Clean Air Act Amendments of 1990 contained in 42 USC 7401 to 7671q, and regulations adopted under it.
- (10) "Condensate" means hydrocarbon liquid separated from natural gas that condenses due to changes in temperature, pressure, or both, and remains liquid at standard conditions.

- (11) "Covered process" means a process that has a regulated substance present in an amount that is in excess of the threshold quantity established in rule 3745-104-02 of the Administrative Code.
- (12) "Crude oil" means any naturally occurring, unrefined petroleum liquid.
- (13) "DOT" means the United States department of transportation.
- (14) "Environmental receptor" means natural areas such as national or state parks, forests, or monuments; federally designated or state-designated wildlife sanctuaries, preserves, refuges, or areas; and federal wilderness areas, that could be exposed at any time to toxic concentrations, radiant heat, or overpressure greater than or equal to the endpoints prescribed in rule 3745-104-10 of the Administrative Code, as a result of an accidental release and that can be identified on United States geological survey maps.
- (15) "Field gas" means gas extracted from a production well before the gas enters a natural gas processing plant.
- (16) "Hot work" means work involving electric or gas welding, cutting, brazing, or similar flame or spark-producing operations.
- (17) "Injury" means any effect on a human that requires medical treatment or hospitalization and that results from either:
  - (a) The direct exposure to toxic concentrations, radiant heat, or overpressures resulting from an accidental release; or
  - (b) The direct consequences of a vapor cloud explosion (such as flying glass, debris, and other projectiles) from an accidental release.
- (18) "Major change" means introduction of a new process, process equipment, or regulated substance, an alteration of process chemistry that results in any change to safe operating limits, or other alteration that introduces a new hazard.
- (19) "Mechanical integrity" means the process of ensuring that process equipment is fabricated from the proper materials of construction and is properly installed, maintained, and replaced to prevent failures and accidental releases.
- (20) "Medical treatment" means treatment, other than first aid, administered by a physician or registered professional personnel under standing orders from a physician.
- (21) "Mitigation" or "mitigation system" means specific activities, technologies, or equipment designed or deployed to capture or control substances upon loss of containment to minimize exposure of the public or the environment. Passive

mitigation means equipment, devices, or technologies that function without human, mechanical, or other energy input. Active mitigation means equipment, devices, or technologies that need human, mechanical, or other energy input to function.

- (22) "NAICS" means North American industry classification system.
- (23) "Natural gas processing plant (gas plant)" means any processing site engaged in the extraction of natural gas liquids from field gas, fractionation of mixed natural gas liquids to natural gas products, or both, classified as North American industrial classification system (NAICS) code 211112 (previously standard industrial classification (SIC) code 1321).
- (24) "NFPA" means the national fire protection association.
- (25) "Offsite" means areas beyond the property boundary of the stationary source, and areas within the property boundary to which the public has routine and unrestricted access during or outside business hours.
- (26) "OSHA" means the United States occupational safety and health administration.
- (27) "Owner or operator" means any person who owns, leases, operates, controls, or supervises a stationary source.
- (28) "Petroleum refining process unit" means a process unit used in an establishment primarily engaged in petroleum refining as defined in NAICS code 32411 for petroleum refining (formerly SIC code 2911) and used for the following: producing transportation fuels (such as gasoline, diesel fuels, and jet fuels), heating fuels (such as kerosene, fuel gas distillate, and fuel oils), or lubrications; separating petroleum, or separating, cracking, reacting, or reforming intermediate petroleum streams. Examples of such units include, but are not limited to, petroleum based solvent units, alkylation units, catalytic hydrotreating, catalytic hydrorefining, catalytic hydrocracking, catalytic reforming, catalytic cracking, crude distillation, lube oil process processing.
- (29) "Population" means the public.
- (30) "Process" means any activity involving a regulated substance, including any use, storage, manufacturing, handling, or on-site movement of the substance or any combination of these activities. Any group of vessels that are interconnected, or separate vessels that are located in such a manner that a regulated substance potentially could be involved in a release, shall be considered a single process.
- (31) "Produced water" means water extracted from the earth from an oil or natural gas production well, or that is separated from oil or natural gas after extraction.

- (32) "Public" means any person except employees or contractors at the stationary source.
- (33) "Public receptor" means off-site residences, institutions such as schools or hospitals, industrial, commercial, and office building, parks, or recreational areas inhabited or occupied by the public at any time without restriction by the stationary source where members of the public could be exposed to toxic concentrations, radiant heat, or overpressure as a result of an accidental release.
- (34) "Regulated substance" means a toxic or flammable substance listed in rule 3745-104-04 of the Administrative Code.
- (35) "Replacement in kind" means a replacement that satisfies the design specifications.
- (36) "Retail facility" means a stationary source at which more than one-half of the income is obtained from direct sales to end users or at which more than one-half of the fuel sold, by volume, is sold through a cylinder exchange program.
- (37) "Risk management plan " or "RMP" means a risk management plan required in rule 3745-104-38 of the Administrative Code.
- (38) "Stationary source" means any buildings, structures, equipment, installations, or substance-emitting stationary activities that belong to the same industrial group as described in the standard industrial classification manual, 1987, that are located on one or more contiguous properties under the control of the same person or persons (or persons under common control), and from which an accidental release may occur. Properties shall not be considered contiguous solely because of a railroad or pipeline right-of-way.
- (a) "Stationary source" includes transportation containers that are used for storage not incident to transportation and transportation containers that are connected to equipment at a stationary source for loading and unloading. "Stationary source" does not include the transportation, including storage incident to transportation, of any regulated substance under this chapter. "Stationary source" does not include naturally occurring hydrocarbon reservoirs.
- (b) "Transportation" includes, but is not limited to, transportation that is subject to oversight or regulation under 49 CFR Part 192, 193, or 195, or to a state natural gas or hazardous liquid program for which the state has in effect a certification to the United States department of transportation under 49 USC 60105.

- (39) "Threshold quantity" means the quantity established for a regulated substance in rule 3745-104-02 of the Administrative Code that, if exceeded, subject an owner or operator to compliance with this chapter and rules adopted under it.
- (40) "Vessel" means any reactor, tank, drum, barrel, cylinder, vat, kettle, boiler, pipe, hose, or other container.
- (41) "Worst-case release" means the release of the largest quantity of a regulated substance from a vessel or process line failure that results in the greatest distance to an endpoint defined in rule 3745-104-09 of the Administrative Code.
- (C) Referenced materials. This chapter includes references to certain subject matter or materials. The text of the referenced materials is not included in the rules contained in this chapter. Information on the availability of the referenced materials as well as the date of, and/or the particular edition or version of the material is included in this rule. For materials subject to change, only the specific versions specified in this rule are referenced. Material is referenced as it exists on the effective date of this rule. Except for subsequent annual publication of existing (unmodified) Code of Federal Regulation compilations, any amendment or revision to a reference document is not applicable unless and until this rule has been amended to specify the new dates.
- (1) Availability. The referenced materials are available as follows:
- (a) Chemical Abstract Service (CAS). Information can be obtained by writing to: "Chemical Abstract Service, 2540 Olentangy River Road, Columbus, OH 43202," or by visiting their web site at [www.cas.org](http://www.cas.org).
  - (b) Clean Air Act as defined in this rule. Information and copies may be obtained by writing to: "Superintendent of Documents, Attn: New Orders, PO Box 371954, Pittsburgh, PA 15250-7954." The full text of the Act as amended in 1990 is also available in electronic format at [www.epa.gov/oar/caa/](http://www.epa.gov/oar/caa/). A copy of the Act is also available for inspection and copying at most public libraries and "The State Library of Ohio."
  - (c) Code of Federal Regulations. Information and copies may be obtained by writing to: "Superintendent of Documents, Attn: New Orders, PO Box 371954, Pittsburgh, PA 15250-7954." The full text of the CFR is also available in electronic format at [www.access.gpo.gov/nara/cfr/](http://www.access.gpo.gov/nara/cfr/). The CFR compilations are also available for inspection and copying at most public libraries and "The State Library of Ohio."
  - (d) North American industry classification system. Information and copies may be obtained by contacting the National Technical Information Service at 1-800-553-6847. The codes are also available in electronic format at [www.census.gov/epcd/www/naics.html](http://www.census.gov/epcd/www/naics.html).

- (e) National Fire Protection Association. Information on the National Fire Protection Association codes may be obtained by contacting the association at 1 Batterymarch Park, Quincy, Massachusetts 02169-7471, 617-770-3000. Codes may be ordered on line at [www.nfpa.org/catalog/home/index.asp](http://www.nfpa.org/catalog/home/index.asp). Copies of the code are available at most public libraries and "The State Library of Ohio."
  - (f) Risk Management Plan Offsite Consequence Analysis Guidance. The guidance may be obtained by contacting the USEPA hotline at 1-800-424-9346. The full documentation may be obtained in electronic format at <http://www.epa.gov/emergencies/guidance.htm#rmp>. The guidance may also be obtained and copied at most public libraries and "The State Library of Ohio."
  - (g) United States Code. Information and copies may be obtained by writing to: "Superintendent of Documents, Attn: New Orders, PO Box 371954, Pittsburgh, PA 15250-7954." The full text of the United States Code is also available in electronic format at <http://www.gpoaccess.gov/uscode/>. USC compilations are also available for inspection and copying at most public libraries and "The State Library of Ohio."
- (2) Referenced materials.
- (a) 15 USC 632; "Commerce and Trade, Aid to Small Business, Small Business Concern;" as published January 3, 2007 in the 2006 edition of the United States Code.
  - (b) 29 CFR 1910.119; "Process Safety Management of Highly Hazardous Chemicals;" 57 FR 6403, Feb. 24, 1992; 57 FR 7847, Mar. 4, 1992, as amended at 61 FR 9238, Mar. 7, 1996; 67 FR 67964, Nov. 7, 2002.
  - (c) 29 CFR 1910.252; "Subpart Q - Welding, Cutting, and Brazing;" 39 FR 23502, June 27, 1974, as amended at 40 FR 23073, May 28, 1975; 43 FR 49750, Oct. 24, 1978; 49 FR 5323, Feb. 10, 1984; 51 FR 34562, Sept. 29, 1986; 54 FR 24334, June 7, 1989; 55 FR 13696, Apr. 11, 1990; 61 FR 9227, March 7, 1996; 63 FR 1152, Jan. 8, 1998.
  - (d) 29 CFR 1920.1200; "Toxic and Hazardous Substances;" 59 FR 6170, Feb. 9, 1994, as amended at 59 FR 17479, Apr. 13, 1994; 59 FR 65948, Dec. 22, 1994; 61 FR 9245, Mar. 7, 1996.
  - (e) 40 CFR 71.7; "Federal Operating Permit Programs, Permit issuance, renewal, reopenings, and revisions;" 61 FR 34228, July 1, 1996, as amended at 64 FR 8263, Feb. 19, 1999.

- (f) 40 CFR Part 51, Appendix W, section 8.2.8; "Guideline on Air Quality Models;" 59 FR 16715, Apr. 7, 1994, 70 FR 68228, Nov. 9, 2005.
- (g) 40 CFR Part 68; "Accidental Release Prevention Requirements Under Clean Air Act Section 112(r)(7);" as published in the July 1, 2009 Code of Federal Regulations.
- (h) 40 CFR Part 71; "Federal Operating Permit Programs;" as published in the July 1, 2009 Code of Federal Regulations.
- (i) 40 CFR Part 355; "Emergency Planning and Notification;" as published in the in the July 1, 2009 Code of Federal Regulations.
- (j) 42 USC 7401 to 7671q; "The Public Health and Welfare-Air Pollution Prevention and Control;" Pub. L. 101-549, title I-IX, Sec 101-901, Nov. 15, 1990, 104 Stat. 2399; as amended Pub. L. 103-437, Sec 15(s), Nov. 2, 1994, 108 Stat. 4594; Pub. L. 104-264, title IV, Sec. 406(b), Oct. 9, 1996, 110 Stat. 3257; Pub. L. 105-277, div. A, Sec. 101(a)(title VII, Sec. 764), Oct 21, 1998, 112 Stat. 2681, 2681-36 Pub. L. 105-362, title XV, Sec. 1501(b), Nov. 10, 1998, 112 Stat. 3294.
- (k) 42 USC 11003; "Title 42-The Public Health and Welfare Chapter 116-Emergency Planning and Community Right-to-Know Subchapter I - Emergency Planning and Notification;" published January 3, 2007 in the 2006 Edition of the United States Code.
- (l) 49 CFR Part 192; "Transportation of Hazardous Liquids by Pipeline;" as published in the July 1, 2009 Code of Federal Regulations.
- (m) 49 CFR Part 193; "Transportation of Hazardous Liquids by Pipeline;" as published in the July 1, 2009 Code of Federal Regulations.
- (n) 49 CFR Part 195; "Transportation of Hazardous Liquids by Pipeline;" as published in the July 1, 2009 Code of Federal Regulations.
- (o) 49 USC section 60105; "Transportation: Subtitle VIII - Pipelines;" as published January 3, 2007 in the 2006 Edition of the United States Code.
- (p) NFPA 704; "Standard System for the Identification of the Hazards of Materials for Emergency Response;" 2007 Edition.
- (q) "Risk Management Plan Offsite Consequence Analysis"; April 1999.
- (r) Section 112(r) of the Clean Air Act; contained in 42 USC Section 7412(r); "Hazardous Air Pollutants, Prevention of Accidental Releases;" July 14, 1955, ch. 360, title I, Sec. 112; as added Pub. L. 91-604, Sec. 4(a), Dec. 31,

1970, 84 Stat. 1685; amended Pub. L. 95-95, title I, Sec. 109(d)(2), 110, title IV, Sec. 401(c), Aug. 7, 1977, 91 Stat. 701, 703, 791; Pub. L. 95-623, Sec. 13(b), Nov. 9, 1978, 92 Stat. 3458; Pub. L. 101-549, title III, Sec. 301, Nov. 15, 1990, 104 Stat. 2531 Pub. L. 102-187, Dec. 4, 1991, 105 Stat. 1285; Pub. L. 105-362, title IV, Sec. 402(b), Nov. 10, 1998, 112 Stat. 3283; Pub. L. 106-40, Sec. 2, 3(a), Aug. 5, 1999, 113 Stat. 207, 208.

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