



## Early Stakeholder Outreach — Accidental Release Prevention Program 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 3745-104 cover?

Chapter 3745-104 of the Ohio Administrative Code (OAC) contains the requirements for Ohio's Accidental Releases Prevention Program. This program requires facilities that store and/or use any of the substances listed in OAC rule 3745-104-04 above a threshold level, to assess the potential risks posed by an accidental release from the facility and to develop a plan that minimizes consequences of such a release. The plan includes hazard assessments, management programs, prevention programs and emergency response programs as outlined in this chapter.

### 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The first step in the rule-making process is for Ohio EPA to identify that a rule needs to be amended, rescinded, or created.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 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 119.032 (5-year review). Ohio EPA will be making changes to the rules as necessary to bring them in line with current federal and state requirements.

### Who will be regulated by these rules?

The rules in OAC Chapter 3745-104 are applicable to facilities that store and/or use any of the substances listed in OAC rule 3745-104-04 above the threshold level contained in the appendix to the rule. These are typically commercial and industrial facilities in the state of Ohio. The complete applicability requirements for this chapter are contained in OAC rule 3745-104-05.

### How can I provide input?

The Agency is seeking stakeholder input on the Accidental Release Prevention Program 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 Friday, January 3, 2013. Please submit input to:

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PO Box 1049  
Columbus, Ohio 43216-1049  
(614)644-3134  
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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\\_104.aspx](http://epa.ohio.gov/dapc/regs/3745_104.aspx) or contact Mr. Braun (information provided above).

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### 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).