



Early Stakeholder Outreach — OAC Rule 3750-30-20 Facility Emergency and Hazardous Chemical Inventory Form Rule

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 Rule 3750-30-20 cover?

Ohio Administrative Code (OAC) Rule 3750-30-20 requires each owner or operator of a facility that is subject to OAC rule 3750-30-01 to annually prepare a facility emergency and hazardous chemical inventory report. The plan is required to contain the information outlined in this rule.

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The first step in the rule-making process is for Ohio EPA to identify that a rule needs to be amended, rescinded, or created.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?

On July 13, 2013, USEPA published in the Federal Register (78 FR 41300) changes incorporating new data elements and revising some existing data elements on the emergency and hazardous chemical inventory form under the Emergency Planning and Community Right-to-Know Act (EPCRA). In order to incorporate these changes, Ohio EPA, on behalf of the State Emergency Response Commission (SERC) will be modifying this rule.

Who will be regulated by these rules?

This rule is applicable to all owners and operators of facilities regulated under OAC rule 3750-30-01. This includes:

(1) Any facility whose owner or operator is required to prepare or have available a "Material Safety Data Sheet (MSDS)" for a hazardous chemical under the Occupational Safety and Health Act of 1970, 29 USC 651 to 678, as amended, and regulations adopted thereunder; and

How can I provide input?

The Agency is seeking stakeholder input on OAC rule 3750-30-20. 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 on **Friday, October 18, 2013**. Please submit input to:

Mr. Paul Braun

Ohio EPA Division of Air Pollution Control
50 W. Town St., Suite 700

PO Box 1049

Columbus, Ohio 43216-1049

(614)644-3134

Paul.braun@epa.state.oh.us

What if I have questions?

These rules can be found on Ohio EPA's website for electronic downloading at: <http://epa.ohio.gov/dapc/serc.aspx> or contact Mr. Braun (information provided above).

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(2) The facility has present an amount of any one or more hazardous chemical(s) equal to or exceeding the threshold quantity established under OAC rule 3750-30-27.

What is the rulemaking schedule?

Upon completion of the Early Stakeholder Outreach portion of the rulemaking, Ohio EPA will release a draft of the amended rule language for public review and comment. Ohio EPA's goal is to have the rule final and effective in time for the next annual reporting cycle which are due in March, 2014.

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).