

3750-25-01

Facilities subject to emergency release notification requirements.

[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 (YY) of rule 3750-1-01 of the Administrative Code titled "Referenced materials."]

(A) A facility as defined in paragraph (Q) of rule 3750-1-01 of the Administrative Code that meets both of the following criteria is subject to the release notification reporting requirements of section 3750.06 of the Revised Code:

- (1) Where a hazardous chemical is produced, used or stored; and
- (2) From which there is a release of an extremely hazardous substance or hazardous substance or oil in a quantity equal to or exceeding the applicable reportable quantity established under rules 3750-20-30, 3750-20-50, and 3750-25-20 of the Administrative Code.

(B) Release notification reporting requirements of 3750.06 of the Revised Code are not required for:

- (1) Any release of an extremely hazardous substance, hazardous substance, or oil from a facility that results in exposure to persons solely within the site or sites on which the facility is located.

"Site" for purposes of this section includes facility as defined in paragraph (Q) of rule 3750-1-01 of the Administrative Code, in addition to the surrounding property within the boundaries of the facility.

- (2) Any release which is a "federally permitted release" as defined in section 101(10) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA).

(3) Any release that is:

(a) Continuous and stable in quantity and rate under definitions in paragraph (B) of rule 3750-25-15 of the Administrative Code. Exemptions from notification under this paragraph does not include exemption from:

(i) Initial notification as defined under paragraphs (D)(1) and (D)(2) of rule 3750-25-15 of the Administrative Code.

(ii) Notification of statistically significant increase, as defined in paragraph (B) of rule 3750-25-15 of the Administrative Code as any increase above the upper bound of the reported normal range which is to be submitted to the emergency coordinator for the committee for any area likely to be affected by the release and to the state emergency response commission of any state like to be affected by the release;

- (iii) Notification of a "new release" as defined in paragraph (D)(4)(a) of the 3750-25-15 of the Administrative Code; or
 - (iv) Notification of change in the normal range of release as required under paragraph (D)(5) of rule 3750-25-15 of the Administrative Code.
- (4) Any release of a pesticide product exempt from reporting under Section 103(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA);
- (5) Any release not meeting the definition of release as defined in paragraph (FF) of the rule 3750-1-01 of the Administrative Code and therefore exempt from reporting under section 3750.06 of the Revised Code.
- (6) Any radionuclide release which occurs:
 - (a) Naturally occurring in soil from land holdings such as parks, golf courses, or other large tracks of land;
 - (b) Naturally from the disturbance of land for purposes of mining such as for agricultural or construction activities;
 - (c) From dumping of coal and coal ash at utility and industrial facilities with coal-fired boilers; and
 - (d) From coal and coal ash piles at utility and industry facility with coal-fired boilers.
- (7) Any release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in Atomic Energy Act of 1954, if the release is subject to the requirements with respect to financial protection established by the Nuclear Regulatory Commission under section 170 of The Atomic Energy Act of 1954.
- (8) For purposes of section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) or any other response action, any release of source, byproduct, or special nuclear material from any processing site designated under section 102(a)(1) or 302(a) of the Uranium Mill Tailings Radiation Control Act of 1978.
- (9) Any discharges of oil from a properly functioning vessel engine as set forth under 40 CFR Part 110.5. However, discharges of such oil accumulated in a vessel's bilges shall not be so exempt from reporting under section 3750.06 of the Revised Code.
- (10) Any emissions from engine exhaust of a motor vehicle, rolling stock, aircraft, vessel or pipeline pumping station engine.
- (11) Any controlled application of oil for the purpose of constructing, repairing or

maintaining a roadway, public path, or parking lot. This exemption does not apply to any oil which leaves the roadway, public path, or parking lot in a reportable quantity established in rule 3750-25-20 of the Administrative Code.

- (12) Any emergency release of aviation fuel from an aircraft that is in compliance with current applicable federal aviation administration guidelines for such releases.
- (13) Any release in amounts less than one thousand pounds per twenty four hours of:
 - (a) Nitrogen oxide to the air that is the result of combustion and combustion-related activities.
 - (b) Nitrogen dioxide to the air that is the result of combustion and combustion-related activities.
- (C) Release notification reporting requirements of section 3750.06 of the Revised Code are required for oil as defined in paragraph (AA) of rule 3750-1-01 of the Administrative Code and set forth under rule 3750-25-25 of the Administrative Code.

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