

3750-50-03      **Emergency planning and community right-to-know fund.**

- (A) Moneys received by the commission for filing fees based upon an owner or operator's annual chemical inventory filing fee under rule 3750-50-01 of the Administrative Code, fees collected for actual costs in accessing files and records submitted to the commission pursuant to division (B)(2)(c)(x) of section 3750.02 of the Revised Code, and civil penalties imposed under division (B) of section 3750.20 of the Revised Code, shall be credited to the "Emergency Planning and Community Right-To-Know Fund" (hereinafter referred to as "fund") created in section 3750.14 of the Revised Code for the implementation and administration of Chapter 3750. of the Revised Code.
- (B) Moneys collected by the commission pursuant to paragraph (A) of this rule shall be credited to the fund until an aggregate amount of five million dollars has been accumulated during a state fiscal year. All moneys in excess of five million dollars received during a state fiscal year shall be credited to the "Emergency planning and Community Right-To-Know Reserve Fund" (hereinafter referred to as "Reserve Fund") created in section 3750.14 of the Revised Code and established in rule 3750-50-20 of the Administrative Code.
- (C) The commission shall administer both the fund and reserve fund.
- (D) The commission shall annually determine allocation of the fund on or before May first of each year. The commission shall allocate moneys in the fund through a grant program adopted by the commission to each of the following entities or classes of entities in the percentages stated:
  - (1) To the commission, not less than fifteen nor more than twenty-five per cent of the moneys in the fund;
  - (2) To the committees, not less than sixty-five nor more than seventy-five per cent of the moneys in the fund;
  - (3) To fire departments, not less than five nor more than fifteen per cent of the moneys in the fund.
- (E) The allocated moneys shall be distributed annually at the start of each state fiscal year to the commission, state agencies represented on the commission, committees and fire departments. The commission's decisions on the distribution of moneys from the fund are not appealable.
- (F) Moneys received by the commission, state agencies represented on the commission, committees and fire departments under this rule shall not be used to do any of the following:
  - (1) Acquire first response equipment as defined under paragraph (T) of rule 3750-1-01 of the Administrative Code, except as otherwise provided in paragraph (E)(2) of rule 3750-50-10 of the Administrative Code;

- (2) Defray costs for copying and mailing hazardous chemical lists, material safety data sheets, or emergency and hazardous chemical inventory forms submitted under Chapter 3750. of the Revised Code for distribution to the public;
  - (3) Reimburse any person for expenditures accrued or associated with an emergency response and cleanup of a release of oil, a hazardous substance or an extremely hazardous substance;
  - (4) Perform any assessment of damages to natural resources resulting from a release of oil, a hazardous substance, or an extremely hazardous substance.
- (G) Monies received by the commission, state agencies represented on the commission, committees and fire departments under this rule may only be used to do those things necessary, incidental, or appropriate to implement, administer and enforce Chapter 3750. of the Revised Code and rules adopted thereunder.

Effective: 10/29/2011

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Certification

10/19/2011  
Date

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