



Early Stakeholder Outreach — State Emergency Response Commission Rules; Emergency Planning

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 do Ohio's State Emergency Response Commission (SERC) rules cover?

The rules in Ohio Administrative Code (OAC) Agency 3750 establish the framework of the State Emergency Response Commission (SERC) and Local Emergency Planning Committees (LEPCs) and establishes emergency planning and release reporting requirements to facilities that store hazardous chemicals or extremely hazardous substances or have a spill or release of extremely hazardous substances, CERLA hazardous substances or oil as defined.

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The first step in the rule-making process is for Ohio EPA to identify that a rule needs to be amended, rescinded, or created.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

The SERC is not aware of any major changes to the rules that are required at this point in time. The intent of this rulemaking is to collect all of the non-exempt OAC 3750 rules into a single group and perform a review to satisfy the requirements of Ohio Revised Code (ORC) 106.03 (5-year rule review process). The list of rules in this rulemaking includes: OAC rules 3750-1-(01, 02), 3750-10-(01, 03, 05, 07-09), 3750-15-(01, 02, 05, 10), 3750-20-(60, 70, 72, 74, 76, 78, 80, 82, 84), 3750-25-(01, 05, 10, 12, 13, 15, 20, 25), 3750-30-(01, 15, 20, 25, 27), 3750-50-(01, 03, 05, 07-10, 15, 20, 25), 3750-75-(02-05, 07-10), 3750-80-(01-03), and 3750-85-(01-03). Comments received during this ESO comment period will be collected and reviewed by the Commission. Upon review of the comments and a thorough review of the rules, draft amended rules will be released for public comment.

Who will be regulated by these rules?

These rules apply to the SERC, Local Emergency Planning Commissions (LEPCs) and facilities that store hazardous chemicals or extremely hazardous substances or have a spill or release of extremely hazardous substances, CERLA hazardous substances or oil as defined.

How can I provide input?

The Agency is seeking stakeholder input on the 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 4, 2019. Please submit input to:

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What if I have questions?

These rules can be found on the SERC's website for electronic downloading at: <http://epa.ohio.gov/dapc/serc#122453394-rules> or contact Paul Braun, paul.braun@epa.ohio.gov.

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What is the rulemaking schedule?

Upon completion of the Early Stakeholder Outreach portion of this rulemaking, Ohio EPA and the SERC 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? What options are available for improving the existing rules?
- Are there considerations the Agency should take into account when updating the existing rules? 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?

The following questions may help guide you as you develop your comments.

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).

Contact

For more information, contact Jeff Beattie at jeffrey.beattie@epa.ohio.gov or (614)-644-2269.