

**Public Notice – Request for Comment**  
**Draft Amended Rules in OAC Chapter 3745-104**  
**Accidental Release Prevention- Risk Management Plan**

Notice is hereby given that in accordance with Ohio Revised Code (ORC) 106.03 (5-year rule review), the Ohio Environmental Protection Agency, Division of Air Pollution Control (DAPC) has reviewed the rules contained in Ohio Administrative Code (OAC) Chapter 3745-104. These rules are related to the Accidental Release Prevention Program, or Risk Management Program (RMP). Our review indicates that these rules continue to be necessary and require amending as follows:

Amendments to rules 3745-104-01, 3745-104-05, 3745-104-06, 3745-104-17, 3745-104-24, 3745-104-36, 3745-104-37, 3745-104-47, and 3745-104-51 to address the November 20, 2019 Pre-Publication Notice signed by the USEPA Administrator that either rescinds, retains and/or modifies requirements to the final 2017 Risk Management Plan Amendments Rule.

DAPC is proposing to amend OAC 3745-104-01 to add definitions for Confidential Business Information and LEPC (local emergency planning committee). Rules 3745-104-05, 3745-104-06, 3745-104-36 and 3745-104-37 are being amended to correlate with US EPA's annual notification drill requirements and emergency response agency coordination efforts for all covered facilities. Additionally, these rules are being modified to reflect exercise requirements for responding facilities, including field and tabletop exercises. Rules 3745-104-17 and 3745-104-24 are being amended to reflect the current terminology for Safety Data Sheets (formerly Material Safety Data Sheets). Rule 3745-104-41 requires a public meeting to be held within 90 days of an RMP reportable incident that had offsite impacts.

DAPC is also making minor changes throughout the chapter to fix typos, address LSC and agency formatting issues and to remove unnecessary restrictions.

Our review also indicates the following rules continue to be necessary and are without need for change: OAC rules, 3745-104-03, 3745-104-04, 3745-104-07, 3745-104-09, 3745-104-12 to 3745-104-15, 3745-104-20, 3745-104-21, 3745-104-39, 3745-104-40, 3745-104-44, 3745-104-48, and 3745-104-50.

As part of the rule-making process, DAPC is required by Section 121.39 of the Ohio Revised Code to consult with organizations that represent political subdivisions, environmental interests, business interests, and others affected by the rules. The DAPC is offering your organization the opportunity to comment on these rules before the division formally proposes them to the Joint Committee on Agency Rule Review (JCARR).

These rules and associated documents are available on Ohio EPA's website at: <https://www.epa.state.oh.us/dapc/DAPCRules#112742674-interested-party-review>. See the information for this rulemaking under the Interested Parties Review tab. We request that you provide us with any comments you may have to the changes that have been recommended by **Friday, September 18, 2020**.

Please e-mail or mail your comments or suggestions to the following addresses. Persons submitting comments electronically are encouraged to follow-up with a hard copy via regular mail:

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Thank you,

Robert Hodanbosi, Chief  
Division of Air Pollution Control  
Ohio Environmental Protection Agency