

3745-100-07

Reporting requirements and schedule for reporting.

[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 ~~(FF)~~ (AA) of rule 3745-100-01 of the Administrative Code titled "Referenced materials."]

(A) For each toxic chemical known by the owner or operator to be manufactured (including imported), processed or otherwise used in excess of an applicable threshold quantity in rule 3745-100-06, 3745-100-14, or 3745-100-16 of the Administrative Code at its covered facility described in rule 3745-100-05 of the Administrative Code for a calendar year, the owner or operator shall submit to the EPA a completed "U.S. EPA Form R" (EPA Form 9350-1), EPA Form A (EPA Form 9350-2), and, for the dioxin and dioxin-like compounds category, EPA Form R Schedule 1 (EPA Form 9350-3) in accordance with the instructions in rule 3745-100-11 of the Administrative Code.

(B)

(1) The owner or operator of a covered facility shall report as described in paragraph (A) of this rule on a toxic chemical that the owner or operator knows is present as a component of a mixture or trade name product which the owner or operator receives from another person, if that chemical is imported, processed or otherwise used by the owner or operator in excess of an applicable threshold quantity in rule 3745-100-06, 3745-100-14, or 3745-100-16 of the Administrative Code at the facility as part of that mixture or trade name product.

(2) The owner or operator knows that a toxic chemical is present as a component of a mixture or trade name product if one of the following is true:

(a) If the owner or operator knows or has been told the chemical identity or "Chemical Abstracts Service" registry number of the chemical and the identity or number corresponds to an identity or number ~~in rule 3745-100-10 of the Administrative Code~~ as listed by the administrator of USEPA under 40 CFR Part 372.65.

(b) If the owner or operator has been told by the supplier of the mixture or trade name product that the mixture or trade name product contains a toxic chemical subject to section 313 of the act or this rule.

(3) To determine whether a toxic chemical which is a component of a mixture or trade name product has been imported, processed or otherwise used in excess of an applicable threshold in rule 3745-100-06 of the Administrative Code at the facility, the owner or operator shall consider only the portion of the mixture or trade name product that consists of the toxic chemical and that is imported,

processed or otherwise used at the facility, together with any other amounts of the same toxic chemical that the owner or operator manufactures, imports, processes or otherwise uses at the facility as follows:

- (a) If the owner or operator knows the specific chemical identity of the toxic chemical and the specific concentration at which it is present in the mixture or trade name product, the owner or operator shall determine the weight of the chemical imported, processed or otherwise used as part of the mixture or trade name product at the facility and shall combine that with the weight of the toxic chemical manufactured (including imported), processed or otherwise used at the facility other than as part of the mixture or trade name product. After combining these amounts, if the owner or operator determines that the toxic chemical was manufactured, processed or otherwise used in excess of an applicable threshold in rule 3745-100-06 of the Administrative Code, the owner or operator shall report the specific chemical identity and all releases of the toxic chemical on "U.S. EPA Form R" in accordance with the instructions specified in rule 3745-100-11 of the Administrative Code.
- (b) If the owner or operator knows the specific chemical identity of the toxic chemical and does not know the specific concentration at which the chemical is present in the mixture or trade name product, but has been told the upper-bound concentration of the chemical in the mixture or trade name product, the owner or operator shall presume that the toxic chemical is present in the mixture or trade name product at the upper-bound concentration, shall determine whether the chemical has been manufactured, processed or otherwise used at the facility in excess of an applicable threshold as provided in paragraph (B)(3)(a) of this rule and shall report as provided in paragraph (B)(3)(a) of this rule.
- (c) If the owner or operator knows the specific chemical identity of the toxic chemical, does not know the specific concentration at which the chemical is present in the mixture or trade name product and has not been told the upper-bound concentration of the chemical in the mixture or trade name product, and has not otherwise developed information on the composition of the chemical in the mixture or trade name product, then the owner or operator is not required to factor that chemical in that mixture or trade name product into threshold and release calculations for that chemical.
- (d) If the owner or operator has been told that a mixture or trade name product contains a toxic chemical, does not know the specific chemical identity of the chemical and knows the specific concentration at which ~~it~~ the chemical is present in the mixture or trade name product, the owner or

operator shall determine the weight of the chemical imported, processed or otherwise used as part of the mixture or trade name product at the facility. Since the owner or operator does not know the specific identity of the toxic chemical, the owner or operator shall make the threshold determination only for the weight of the toxic chemical in the mixture or trade name product. If the owner or operator determines that the toxic chemical was imported, processed or otherwise used as part of the mixture or trade name product in excess of an applicable threshold in rule 3745-100-06 of the Administrative Code, the owner or operator shall report the generic chemical name of the toxic chemical, or a trade name if the generic chemical name is not known, and all releases of the toxic chemical on "U.S. EPA Form R" and in accordance with the instructions specified in rule 3745-100-11 of the Administrative Code.

- (e) If the owner or operator has been told that a mixture or trade name product contains a toxic chemical, does not know the specific chemical identity of the chemical, and does not know the specific concentration at which the chemical is present in the mixture or trade name product, but has been told the upper-bound concentration of the chemical in the mixture or trade name product, the owner or operator shall do the following: presume that the toxic chemical is present in the mixture or trade name product at the upper-bound concentration, shall determine whether the chemical has been imported, processed or otherwise used at the facility in excess of applicable threshold as provided in paragraph (B)(3)(d) of this rule, and shall report as provided in paragraph (B)(3)(d) of this rule.

(i) Presume that the toxic chemical is present in the mixture or trade name product at the upper-bound concentration.

(ii) Determine whether the chemical has been imported, processed or otherwise used at the facility in excess of applicable threshold as provided in paragraph (B)(3)(d) of this rule.

(iii) Report as provided in paragraph (B)(3)(d) of this rule.

- ~~(f) If the owner or operator has been told that a mixture or trade name product contains a toxic chemical, does not know the specific chemical identity of the chemical, and does not know the specific concentration at which the chemical is present in the mixture or trade name product, including information they have themselves developed, and has not been told the upper-bound concentration of the chemical in the mixture or trade name product, the owner or operator is not required to report with respect to that toxic chemical.~~

(f) The owner or operator is not required to report with respect to a specific chemical if the following are true:

(i) The owner or operator has been told that a mixture or trade name product contains a toxic chemical.

(ii) The owner or operator does not know the specific chemical identity of the chemical.

(iii) The owner or operator does not know the specific concentration at which the chemical is present in the mixture or trade name product, including information they have themselves developed.

(iv) The owner or operator has not been told the upper-bound concentration of the chemical in the mixture or trade name product.

(C) A covered facility may consist of more than one establishment. The owner or operator of such a facility at which a toxic chemical was manufactured (including imported), processed or otherwise used in excess of an applicable threshold may submit a separate "U.S. EPA Form R" for each establishment or for each group of establishments within the facility to report the activities involving the toxic chemical at each establishment or group of establishments, provided that activities involving that toxic chemical at all the establishments within the covered facility are reported. If each establishment or group of establishments files separate reports, then for all other chemicals subject to reporting at that facility shall be submitted separately. However, an establishment or group of establishments does not have to submit a report for a chemical that is not manufactured (including imported), processed, or otherwise used or released at that establishment or group of establishments.

(D) Each report under this rule for activities involving a toxic chemical that occurred during a calendar year at a covered facility shall be submitted on or before July first of the next year. The first such report for calendar year 1988 activities shall be submitted on or before July 1, 1989.

Effective:

Five Year Review (FYR) Dates: 8/20/2020

Certification

Date

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