

3745-100-14

Alternate threshold and certification.

[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) Except as provided in paragraph (E) of this rule, with respect to the manufacture, process, or otherwise use of a toxic chemical, the owner or operator of a facility may apply an alternate threshold of one million pounds per year to that chemical if the owner or operator calculates that the facility would have an annual reportable amount of that toxic chemical not exceeding five hundred pounds for the combined total quantities released at the facility, disposed within the facility, treated at the facility (as represented by amounts destroyed or converted by treatment processes), recovered at the facility as a result of recycle operations, combusted for the purpose of energy recovery at the facility, and amounts transferred from the facility to off-site locations for the purpose of recycle, energy recovery, treatment, or disposal. These volumes correspond to the sum of amounts reportable for data elements on EPA form R (as referenced in paragraph (A) of rule 3745-100-11 of the Administrative Code) as part II column B or sections 8.1 (quantity released), 8.2 (quantity used for energy recovery on-site), 8.3 (quantity used for energy recovery off-site), 8.4 (quantity recycled on-site), 8.5 (quantity recycled off-site), 8.6 (quantity treated on-site), and 8.7 (quantity treated off-site).
- (B) If an owner or operator of a facility determines that the owner or operator may apply the alternate reporting threshold specified in paragraph (A) of this rule for a specific toxic chemical, the owner or operator is not required to submit a report for that chemical under rule 3745-100-07 of the Administrative Code, but shall submit a certification statement that contains the information required in rule 3745-100-15 of the Administrative Code. The owner or operator of the facility shall also keep records as specified in paragraph (D) of rule 3745-100-03 of the Administrative Code.
- (C) Threshold determination provisions of rule 3745-100-06 of the Administrative Code and exemptions pertaining to threshold determinations in rule 3745-100-08 of the Administrative Code are applicable to the determination of whether the alternate threshold has been met.
- (D) Each certification statement under this chapter for activities involving a toxic chemical that occurred during a calendar year at a facility shall be submitted to Ohio EPA on or before July first of the next year.
- (E) The provisions of this chapter do not apply to any chemicals listed in rule 3745-100-16 of the Administrative Code.

Effective:

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

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 3751.02
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