



Early Stakeholder Outreach — Toxic Chemical Release Reporting Rules

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 does OAC 3745-100 cover?

The rules in Ohio Administrative Code (OAC) Chapter 3745-100 establish the reporting framework to implement the Toxic Release Inventory (TRI) program pursuant to the federal Emergency Planning and Community Right-to-Know Act (EPCRA).

Toxic Release Inventory Reporting (TRI) has evolved into an online reporting program that is run by US EPA. Reporting facilities satisfy the federal requirement of submitting reports to Ohio EPA and US EPA by filing annual toxic release inventory reports through US EPA's web-based system. US EPA provides the electronic reports to Ohio EPA. US EPA supports the regulated industries by maintaining online training modules. US EPA supports the public's use of the data by maintaining websites which provide the data in searchable, downloadable formats.

Because of these changes, the requirement for Ohio EPA to collect TRI filing fees was eliminated from the Ohio Revised Code (ORC) as part of the 2018-2019 Ohio Biennium Budget. The Ohio EPA Division of Air Pollution Control will continue to administer the Ohio TRI Program, and provide technical assistance to the regulated community. USEPA continues to administer the national program by providing web-based reporting, training and access to the TRI data.

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The first step in the rule-making process is for Ohio EPA to identify which rules within 3745-100 need to be amended or rescinded. 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?

Ohio EPA is currently aware of several changes that will be necessary due to the changes to the ORC. OAC rule 3745-100-12, "Fee System" shall be rescinded due to the removal of the TRI fees in the Ohio 2018-2019 Biennium Budget. Ohio EPA will also be shortening the entire chapter by referencing USEPA's reporting language, list of chemicals and thresholds instead of maintaining a state specific list. Ohio EPA will also be making minor changes as necessary for clarification and to fix typographical errors and formatting.

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 **Tuesday, July 31, 2018**.

Please submit input to:

Jeff Beattie
Ohio EPA-DAPC
50 W. Town Street
Columbus, OH 43215

What if I have questions?

The rules can be found on Ohio EPA's website for electronic downloading at:

http://epa.ohio.gov/dapc/regs/3745_100/tri_rules.aspx or contact Mr. Beattie (information provided above).

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Who will be regulated by these rules?

The Ohio TRI Program has approximately 1,300 reporting entities that are regulated under the program who will be affected.

What is the rulemaking schedule?

Upon completion of the Early Stakeholder Outreach portion of this rulemaking, Ohio EPA 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?

Ohio EPA would like to receive information from stakeholders who may be impacted by the TRI rule review and the rescinding, shortening and/or consolidating such set of rules.

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.