



Ohio Administrative Code

Rule 3745-104-36 Emergency response: applicability.

Effective: August 5, 2021

[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 (C) of rule 3745-104-01 of the Administrative Code titled "Referenced materials."]

(A) Responding stationary source. Except as provided in paragraph (B) of this rule, the owner or operator of a stationary source with program two and program three processes shall comply with paragraph (C) of rule 3745-104-37 of the Administrative Code.

(B) Non-responding stationary source. The owner or operator of a stationary source with program two and program three processes whose employees will not respond to accidental releases of regulated substances need not comply with rule 3745-104-37 of the Administrative Code provided that the facility meets all of the following:

(1) For stationary sources with any regulated toxic substance held in a process above the threshold quantity, the stationary source is included in the community emergency response plan developed under 42 USC 11003.

(2) For stationary sources with only regulated flammable substances held in a process above the threshold quantity, the owner or operator has coordinated response actions with the local fire department.

(3) Appropriate mechanisms are in place to notify emergency responders when there is a need for a response.

(4) The owner or operator performs the annual emergency response coordination activities required in paragraph (C) of this rule.

(5) The owner or operator performs a notification exercise at least once each calendar year of the



stationary source's emergency response notification mechanisms required under paragraph (D)(2) of rule 3745-104-37 of the Administrative Code.

(C) Emergency response coordination activities. The owner or operator of a stationary source shall coordinate response needs with local emergency planning and response organizations to determine how the stationary source is addressed in the community emergency response plan and to ensure that local response organizations are aware of the regulated substances at the stationary source, their quantities, the risks presented by covered processes, and the resources and capabilities at the stationary source to respond to an accidental release of a regulated substance. Coordination activities shall:

(1) Occur at least annually, and more frequently if necessary, to address any of the following changes:

(a) At the stationary source: in the stationary source's emergency response or emergency action plan.

(b) In the community emergency response plan.

(2) Include providing the local emergency planning and response organizations with the following:

(a) The stationary source's emergency response plan if one exists.

(b) Emergency action plan.

(c) Updated emergency contact information.

(d) Other information necessary for developing and implementing the local emergency response plan.

(e) For responding stationary sources, coordination also includes consulting with the local emergency response officials to establish appropriate schedules and plans for field and tabletop exercises in paragraph (D) of rule 3745-104-37 of the Administrative Code. The owner or operator shall request an opportunity to meet with the local emergency planning committee and local fire department as appropriate to review and discuss those materials.



(3) Include documentation provided by the owner or operator of coordination activities with local authorities, including: The names of individuals involved and their contact information (phone number, email address, and organizational affiliates); dates of coordination activities; and nature of coordination activities.

(D) Classified and restricted information. The disclosure of information classified or restricted by the department of defense or other federal agencies or contractors of such agencies shall be controlled by applicable laws, regulations, or executive orders concerning the release of that classified or restricted information.