

3745-21-17 **Portable fuel containers.**

(A) Applicability.

Except as provided in paragraph (C) of this rule, this rule applies to any person who sells, supplies, offers for sale, or manufactures for sale in Ohio portable fuel containers or spouts or both portable fuel containers and spouts for use in Ohio.

Except as provided in paragraph (C) of this rule, no person shall sell, supply, offer for sale, advertise, or manufacture for sale in Ohio a portable fuel container or spout or both portable fuel container or spout on or after July 1, 2007 unless the portable fuel container or spout or both portable fuel container and spout:

- (1) Has been certified by the California air resources board (CARB) pursuant to the certification requirements contained in title 13, division 3, chapter 9, article 6 of the California Code of Regulations; "Portable Containers and Spouts;" effective October 11, 2006 and the manufacturer, supplier, seller or other person has submitted to the director a copy of the certification document; or

[Comment: Copies of the California Code of Regulations may be obtained by writing to: "West Customer Service, P.O. Box 64833, St. Paul, MN 55164-0833" or by calling 1-800-888-3600. The full text of regulations are also available in electronic format at <http://ccr.oal.ca.gov/>.]

- (2) Has been certified or otherwise approved under requirements and in a manner that the director of the Ohio EPA determines are as stringent as the California requirements identified in paragraph (A)(1) of this rule and the manufacturer, supplier, seller or other person has submitted to the director a copy of such certification or approval document.

(B) Definitions.

The definitions applicable to this rule are contained in paragraph (Z) of rule 3745-21-01 of the Administrative Code.

(C) Exemptions.

This rule does not apply to:

- (1) Any portable fuel container or spout or both portable fuel container and spout manufactured in Ohio for shipment, sale, and use outside of Ohio.
- (2) Safety cans meeting the requirements of 29 CFR Part 1926, Subpart F; "Fire Protection and Prevention;" as published in the July 1, 2006 edition of the Code of Federal Regulations.

[Comment: Information and copies of the Code of Federal Regulations (CFR) may be obtained by writing to: "Superintendent of Documents, Attn: New Orders, PO Box 371954, Pittsburgh, PA 15250-7954." The full text of the CFR is also available in electronic format at www.access.gpo.gov/nara/cfr/. The CFR compilations are also available for inspection and copying at most public libraries and "The State Library of Ohio."]

- (3) Portable fuel containers with a nominal capacity less than or equal to one quart.
- (4) Rapid refueling devices with nominal capacities greater than or equal to four gallons, provided such devices are designed for use in officially sanctioned off-highway motor sports such as car racing or motorcycle competitions and either create a leak-proof seal against a stock target fuel tank or are designed to operate in conjunction with a receiver permanently installed on the target fuel tank.
- (5) Portable fuel tanks manufactured specifically to deliver fuel through a hose attached between the portable fuel tank and the outboard engine for the purpose of operating the outboard engine.
- (6) Closed-system portable fuel containers that are used exclusively for fueling remote control model airplanes.
- (7) Portable fuel containers or portable fuel container spouts manufactured prior to July 1, 2007.

Effective: 06/21/2007

R.C. 119.032 review dates: 02/10/2011

CERTIFIED ELECTRONICALLY
Certification

06/11/2007
Date

Promulgated Under: 119.03
Statutory Authority: 3704.03 (E)
Rule Amplifies: 3704.03(A), 3704.03(E)
Prior Effective Dates: 2/10/2006



BEFORE THE

OHIO E.P.A.

JUN 11 2007

OHIO ENVIRONMENTAL PROTECTION AGENCY

REGISTERED DIRECTOR'S JOURNAL



In the Matter of:

<p>The Adoption of Amended Rule 3745-21-17 of the Ohio Administrative Code</p>	<p>: :</p>	<p>Director's Final Findings and Orders</p>
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FINDINGS AND ORDERS

The Director of Environmental Protection, having considered in compliance with the Administrative Procedure Act the adoption, in final form, of the proposed amended rule of the Ohio Administrative Code cited above, finds:

1. That due notice of a public hearing in this matter pursuant to the Administrative Procedure Act was given, that a public hearing was held on May 10, 2007, in Columbus, Ohio, and that all interested persons were afforded the opportunity to be heard; and
2. That upon due consideration, the adoption, in final form, of the proposed amended rule of the Ohio Administrative Code cited above, is reasonable and lawful and within the purview of authority provided by law.

It is therefore

ORDERED that amended rule 3745-21-17 of the Ohio Administrative Code be adopted in final form.

It is further

JUN 21 2007

ORDERED that the effective date of said amended rule shall be _____

It is further

ORDERED that copies of these Findings and Orders and certified copies of said amended rules, in final form, shall be filed with the Secretary of State, the Joint Committee on Agency Rule Review, the Legislative Services Commission, and the Department of Development's Office of Small and Developing Business, as required by law.

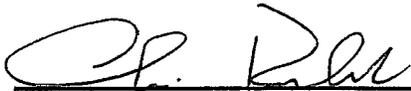
I certify this to be a true and accurate copy of the official documents as filed in the records of the Ohio Environmental Protection Agency.

By: James Jackson Date: 6-11-07

APPEAL RIGHTS

Notice is hereby given that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within thirty (30) days after notice of the Director's action. The appeal must be accompanied by a filing fee of \$70.00 which the Commission, in its discretion, may reduce if by affidavit you demonstrate that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the Director within three (3) days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission
309 South Fourth Street, Room 222
Columbus, OH 43215



Chris Korleski, Director
Ohio Environmental Protection Agency

Issued at Columbus, Ohio this 11th day of JUNE, 2007.