

**3745-352-05**

**What definitions do I need to know in order to understand the "CRO rules?"**

The following definitions apply to this chapter of the Administrative Code:

- (A) "Abandoned by the owner" means either of the following that occurs on or after July 1, 1996:
  - (1) All of the fee owners of a reporting facility have indicated affirmatively in writing to the holder of the first mortgage on the real property at the facility that they, and all tenants claiming possession under those owners, have abandoned all rights of possession to the reporting facility;
  - (2) The first mortgage loan on the real property at the reporting facility is in default, the property is not occupied by any tenants, and the holder of the first mortgage has been unable to contact the mortgagor under the mortgage regarding the default within the earlier of ninety days after the default or sixty days after the first time the first mortgage holder has attempted unsuccessfully to contact the mortgagor following the default if the first mortgage holder is unable to contact the mortgagor within the sixty-day period.
- (B) "Asbestos" has the same meaning as in section 3710.01 of the Revised Code.
- (C) "Asbestos-containing material" means any material that contains more than one per cent by weight of asbestos.
- (D) "Certification" means a written statement regarding a specified fact or representation that contains the following language: "Under civil and criminal penalties of law for the making or submission of false or fraudulent statements or representations, I, the under-signed, certify to the best of my knowledge after making all appropriate inquiries that the information contained in and accompanying this document is true, accurate, and complete."
- (E) "Cessation of regulated operations" means the discontinuation or termination of regulated operations or the finalizing of any transaction or proceeding through which those operations are discontinued.
- (F) "Cessation of Regulated Operations rules" or "CRO rules" means the rules in this chapter of the Administrative Code.
- (G) "C.F.R." means Code of Federal Regulations.

- (H) "Contact" means actual person to person, telephonic, or similar direct voice conversation between the holder of the first mortgage and the mortgagor or written correspondence from the mortgagor to the holder of the first mortgage by mail, telegram, telefax, or similar means of communication.
- (I) "Contaminated with" means:
- (1) Every stationary tank, vat, electrical transformer, vessel of any type, piping, nonstationary equipment and furnishing, nonstationary container, motor vehicle, rolling stock and all debris that contains or contained a regulated substance, except as provided in paragraphs (I)(2) and (I)(3) of this rule.
  - (2) Stationary tanks, vats, electrical transformers, vessels of any type, and piping are not "contaminated with" a regulated substance if all of the following apply:
    - (a) The stationary tanks, vats, electrical transformers, vessels of any type, and piping contain or contained only hazardous waste but are empty for the purposes of rule 3745-51-07 of the Administrative Code;
    - (b) The stationary tanks, vats, electrical transformers, vessels of any type, and piping contain or contained polychlorinated biphenyls (PCBs) at a concentration less than fifty parts per million (ppm);
    - (c) The stationary tanks, vats, electrical transformers, vessels of any type, and piping contain or contained regulated substances other than hazardous waste or PCBs, and
      - (i) The owner or operator of the reporting facility certifies that all regulated substances have been either drained or removed using standard industrial methods to such a degree that any remaining regulated substances will not be discharged, deposited, injected, dumped, spilled, leaked, or emitted into or on any land, ground water, surface water, or into the air in amounts which may cause an unreasonable risk to public health or safety or to the environment;
      - (ii) The owner or operator of the reporting facility certifies that the stationary tank, transformer, vessel and piping that held a regulated substance as a compressed gas had all the valves removed and was purged with an inert gas.

- (3) Nonstationary equipment and furnishings, nonstationary containers, motor vehicles, rolling stock and debris are not "contaminated with" a regulated substance if all of the following apply:
    - (a) The nonstationary equipment and furnishings, nonstationary containers, motor vehicles, rolling stock and debris contain or contained only hazardous waste but are empty for the purposes of rule 3745-51-07 of the Administrative Code;
    - (b) The nonstationary equipment and furnishings, nonstationary containers, motor vehicles, rolling stock and debris contain or contained PCBs at a concentration less than fifty ppm;
    - (c) The nonstationary equipment and furnishings, nonstationary containers, motor vehicles, rolling stock and debris contain or contained regulated substances other than hazardous waste or PCBs, and
      - (i) The owner or operator of the reporting facility certifies that substantially all regulated substances have been removed using standard industrial methods to such a degree that any remaining regulated substances will not be discharged, deposited, injected, dumped, spilled, leaked, or emitted into or on any land, ground water, surface water, or into the air in amounts which may cause an unreasonable risk to public health or safety or to the environment;
      - (ii) The owner or operator of the reporting facility certifies that the nonstationary equipment and furnishings, nonstationary containers, motor vehicles, rolling stock and debris that held a regulated substance as a compressed gas had all the valves removed and was purged with an inert gas.
  - (4) All buildings, structures or outdoor locations of operation are "contaminated with" a regulated substance if the building, structure or outdoor location of operation contains any stationary tank, vat, electrical transformer, vessel of any type, piping, nonstationary equipment and furnishing, nonstationary container, motor vehicle, rolling stock or debris that is contaminated with a regulated substance.
- (J) "Days" means consecutive calendar days, including weekends and holidays.

- (K) "Debris" means those discarded, used, or loose materials resulting from the alteration, construction, destruction, rehabilitation, cleaning or repair of any stationary tank, vat, electrical transformer, vessel of any type, piping, nonstationary equipment and furnishing, nonstationary container, motor vehicle or rolling stock.
- (L) "Default" means the failure of the mortgagor to make any payment to the holder of the first mortgage required by the terms of the mortgage documents that is not cured by the mortgagor within any applicable cure periods, deferred with the consent of the holder of the first mortgage, or waived by the holder of the first mortgage.
- (M) "Director" means the director of the Ohio environmental protection agency or the director's authorized representative.
- (N) "Disposal" has the same meaning as in section 3734.01 of the Revised Code.
- (O) "Establishment" means an economic unit generally at a single physical location where business is conducted or where services or industrial operations are performed.
- (P) "Facility" means all buildings, equipment, structures, and other stationary items that are located on a single site or on contiguous or adjacent sites and that are owned or operated by the same person. However, in the case of a site or contiguous or adjacent sites that are owned by the same person and on which two or more establishments are located, each portion of the site or contiguous or adjacent sites and the buildings, equipment, structures, and other stationary items located thereon that is occupied by an establishment that is not owned or operated by the same parent corporation as, or does not have common corporate or business interests in or with, another establishment located thereon is a separate facility; and, in the case of a building or structure that is so located and that is occupied by two or more establishments, each portion of the building or structure and the equipment and other stationary items located therein that is occupied by an establishment that is not owned or operated by the same parent corporation as, or does not have common corporate or business interests in or with, another establishment that is located therein is a separate facility.

For the purpose of paragraph (A)(2)(h) of rule 3745-352-20 of the Administrative Code, when used in connection with the storage, treatment, or disposal of hazardous wastes, "facility" has the same meaning as in section 3734.01 of the Revised Code.

- (Q) "Fiduciary" means a person who, for purposes of administering an estate or trust, holds legal title to a reporting facility, holds an equity or partnership interest in a reporting facility, or is a lessee of a reporting facility, but who has not exercised actual and direct control over the use, generation, transportation, treatment, storage, or disposal of regulated substances at the facility.
- (R) "Fire department" has the same meaning as in section 3750.01 of the Revised Code.
- (S) "Hazardous waste" means a substance identified or listed in rules adopted under division (A) of section 3734.12 of the Revised Code.
- (T) "Ignitable" has the same meaning as in rule 3745-51-21 of the Administrative Code.
- (U) "Issue," when used in connection with any order that the director is authorized to issue under Chapter 3745-352 of the Administrative Code, includes modify, suspend, or vacate.
- (V) "Local emergency planning committee" has the same meaning as in section 3750.01 of the Revised Code.
- (W) "Motor vehicles and rolling stock" means cargo-carrying vehicles that are used or originally designed to be used for the transportation of cargo by any mode, including, without limitation, automobiles, vans, tractors, trucks, semitrailers, tank cars, or rail cars that are so used or designed to be so used.
- (X) "Operator" means the person responsible for the overall operation of a reporting facility.
- (Y) "Outdoor location of operation" means an outdoor location at a reporting facility upon which is situated any stationary tank, vat, electrical transformer, vessel, piping, or nonstationary container that contains a regulated substance or upon which is situated any motor vehicle or rolling stock that is used for the storage or other handling of a regulated substance and that contains a regulated substance in a quantity or manner other than that necessary for the operation of the motor vehicle or rolling stock in transporting cargo.
- (Z) "Owner" means the person who owns a reporting facility or part of a reporting facility.

- (AA) "Person" has the same meaning as in section 1.59 of the Revised Code and also includes the state, any political subdivision, any other state or local body, and the United States and any agency or instrumentality thereof.
- (BB) "Reactive" has the same meaning as in rule 3745-51-23 of the Administrative Code.
- (CC) "Regulated operations" means the production, use, storage, or other handling of regulated substances.
- (DD) "Regulated substances" includes:
- (1) "Extremely hazardous substances," which is defined as substances identified or listed in rules adopted under division (B)(1)(a) of section 3750.02 of the Revised Code;
  - (2) "Hazardous substances," which is defined as substances identified or listed in rules adopted under division (B)(1)(c) of section 3750.02 of the Revised Code regardless of whether the substance is an unused product or a waste. "Hazardous substance" does not include any asbestos-containing material applied to or incorporated into a building or structure; any component or structural member of a building or structure; or any equipment, piping, or vessel located at a facility;
  - (3) "Flammable substances," which is defined as any material or substance defined as "flammable" or as a "combustible fiber," "combustible liquid," "flammable liquid," or "flammable solid" by the fire code adopted under section 3737.82 of the Revised Code; and
  - (4) "Petroleum" which is defined in section 3737.87 of the Revised Code.
- (EE) "Reporting facility" means a facility where regulated operations occur in connection with which the owner or operator of the facility is required to submit a list of hazardous chemicals or one or more material safety data sheets under section 3750.07 of the Revised Code and is required to submit annual emergency and hazardous chemical inventory forms under section 3750.08 of the Revised Code.
- (FF) "Storage" has the same meaning as in section 3734.01 of the Revised Code.

- (GG) "Tank" has the same meaning as in section 3737.87 of the Revised Code. "Tank" also includes any stationary device that is designed to contain or contains an accumulation of a regulated substance and that is constructed of man-made materials.
- (HH) "Treatment" has the same meaning as in section 3734.01 of the Revised Code.
- (II) "Underground storage tank system" has the same meaning as in section 3737.87 of the Revised Code.

Effective: 04/08/2012

Five-year review dates: 12/30/2011, **CRO-16 review**

Promulgated under: 119.03

Statutory authority: 3752.03

Rule amplifies: 3752.01, 3752.03, 3752.11, 3752.111

Prior effective dates: 09/30/1996, 02/20/2001, 10/14/2006