



Early Stakeholder Outreach- Cessation of Regulated Operations (CRO) 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 Chapter 3745-352 cover?

Ohio Administrative Code (OAC) [Rule Chapter 3745-352](#) consists of nine rules establishing the Cessation of Regulated Operations (CRO) requirements. Facilities which are required to file an Annual Chemical Inventory Report to the State Emergency Response Commission (SERC) must meet the CRO requirements when ceasing regulated operations at the facility. Regulated operations include the production, use, storage or handling of regulated substances. Terms such as “cessation”, “regulated operations” and “regulated substances” are defined in [OAC Rule 3745-352-02](#).

The CRO program was created in Ohio law to prevent companies from shutting down or abandoning facilities or no longer having regulated operations at facilities where regulated substances were used, stored, or treated. These rules require the responsible parties to secure these facilities until all regulated substances are properly removed.

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The first step in the rule-making process is for Ohio EPA to identify that a rule needs to be amended, rescinded, or can remain unchanged. This Early Stakeholder Outreach has added as an additional step to ensure stakeholders are brought into the rule process as early as possible. This additional notification and request for information will allow for early feedback before the Agency decides on whether to amend, rescind, or leave the rule unchanged.

What changes are being considered?

Ohio Revised Code (ORC) 106.03 requires these rules to be reviewed and submitted to the Joint Committee on Agency Rule Review (JCARR) every five years to ensure that they are still necessary and correct under the law. Ohio EPA anticipates intends only making minor grammatical, formatting, and stylistic updates in each of the nine rules. Ohio EPA is not planning any changes that would impact compliance requirements.

Who will be regulated by these rules?

The owner or operator of a reporting facility is subject to the CRO program if they cease all regulated operations. It is important to note that other types of entities may be responsible for complying with the CRO program if the owner or operator fails to comply. This includes a first mortgage holder, a fiduciary (holds facility’s legal title or can be a lessee), an

How can I provide input?

The Agency is seeking stakeholder input on the CRO 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 on August 3, 2015. Please submit input to:

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indentured trustee or a court appointed receiver. Facilities undergoing temporary cessation of regulated operations are also subject to the CRO program.

Facilities that submit a SERC report, but are exempt from CRO requirements include oil/gas production operations, public utilities and underground storage tanks (USTs) regulated by the State Fire Marshal's Bureau of Underground Storage Tank Regulation (BUSTR).

What is the rulemaking schedule?

These rules carry a five-year review date of August 30, 2016, so our goal is to propose these rules to JCARR by that date.

What input is the Agency seeking?

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?
- 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?

Ohio EPA would especially like to hear information regarding the following from stakeholders who may be impacted by the CRO 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 Karen Hale at 614/644-2927 or Karen.hale@epa.ohio.gov.