

Division of Hazardous Waste Management

Cessation of Regulated Operations (CRO) Manual



2007

Introduction

Abandoned factories and warehouses are attractive playgrounds for children. Unfortunately some business and property owners abandon these industrial facilities without cleaning or securing the dangerous chemicals that were stored, used or treated there. This can lead to tragic results.

An eight-year-old boy fell into a shallow acid-lined pit while playing with leftover chemicals at an abandoned factory in a residential area off Toledo. The child had to be hospitalized for chemical burns.

Abandoned sites also can be damaging to the environment and can lead to long, expensive cleanups. In 1987, vandals entered another abandoned Ohio site — Dayton Tire and Rubber. As they were attempting to remove copper cores from several transformers, they released PCB oil. The PCB oil made its way to a nearby creek, resulting in a cleanup that lasted three years and cost \$8 million.

These and similar incidents led Ohio's legislature to create the Cessation of Regulated Operations (CRO) program. The goal of the CRO program is to prevent threats to human health and the environment created when business owners and operators irresponsibly abandon businesses where chemicals were used, stored or treated.

If you plan to move, sell, shut down or abandon your business, and if your business submits annual chemical inventory reports to Ohio's State Emergency Response Commission, then Ohio's CRO requirements probably apply. This handbook will help you understand Ohio's CRO requirements and determine if they apply to your business.

Ohio EPA prepared this handbook to give you an overview of the laws (statute and regulations) and to help you understand your CRO obligations. It is not comprehensive and should not be used as a substitute for the actual law. To view the current rules and regulations, go to the Division of Hazardous Waste Management's rules and laws page at www.epa.ohio.gov/dhwm/laws_regs.aspx.



For More Information

If you have questions about any part of this handbook or the related rules or legislation, please visit the Answer Place at <http://ohioepa.custhelp.com> or contact the Compliance Assurance Section of Ohio EPA's Division of Hazardous Waste Management by phone or mail at:

Ohio EPA - DHWM
Compliance Assurance Section
P.O. Box 1049
Columbus, Ohio 43216-1049
(614) 644-2934

You may also call your local district office at the numbers listed below.

Central District Office: (614) 728-3778
Northeast District Office: (330) 963-1200
Northwest District Office: (419) 352-8461
Southeast District Office: (740) 385-8501
Southwest District Office: (937) 285-6357



These laws do not apply to certain oil or gas production operations or equipment, petroleum or piping owned or operated by a public utility or electric light company, or any tank or tank system regulated by the Bureau of Underground Storage Tank Regulation (BUSTR).

Deciding Whether the CRO Laws Apply

To determine if the CRO laws apply to your business, you must first determine if you are required to submit hazardous chemical reports to the State Emergency Response Commission (SERC). Then you need to determine if what you are planning to do is considered "Cessation of Regulated Operations."

The CRO laws do not apply to certain oil or gas production operations or equipment, petroleum or piping owned or operated by a public utility or electric light company, or any tank or tank system regulated by the Bureau of Underground Storage Tank Regulation (BUSTR).

Determining Whether Your Business is Required to Submit Hazardous Chemical Reports

You are required to submit hazardous chemical reports to the State Emergency Response Commission if all of the following apply to your business:

- you are subject to the OSHA Hazard Communication Standard; and
- you use, produce or store a hazardous chemical or extremely hazardous substance in excess of the threshold quantity.

The threshold quantity for hazardous chemicals is 10,000 pounds at any one point in time, on any given day (24 hours) as defined by the OSHA Hazard Communication Standard. Examples of hazardous chemicals include gasoline, diesel fuel, 1,1,1-trichloroethane, paint and methyl ethyl ketone.

The threshold quantity for extremely hazardous substances is 500 pounds or the threshold planning quantity, whichever is lower. Examples of extremely hazardous substances include chlorine, ammonia, hydrofluoric acid and nitric acid.

Tip

To determine if you have hazardous chemicals or extremely hazardous substances, refer to U.S. EPA's Title III List of Lists. EPA 550-B-98-017, www.epa.gov/ceppo. Representatives from Ohio EPA's Right-to-Know program should also be able to help you. You can contact them at (614) 644-2260.

CRO Defined

Regulated operations include the production, use, storage or other handling of regulated substances. Regulated substances include extremely hazardous substances, hazardous substances, flammable substances and petroleum. CRO is defined as the discontinuation or termination of regulated operations, or the finalizing of any transaction or proceeding through which those operations are discontinued.

If Ohio EPA discovers an abandoned facility with threshold amounts of chemicals subject to the annual chemical reporting is the facility's owner subject to CRO?

The facility's owner is subject to the CRO program if regulated operations were ceased on or after July 1, 1996, and the facility is not exempt from the CRO program.

What if I have had to file hazardous chemical reports in the past, but at the time I ceased my regulated operations I was not subject to those reporting requirements?

If you were required to submit hazardous chemical reports any time on or after July 1, 1996 and any time during the three consecutive years before you ceased regulated operations, you are subject to the CRO program requirements.

For example, let's say your business was required to submit hazardous chemical reports for chemicals in use during 1996, but not 1997 or 1998. Your business permanently shut down on November 5, 1998. Because you were required to submit hazardous chemical reports at least one time after July 1, 1996, you would be required to comply with the CRO program requirements.

Duties of the Owner or Operator

As the owner or operator of the facility it is imperative that you take responsibility for the hazardous substances at your facility before you move, sell or abandon your business.

Within 30 days

- ✓ Notify Ohio EPA, the local emergency planning committee, and the local fire department
- ✓ Secure the facility
- ✓ Designate a contact person

Within 90 days

- ✓ Submit chemical inventory form
- ✓ Submit current list of chemicals or MSDS if chemicals are not on the inventory form
- ✓ Remove all regulated substances from the facility
- ✓ Certify removal to the director of Ohio EPA

Within 30 days of CRO you must:

- Submit a notice of cessation of regulated operations to Ohio EPA, the local emergency planning commission and the fire department using form EPA 0327 (See Appendix A);
- Secure the facility (See page 4); and
- Designate a contact person responsible for addressing emergencies at the facility and providing Ohio EPA access to the facility.

What if I'm only going to stop operating temporarily?

As long as you resume operations within a year, you are not required to comply with all of the CRO program requirements. However, within 45 days you must certify to the director of Ohio EPA that you are temporarily stopping operations and that you will resume within a year. If you intend to resume operations but it will take longer than a year, please read ORC §3752.10 and OAC rule 3752-352-40. Call Ohio EPA if you need more guidance.

A construction site idled due to weather or scheduling delays, or coal and surface mining operations with valid permits are not subject to the temporary discontinuance requirement.

Within 90 days of CRO you must:

- Submit a copy of the most recent chemical inventory form required by ORC §3750.08, accompanied by a statement indicating whether any asbestos-containing materials are present.
- Submit a copy of the current hazardous chemicals list or each of the material safety data sheets (MSDS) required by ORC §3750.07. Note: you do not need to submit this information if the chemical is listed on the chemical inventory form.
- Submit to the director a list of every stationary tank, vat, electrical transformer and vessel of any type that contains or is contaminated with regulated substances and that is to remain at the facility; a precise description of the location of each; and an identification of the regulated substances that are in or contaminate each.
- Drain or remove all regulated substances from each stationary vat, tank, electrical transformer, and vessel, and from all piping that is to remain at the facility
- Remove from the facility all regulated substances and debris, non-stationary equipment and furnishings, containers, and motor vehicles or rolling stock that contain or are contaminated with regulated substances by doing any of the following:
 - transfer them to an operating facility; or
 - sell them to another person; or
 - legally dispose of them.
- Certify to the director that you have complied with the CRO requirements using form EPA 0329 (See Appendix B).

What regulated substances must I remove from the facility?

You must remove all regulated substances regardless of whether the substance is subject to Annual Chemical Inventory Reporting.

What if I need more than 90 days?

You may ask the director of Ohio EPA for an extension. The director may grant the extension if it is temporary and the need for it was beyond your control or if you needed it because your facility is large or complex.

How can I provide a list of stationary items that contain or are contaminated with regulated substances and are to remain at the facility if regulated substances must be removed or drained from these type of items?

You should document stationary items that contain or are contaminated with regulated substances at the time of cessation of regulated operations. Unless you are granted an extension, you have 90 days to remove all regulated substances from the stationary items and provide a list of these items with the precise location to the director Ohio EPA will verify remaining stationary items no longer contain regulated substances during inspection.

What if I intend to permanently cease regulated operations but need to keep a regulated substance in an energized transformer to maintain electricity?

The CRO law requires that you remove or drain regulated substances from all stationary items that will remain at the facility. However, Ohio EPA understands it may be impractical in certain situations to remove a regulated substance from a transformer that needs to remain energized.

What are my responsibilities as a new owner or operator of a facility that has temporarily discontinued all regulated operations?

You must notify Ohio EPA no later than 15 days after you become the new owner or operator and:

- 1) resume regulated operations or comply with the permanent CRO requirements within 30 days after you purchase the facility; or
- 2) request a waiver within 45 days after the date you purchase the facility.

Security Requirements

Entry Barriers

You must secure each outdoor location of operation against unauthorized entry by using *one or more* of the following methods:

- Board, lock or use other means to secure all windows, doors and other potential means of entry;
- Provide fencing;
- Provide lighting and a surveillance system;
- Provide security through the employment of a guard or security service;
- Demonstrate to the satisfaction of Ohio EPA that the proposed security measures secure against unauthorized entry



Warning Signs

You must post warning signs that prohibit trespassing in publicly visible locations. The signs must state: "The building, structure, or outdoor location of operation contains or is contaminated with regulated substances that may endanger public health or safety if released into the environment."

Each warning sign also must comply with the following requirements:

- Warning signs near ignitable substances must include the language *No Smoking*.
- All writing must be visible from at least 25 feet.
- Signs must be constructed to withstand weathering and be firmly affixed to secure against removal.

How long must I maintain warning signs?

You must keep warning signs posted until Ohio EPA has verified your completion of the CRO requirements.

Inspections

You must maintain entry barriers and warning signs and then:

- Inspect entry barriers and warning signs on a weekly basis, or as agreed upon in writing by the director of Ohio EPA or his designee, the county sheriff's department or the local police department.
- Record the condition of each entry barrier, security measure and warning sign in an inspection log.
- Promptly repair or replace any damaged or lost entry barriers, security measures or warning signs.

Duties of the First Mortgage Holder upon Abandonment

As the holder of the first mortgage, it is your responsibility to secure and protect the facility when the owner has abandoned it.

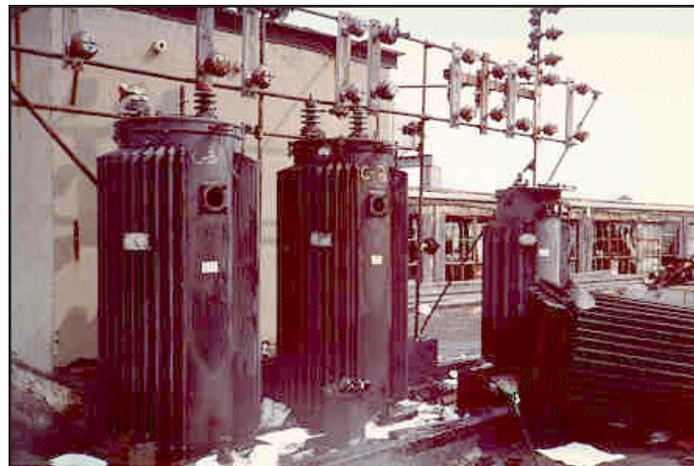
Within 15 days

- ✓ Secure the facility
- ✓ Notify Ohio EPA, the local emergency planning committee, and the local fire department



Within 15 days of abandonment by the owner you must:

- Submit a notice of the abandonment of the facility to Ohio EPA, the local emergency planning commission and the local fire department using form EPA 0330 (See Appendix C); and
- Secure the facility. (See page 4)



If I comply, will Ohio EPA consider me an owner under its other environmental laws?

No. As long as you are taking action to protect and secure the facility and anything you do is in compliance with those laws, you would not be liable or responsible as an owner under Ohio EPA's other environmental laws.

What if I file a release of mortgage or transfer the title to the facility?

You are no longer required to maintain security measures or warning signs. However at least 30 days before you stop maintaining security measures or warning signs, you must notify the director of Ohio EPA, the local emergency planning committee and the local fire department.

Authority of the Fiduciary Where the Operator Fails to Comply

What is a fiduciary?

A fiduciary is a person who, for purposes of administering an estate or trust, holds legal title to 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. As the fiduciary, it is your responsibility to secure and protect the facility when the operator fails to comply

Within 60 days

- ✓ Secure the facility
- ✓ Notify Ohio EPA, the local emergency planning committee, and the local fire department

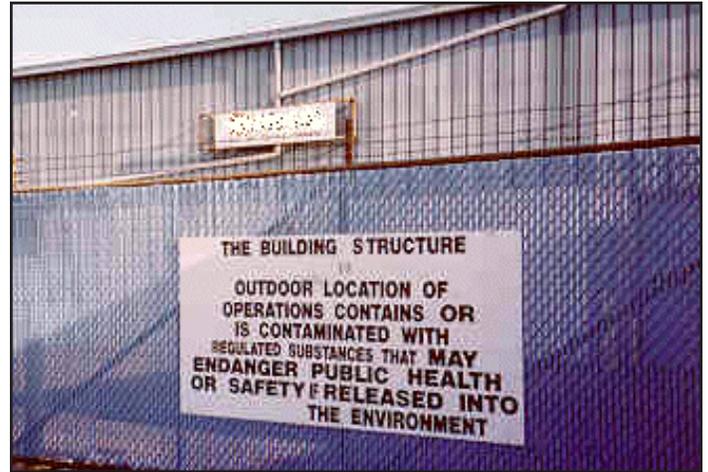
Within 60 days after receiving actual notice of the CRO you must:

- Submit a notice to Ohio EPA, the local emergency planning commission and the local fire department using form EPA 0330 (See Appendix C); and
- Secure the facility. (See page 4)

How long do I have to provide security?

To the extent there are sufficient assets in the trust, you must provide security until:

- you no longer hold legal title to or an equity or partnership interest in the facility;
- you lease the facility; or
- another person has removed the regulated substances from the facility and submitted the required certification to the director



What if there are not sufficient assets in the trust?

You must do all that you can with the assets you have. However, at least 30 days before you stop maintaining security measures or warning signs, you must notify the director of Ohio EPA, the local emergency planning committee and the local fire department.

Duties of the Indentured Trustee

As the indentured trustee, unless you have petitioned the court for the appointment of a receiver under Chapter 2735 of the Ohio Revised Code, it is your responsibility to secure and protect the facility when the operator fails to comply. To do so, you must complete both of the following steps.

- Submit a notice of the CRO to Ohio EPA, the local emergency planning committee and the local fire department using form EPA 0330. The notice must include the status of your compliance with the security requirements. (See Appendix C)
- Secure the facility. (see page 4).

What if there are not sufficient assets in the trust?

You must do all that you can with the assets you have.

What if I no longer hold legal title to the facility?

You are no longer required to maintain security measures or warning signs.

Duties of the Appointed Receiver

As a receiver appointed under Chapter 2735 of the Ohio Revised Code, it is your responsibility to secure and protect the facility when the operator fails to comply

Within the timeframes prescribed by the court, you must:

- Submit a notice of the CRO to Ohio EPA, the local emergency planning committee and the local fire department using form EPA 0330. The notice must include the status of your compliance with the security requirements. (See Appendix C);
- Secure the facility. (See page 4);
- Drain or remove all regulated substances from each stationary vat, tank, electrical transformer, and vessel, and from all piping that is to remain at the facility;

- Remove from the facility all regulated substances and debris, non-stationary equipment and furnishings, containers, and motor vehicles or rolling stock that contain or are contaminated with regulated substances by doing any of the following:

- transfer them to an operating facility; or
- sell them to another person; or
- legally dispose of them.

- Certify to the director that you have complied with the CRO requirements using form EPA 0329 (See Appendix B).

Appendix A



State of Ohio Environmental Protection Agency

Cessation of Regulated Operations Program Permanent/Temporary CRO and Contact Person Form (30/45 Day Form)

Original Update

Date: ___/___/___ County where facility is located: _____				Where to Send the Completed Form: Send Originals to: Ohio EPA-DHWM Compliance Assurance Section Lazarus Government Center P.O. Box 1049 Columbus, Ohio 43216-1049 Send Copies to: Local Emergency Planning Committee Local Fire Department within the Jurisdiction of the Facility	
Permanent Cessation of Regulated Operations <input type="checkbox"/> Facility Permanently Ceasing Operations <input type="checkbox"/> New Owner/Operator <input type="checkbox"/> Courtesy CRO Report (Not Regulated Under CRO)		Temporary Discontinuance of Regulated Operations <input type="checkbox"/> Facility Temporarily Discontinuing Operations Less Than 365 Consecutive Days <input type="checkbox"/> Waiver Application (Discontinuing Operations Greater Than 365 Consecutive Days)			
1.0 Parent Company or Public Entity					
1.1	Name of Parent Company (50 char max)				
Mailing Address (45 char max)					
1.2	City (20 char max)	Zip Code	State		
2.0 Facility Identification					
2.1	Facility Name (50 char max)			2.4	RCRA Identification #
Street Location (45 char max)				2.5	Ohio EPA NPDES Permit #
City (20 char max) Zip Code State				2.6	Air Permit #
Latitude Longitude Facility Dun & Bradstreet# NAICS code				2.7	Storm Water Permit #
Fire Department (15 char max) Telephone # (include area code)				2.8	Do You Have a SPCC Plan?
Check the Appropriate Box for the Contact Person: <input type="checkbox"/> Original <input type="checkbox"/> Revision				2.9	To Which WWTP does the Facility Discharge?
3.0 Contact Person or Principle Office Information					
Owner's or Operator's Principle Office		Name of Owner or Operator		Owner or Operator Telephone #	
Mailing Address (45 char max)		City (20 char max)		Zip	State
Name of Contact Person (25 char max)		Contact Person Telephone #		Date Contact Person Designated	
Mailing Address (45 char max)		City (20 char max)		Zip	State
4.0 Temporary Discontinuance of Regulated Operations Information					
Start Date of Discontinuance of Regulated Operations: ___/___/___			Date When Operations Will Resume: ___/___/___		
Reason for Temporary Discontinuance of Regulated Operations (250 char max)					
5.0 Permanent Cessation of Regulated Operations				(This space for Ohio EPA use only)	
Date of Cessation of Regulated Operations ___/___/___		Start Date of Security: ___/___/___			
6.0 Certification (Read and Sign After Completing all Sections)					
Under civil and criminal penalties of law for the making or submission of false or fraudulent statements or representations, the undersigned, certify to the best of my knowledge, after making all appropriate inquiries, that the information contained in and accompanying this document is, accurate and complete.					
6.1		Signature of Owner or Operator		Date Signed	
6.2		Signature of Contact Person		Date Signed	

Appendix B



State of Ohio Environmental Protection Agency

Cessation of Regulated Operations Program Regulated Substance & Equipment Removal (90 Day-Final Form)

Date: ___/___/___ County where facility is located: _____		Where to Send the Completed Form: Send Originals to: Ohio EPA-DHWM Compliance Assurance Section Lazarus Government Center P.O. Box 1049 Columbus, Ohio 43216-1049 Send Copies to: Local Emergency Planning Committee Local Fire Department within the Jurisdiction of the Facility
1.0	Facility Identification	
1.1	Facility Name (50 char max)	
	Street Location (45 char max)	
	City (20 char max) Zip Code State OH	
2.0	Duties of an Owner or Operator	
2.1	ORC 3752.06(A)(1) requires you to attach a copy of the most recent emergency and hazardous chemical inventory form with a state ment indicating whether any asbestos-containing materials are present at the facility. If you have not attached this information, pl ease explain why.	
2.2	ORC 3752.06(A)(2) requires you to attach a copy of the current hazardous chemical list, or each MSDS, that you are required to report to the State Emergency Response Commission after you submitted your most recent emergency hazardous inventory form. If you have no t attached this information, please explain why.	
2.3	ORC 3752.06(A)(3) requires you to attach a precise description of where each stationary tank, vat, electrical transformer, and vessel of any type, that contains or is contaminated with regulated substances and a description of what each item contains or is contami nated with, if you will be leaving any of these items at the facility. Note: An owner or operator should document stationary items th at contains or is contaminated with regulated substances at the time of cessation of regulated operations. If you have not attached this infor mation, please explain why. Also, if you need to keep a regulated substance in a stationary item, please identify the item and explain why (e.g., due to local codes, to maintain electrical service).	
2.4	Describe how the regulated substances from each stationary item that will remain at the facility were transferred, sold or disp osed as required by ORC 3752.06(A)(4). If you need more space, you may attach an explanation/documentation.	
2.5	Describe how all the nonstationary equipment and furnishings, nonstationary containers, motor vehicles, rolling stock and debri s that contain or are contaminated with a regulated substance were transferred, sold or disposed, as required by ORC 3752.06(A)(5). If you need more space, you may attach an explanation/documentation.	
	(This space for Ohio EPA use only)	
3.0	Certification (Read and Sign After Completing all Sections)	
3.1	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 acco mpanying this document is true, accurate and complete.	
3.2	Name of the Owner/Operator and Signature (Print)	Date Signed: ___/___/___

Appendix C



State of Ohio Environmental Protection Agency

Cessation of Regulated Operations Program Holder of the First Mortgage/Fiduciary/Indentured Trustee/Receiver (15/60 Day Form)

Original Update

Date: ___/___/___ County where facility is located: _____ Check the Appropriate Box <input type="checkbox"/> Holder of the First Mortgage <input type="checkbox"/> Fiduciary <input type="checkbox"/> Receiver <input type="checkbox"/> Indentured Trustee		Where to Send the Completed Form: Send Originals to: Ohio EPA-DHWM Compliance Assurance Section Lazarus Government Center P.O. Box 1049 Columbus, Ohio 43216-1049 Send Copies to: Local Emergency Planning Committee Local Fire Department within the Jurisdiction of the Facility
1.0 Holder/Fiduciary/Indentured Trustee/Receiver Identification		
1.1	Name (50 char max)	
1.2	Mailing Address (45 char max)	
	City (20 char max) Zip Code State	
	Contact Person Telephone # (Area Code)	
2.0 Facility Identification		Has the owner/operator filed for bankruptcy? Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, provide the date of the filing. ___/___/___ If applicable, when did the court appoint a receiver? ___/___/___
2.1	Facility Name (50 char max)	
	Street Location (45 char max)	
	City (20 char max) Zip Code State OH	
2.2	Fire Department Telephone # (Area Code)	
3.0 Owner Abandonment or Operator's Failure to Provide Security		
3.1	When and how did you find out about the abandonment by the owner or the operator's failure to provide security?	
3.2	Date of CRO or Abandonment: ___/___/___	(This space for Ohio EPA use only)
3.3	Date When You Provided Security: ___/___/___	
3.4	Date When Security is Scheduled to End: ___/___/___	
3.5	Date When You Transferred the Title, Released the Mortgage or Leased the Facility: ___/___/___	
3.6	Additional Information (if needed)	
4.0 Certification (Read and Sign After Completing all Sections)		
4.1	Under civil and criminal penalties of law for the making or submission of false or fraudulent statements or representations, the undersigned, certify to the best of my knowledge, after making all appropriate inquiries, that the information contained in and accompanying this document is isn't accurate and complete.	
4.2	Name (Print) Signature	Date Signed ___/___/___