

3745-352-01 **Incorporated by reference.**

When used in the cessation of regulated operations (CRO) rules in Chapter 3745-352 of the Administrative Code, the following text or other materials are incorporated by reference.

(A) Code of federal regulations (CFR) references. These regulations generally can be found in public libraries, electronically at <http://www.gpo.gov/fdsys>, or can be purchased from "U.S. Government Printing, Superintendent of Documents, Mail Stop: SSOP, Washington, DC" 20402-9328. The regulations listed in this rule are those published in the ~~July 1, 2015~~July 1, 2021 CFR.

(1) 40 CFR Part 112.

(2) [Reserved.]

(B) Federal statute references. These laws generally can be found in public libraries, or electronically at <http://www.gpo.gov/fdsys>. The federal laws listed in this rule are those versions of the laws amended through ~~December 31, 2015~~December 31, 2021.

(1) Hazardous Materials Transportation Act of 1975, 49 U.S.C. 1801.

(2) Resource Conservation and Recovery Act of 1976 or Solid Waste Disposal Act, 42 U.S.C. 6901.

(3) Toxic Substances Control Act, 15 U.S.C. 2601.

(C) Government literature. These Ohio EPA documents are CRO reporting forms. They are available at <http://ohiocpapubs.custhelp.com/app/answers/list/c/6><https://epa.ohio.gov/divisions-and-offices/environmental-response-revitalization/derr-programs/cessation-of-regulated-operations-cro>. All references sited in this paragraph are those that existed and were available on ~~July 1, 2015~~July 1, 2021.

(1) Ohio EPA form EPA 0327.

(2) Ohio EPA form EPA 0329.

(3) Ohio EPA form EPA 0330.

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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.

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3745-352-10

What is the "Cessation of Regulated Operations" program and how do I determine whether the "CRO rules" apply to a facility?.

- (A) What is the "Cessation of Regulated Operations" (CRO) program? The CRO program is a set of laws, and other documents used to administer and enforce those laws, designed to prevent companies from abandoning facilities where regulated substances were used, stored or treated. The laws require the responsible parties to secure these facilities until all regulated substances are properly removed.
- (B) Why did lawmakers develop the CRO program? Unfortunately, sometimes people abandon industrial properties where dangerous chemicals were used, stored or treated. These abandoned factories and warehouses are attractive playgrounds for children, and the results can be tragic. Abandoned sites also can be damaging to the environment and can lead to long, expensive cleanups.
- (C) How do I determine whether the "CRO rules" apply to a facility? You must make this determination by using the following information:
- (1) If the facility is a "reporting facility" as defined in rule 3745-352-05 of the Administrative Code, and what has occurred or will occur at the facility meets the definition of "cessation of regulated operations" in rule 3745-352-05 of the Administrative Code, then the "CRO rules" apply to the facility.
 - (2) If the facility is exempt from the "CRO rules" [see paragraph (D) of this rule], then the "CRO rules" do not apply to the facility.

(D) What types of facilities are exempt from the "CRO rules"? The "CRO rules" do not apply to any of the following:

- (1) Oil or gas production operations regulated under Chapter 1509. of the Revised Code and rules adopted under it;
- (2) Equipment, petroleum, or piping owned or operated by a public utility as defined in section 4905.02 of the Revised Code or other electric light company as defined in section 4905.03 of the Revised Code or by a subsidiary of such a public utility or electric light company;
- (3) Any tank or underground storage tank system regulated under sections 3737.87 to 3737.98 of the Revised Code and rules adopted under them;
- (4) Any facility that is not subject to section 3750.07 or 3750.08 of the Revised Code on or after July 1, 1996.
- (5) Any facility that was not subject to section 3750.07 or 3750.08 of the Revised Code for the three consecutive years prior to ceasing regulated operations.

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3745-352-15

Who is responsible for complying with the applicable "CRO rules"?

You are responsible for complying with the applicable "CRO rules" if you are one or more of the following:

- (A) An owner or operator of a facility subject to the "CRO rules" (see rule 3745-352-20 of the Administrative Code);
- (B) A holder of a first mortgage on real property at a facility subject to the "CRO rules" (see rule 3745-352-25 of the Administrative Code);
- (C) A fiduciary for a facility subject to the "CRO rules" (see rule 3745-352-25 of the Administrative Code);
- (D) An indentured trustee for a facility subject to the "CRO rules" (see rule 3745-352-25 of the Administrative Code); or
- (E) A receiver appointed under Chapter 2735. of the Revised Code for a facility subject to the "CRO rules" (see rule 3745-352-25 of the Administrative Code).

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3745-352-20

What are my responsibilities if I am an owner or operator?.

You have different responsibilities depending on whether you have permanently ceased or temporarily discontinued all regulated operations.

(A) What are my responsibilities as an owner or operator if I have permanently ceased all regulated operations? You must comply with the following:

- (1) Not later than thirty days after cessation of regulated operations, you must:
 - (a) Submit a notice of cessation of regulated operations to the director, the local emergency planning committee, and the fire department using form EPA 0327.
 - (b) Secure the facility in accordance with rule 3745-352-30 of the Administrative Code. You must maintain this security until you have performed the measures required under paragraphs (A)(2)(d) to (A)(2)(f) of this rule and the director has verified your compliance and has concurred with your certification made under paragraph (A)(2)(g) of this rule.
 - (c) Designate a contact person for the facility in accordance with rule 3745-352-35 of the Administrative Code.
- (2) Not later than ninety days after cessation of regulated operations, you must:
 - (a) Submit to the director a copy of the most recent chemical inventory report required by section 3750.08 of the Revised Code. With the chemical inventory report, you must include a statement indicating whether any asbestos-containing materials are present at the facility;
 - (b) Submit to the director a copy of the current hazardous chemicals list or each of the material safety data sheets required by section 3750.07 of the Revised Code;
 - (c) Submit to the director a precise description of where each stationary vat, tank, electrical transformer, or vessel of any type is located, and a description of what regulated substances each stationary vat, tank, electrical transformer, or vessel of any type contains or is contaminated with if you will be leaving any such stationary vat, tank, electrical transformer, or vessel of any type;

- (d) Drain or remove all regulated substances from each stationary tank, vat, electrical transformer, and vessel, and from all piping, that is to remain at the facility and remove from the facility all regulated substances and all debris, nonstationary equipment and furnishings, nonstationary containers, and motor vehicles and rolling stock that contain or are "contaminated with" regulated substances, as defined in rule 3745-352-05 of the Administrative Code, and do any or a combination of the following:
- (i) Lawfully transfer the regulated substances and the debris, nonstationary equipment and furnishings, nonstationary containers, and motor vehicles and rolling stock that contain or are "contaminated with" regulated substances, to another operating facility that you own or operate; or
 - (ii) Lawfully transfer ownership of the regulated substances and the debris, nonstationary equipment and furnishings, nonstationary containers, and motor vehicles and rolling stock that contain or are "contaminated with" regulated substances, to another person; or
 - (iii) Cause the regulated substances and the debris, nonstationary equipment and furnishings, nonstationary containers, and motor vehicles and rolling stock that contain or are "contaminated with" regulated substances, to be transported off the premises of the facility and managed in compliance with the applicable provisions of Chapter 3734. of the Revised Code and rules adopted under it; the Toxic Substances Control Act, 90 stat. 2003 (1976), 15 U.S.C.A. 2601, and regulations adopted under it; or the Resource Conservation and Recovery Act of 1976, 90 stat. 2806, 42 U.S.C.A. 6921, and regulations adopted under it; or, if transported out of state, to be managed in compliance with the waste management laws of the state to which the regulated substances and the debris, nonstationary equipment and furnishings, nonstationary containers, and motor vehicles and rolling stock that contain or are "contaminated with" regulated substances, are transported.

- (e) If you will be claiming that any stationary tank, vat, electrical transformer, vessel of any type, piping, nonstationary equipment and furnishing, nonstationary container, motor vehicle, rolling stock or debris is not contaminated with a regulated substance, you must record in a log the standard industrial method used to remove the regulated substance from each of these items. You also must give the log to the director if he asks you for it;
 - (f) If any regulated substance that you will be removing from the facility is also a hazardous material identified or listed in regulations adopted under the Hazardous Materials Transportation Act, 88 stat. 2156 (1975), 49 U.S.C.A. 1801, you must transport the regulated substance, or cause it to be transported, in compliance with the applicable rules adopted under Chapter 4905., 4921., or 4923. of the Revised Code;
 - (g) Certify to the director that you have complied with paragraphs (A)(2)(d) to (A)(2)(f) of this rule using form EPA 0329.
 - (h) If any regulated substance at the facility is also a hazardous waste, you may not need to comply with paragraphs (A)(2)(d), (A)(2)(e), and (A)(2)(g) of this rule for the hazardous waste. If you are subject to any of the closure and post-closure care requirements in rules 3745-55-10 to 3745-55-20 or 3745-66-10 to 3745-66-21 of the Administrative Code, you must comply with those requirements instead of complying with paragraphs (A)(2)(d), (A)(2)(e), and (A)(2)(g) of this rule;
- (3) What if I need more time to comply? Upon receipt of a written request, the director, at his discretion, may grant you more time to comply with paragraphs (A)(2)(d) to (A)(2)(g) of this rule if he finds from the request that either of the following applies:
- (a) You cannot complete the actions required by paragraphs (A)(2)(d) to (A)(2)(g) of this rule within the time prescribed due to circumstances that are temporary and beyond your control; or
 - (b) You, exercising reasonable diligence, cannot complete the actions required by paragraphs (A)(2)(d) to (A)(2)(g) of this rule within the time prescribed due to facility size, operational complexity, or other such relevant factors.

- (B) What are my responsibilities as an owner or operator if I am going to temporarily discontinue all regulated operations? If the discontinuance of all regulated operations is not less than thirty days nor more than three hundred sixty-five days and you are not the owner or operator of any of the types of facilities listed in paragraph (C) of this rule, you must do the following:
- (1) Submit a certification to the director using form EPA 0327 not later than forty-five days after discontinuing all regulated operations. With the certification, you must indicate the date all regulated operations were discontinued and state that the discontinuation will not exceed a period of three hundred sixty-five days; and
 - (2) Resume all regulated operations within three hundred sixty-five days after the date on which those operations were discontinued, as indicated in the certification required by paragraph (B)(1) of this rule; or
 - (3) Apply for and comply with a waiver in accordance with rule 3745-352-40 of the Administrative Code; or
 - (4) Comply with paragraph (A) of this rule if you fail to resume regulated operations at the facility within three hundred sixty-five days after the date on which those operations were discontinued, as indicated in the certification required by paragraph (B)(1) of this rule. The first anniversary date of the date on which operations were discontinued, as indicated in the certification required by paragraph (B)(1) of this rule, is the date of your permanent cessation of regulated operations; or
 - (5) Comply with paragraph (A) of this rule if you permanently cease regulated operations during the first three hundred sixty-five days after what began as a temporary discontinuance of regulated operations.
- (C) For what types of facilities are the owners and operators exempt from the certification requirements of paragraph (B) of this rule if they are temporarily discontinuing all regulated operations? You do not have to comply with paragraph (B) of this rule if you are the owner or operator of any of the following:
- (1) A coal mining and reclamation operation for which the owner or operator holds a valid permit issued under Chapter 1513. of the Revised Code;

- (2) A surface mining operation for which the owner or operator holds a valid permit issued under Chapter 1514. of the Revised Code;
 - (3) A temporary facility located on a construction site that is idle due to weather or scheduling delays and ultimately will be removed upon the completion of construction activities.
- (D) What are my responsibilities as a new owner or operator of a facility which has temporarily discontinued all regulated operations? If the facility you own or operate is not any of the types of facilities listed in paragraph (C) of this rule, you must submit a notice of change in ownership or operator status to the director using form EPA 0327 not later than fifteen days after you become the new owner or operator, and do one of the following:
- (1) Resume all regulated operations within thirty days after the date you purchased the facility; or
 - (2) Request a waiver under rule 3745-352-40 of the Administrative Code within forty-five days after the date you purchased the facility, and comply with one of the following within thirty days after the date you purchased the facility until the director either approves or disapproves your waiver request under rule 3745-352-40 of the Administrative Code:
 - (a) If the director had not issued a waiver to the previous owner, you must comply with paragraphs (A)(1)(a) to (A)(1)(c) of this rule;
 - (b) If the director had issued a waiver to the previous owner, you must comply with all terms and conditions of the waiver previously issued for the facility; or
 - (3) Comply with paragraph (A) of this rule if you fail to resume regulated operations at the facility within thirty days after your purchase of the facility. The date you purchased the facility is the date of your permanent cessation of regulated operations.

[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 rule 3745-352-01 of the Administrative Code titled "Incorporated by reference."]

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3745-352-25

What are my responsibilities if I am holder of a first mortgage on real property, a fiduciary, an indentured trustee for debt securities, or a receiver?.

You will have different responsibilities depending upon your relationship with the facility.

- (A) What are my responsibilities if I am a fiduciary, an indentured trustee for debt securities, or a receiver and I have taken actual or direct control of the facility? You are not required to comply with this rule. Instead, you are an operator and must comply with rule 3745-352-20 of the Administrative Code.
- (B) What are my responsibilities if I am a fiduciary, an indentured trustee for debt securities, or a receiver who has not taken actual or direct control of the facility, or a holder of a first mortgage?
- (1) If you are a holder of a first mortgage on real property or a receiver under division (F) of section 3752.11 of the Revised Code appointed by the court to succeed to the obligations of the holder of the first mortgage at a reporting facility that has been abandoned by the owner and at which all regulated operations have been temporarily or permanently discontinued, you must comply with table 1 of this rule to determine your responsibilities.
 - (2) If you are a fiduciary for a reporting facility at which all regulated operations have been permanently ceased and the operator has failed to comply with rule 3745-352-30 of the Administrative Code, you must comply with table 2 of this rule to determine your responsibilities.
 - (3) If you are an indentured trustee for debt securities or certificates of participation in any such debt securities and you have foreclosed on your interest at a reporting facility where all regulated operations have been permanently ceased and the operator has failed to comply with rule 3745-352-30 of the Administrative Code, you must comply with table 3 of this rule to determine your responsibilities.
 - (4) If you are a receiver appointed under Chapter 2735. of the Revised Code, you must comply with table 4 of this rule to determine your responsibilities.

- (C) What am I required to do if I am a holder of a first mortgage or a fiduciary and I will no longer maintain security and warnings signs? Except as provided in table 1 and table 2 of this rule, you must maintain security and warning signs as required in rule 3745-352-30 of the Administrative Code. Within thirty days before you cease to maintain security and warning signs, you must submit a notice of your intentions to the director, the local emergency planning committee, and the local fire department using form EPA 0330.

Table 1

No later than:	Fifteen days after the reporting facility has been abandoned by the owner
You must:	1. Submit a notice of the cessation of regulated operations to the director, to the local emergency planning committee, and to the fire department. You must use form EPA0330 to accomplish this. The notice must include the status of your compliance with the security requirements; and
	2. Provide security in accordance with rule 3745-352-30 of the Administrative Code
Until either:	Title to the facility has been transferred; or
	You file a release of the mortgage with the county recorder

Table 2

No later than:	Sixty days after receiving actual notice of the cessation of regulated operations
You must:	1. Submit a notice of the cessation of regulated operations to the director, the local emergency planning committee, and the fire department. You must use form EPA 0330 to accomplish this. The notice must include the status of your compliance with the security requirements; and
	2. Provide security in accordance with rule 3745-352-30 of the Administrative Code, to the extent there are sufficient assets in the trust
Until either:	You no longer hold legal title to or an equity partnership interest in the facility; or
	You lease the facility; or
	You or another person has performed the measures required under paragraphs (A)(2)(d) to (A)(2)(f) of rule 3745-352-20 of the Administrative Code
Unless either:	You are prevented from doing so by circumstances beyond your control; or
	You reject the appointment as a fiduciary within sixty days after receiving actual notice of the appointment

Table 3

You must:	1. Submit a notice of the cessation of regulated operations to the director, the local emergency planning committee, and the fire department. You must use form EPA 0330 to accomplish this. The notice must include the status of your compliance with the security requirements; and
	2. Provide security in accordance with rule 3745-352-30 of the Administrative Code, to the extent there are sufficient assets in the trust
Until either:	You no longer hold legal title to the facility; or
	You or another person has performed the measures required under paragraphs (A)(2)(d) to (A)(2)(f) of rule 3745-352-20 of the Administrative Code
Unless:	You have petitioned the court for the appointment of a receiver under Chapter 2735. of the Revised Code

Table 4

No later than:	When the court orders you to comply
You must:	1. Submit a notice of the cessation of regulated operations to the director, the local emergency planning committee, and the fire department. You must use form EPA 0330 to accomplish this; and
	2. Provide security in accordance with rule 3745-352-30 of the Administrative Code; and
	3. Comply with paragraphs (A)(2)(d) to (A)(2)(f) of rule 3745-352-20 of the Administrative Code

[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 rule 3745-352-01 of the Administrative Code titled "Incorporated by reference."]

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3745-352-30

How do I provide adequate security?.

You must secure against unauthorized entry into each outdoor location of operation and each building or structure at the facility where regulated operations were conducted that contains or is contaminated with regulated substances by providing entry barriers, posting warning signs, and maintaining security measures as provided in this rule.

(A) What are the acceptable methods of providing entry barriers? You must use one or more of the following methods:

- (1) Board, lock, or use other means to secure all windows, doors, and other potential means of entry;
- (2) Provide fencing;
- (3) Provide lighting and a surveillance system;
- (4) Provide security through the employment of a guard or security service; or
- (5) Demonstrate to the satisfaction of the director that the proposed security measures secure against unauthorized entry into each building or structure at the facility where regulated operations were conducted that contains or is contaminated with regulated substances and each outdoor location of operation.

(B) What are the requirements for posting warning signs? You must post warning signs in publicly visible locations about each building or structure and each outdoor location of operation. Minimally, you must post warning signs at all facility access locations. You must have enough warning signs to alert persons that the building, structure, or outdoor location contains or is contaminated with regulated substances. These warning signs must prohibit trespassing and 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." Additionally, each warning sign must comply with the following requirements:

- (1) It must be posted on or near the building, structure, or outdoor location that contains or is contaminated with a regulated substance;
- (2) It must include the words "No Smoking" if the warning sign is posted on or near a building, structure, or outdoor location that contains ignitable regulated substances;
- (3) All writing on each warning sign must be legible from a distance of at least twenty-five feet; and

(4) It must be constructed to withstand weathering, and be firmly affixed to secure against removal.

(C) How must I maintain security measures? You must maintain entry barriers and warning signs required in paragraphs (A) and (B) of this rule by doing the following:

- (1) You must inspect entry barriers and warning signs at least every seven days, or as agreed upon in writing by the director, the county sheriff's department, or the local police department;
- (2) You must record the condition of each entry barrier, security measure, and warning sign in an inspection log. You must show the log to the director if he requests it; and
- (3) You must repair or replace any damaged, lost, or removed entry barrier, warning sign, or other security measure promptly after you discover it is damaged or missing.

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3745-352-35

How do I designate a contact person?.

You must designate a contact person in the manner described in this rule. The contact person will have the responsibility to provide access to the facility, provide information regarding the facility as requested by the director, and serve as the contact for emergencies and other occurrences at the facility.

- (A) When must I designate a contact person? You must designate a contact person when you submit form EPA 0327, as required by rule 3745-352-20 of the Administrative Code.
- (B) What information am I required to submit when I designate a contact person? You are required to submit the following:
- (1) The address of the principal office of the owner or operator;
 - (2) The business or residence address of the contact person;
 - (3) The telephone number of the contact person; and
 - (4) The date the contact person began serving as the designated contact.
- (C) How long must I maintain a contact person? You must maintain a contact person until you have performed the measures required under paragraphs (A)(2)(d) to (A)(2)(f) of rule 3745-352-20 of the Administrative Code and the director has verified your compliance and has concurred with your certification made under paragraph (A)(2)(g) of rule 3745-352-20 of the Administrative Code.
- (D) What must I do if the contact person or information about the contact person changes? Within fourteen days after the change, you or the designated contact person must submit to the director, using form EPA 0327, the information required in paragraph (B) of this rule.

[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 rule 3745-352-01 of the Administrative Code titled "Incorporated by reference."]

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3745-352-40

How can I get a waiver from complying with certain requirements of rule 3745-352-20 of the Administrative Code?.

You must comply with the provisions in this rule.

(A) What do I need to do? You can ask for a waiver from complying with paragraphs (A)(1)(b) to (A)(1)(c) and (A)(2) of rule 3745-352-20 of the Administrative Code only if you will be temporarily discontinuing all regulated operations at the facility for a period exceeding three hundred sixty-five days. To request a waiver, you must submit your request within forty-five days after the discontinuation of all regulated operations, using form EPA 0327. The request must include the following:

- (1) One copy of an interim maintenance and operation plan for the reporting facility that contains the following:
 - (a) A brief description of:
 - (i) The facility name, address, and other appropriate identification that describes the physical location of the facility, such as the longitude and latitude coordinates;
 - (ii) The land use of the adjacent properties; and
 - (iii) The regulated operations including all use, treatment, and storage of regulated substances which occurred at the facility within the last three years from the filing date of the waiver application;
 - (b) A schedule to implement the tasks contained in the operation and maintenance plan;
 - (c) A statement indicating that a certified "Spill Prevention Control and Countermeasure" plan is kept on file at the facility if the facility is subject to the requirements of 40 C.F.R. Part 112;
 - (d) A plan for complying with the security requirements in rule 3745-352-30 of the Administrative Code;
 - (e) A statement indicating that an evacuation plan, which describes, at a minimum, the evacuation signals, primary evacuation routes, and alternate evacuation routes to be utilized in situations when the primary exits are blocked, must be kept on file at the facility if more than ten people are to be on the facility in any twenty-four hour period;

- (f) A description of all measures to be taken by the facility to prevent the occurrence of air pollution, water pollution, and soil contamination, including, but not limited to:
 - (i) Where and how each regulated substance is to be stored during the period of temporary cessation;
 - (ii) Precautions taken to prevent accidental ignition or reaction of ignitable or reactive regulated substances;
 - (iii) The location of all fire extinguishers and spill containment materials within each building or structure at a facility where regulated operations were conducted that contains or is contaminated with regulated substances and in each outdoor location of operation;
 - (iv) An inspection and maintenance plan for all measures to be taken by the facility to prevent the occurrence of air pollution, water pollution, and soil contamination at the reporting facility during the period that those operations are temporarily discontinued.
 - (2) A description of why temporary discontinuance of regulated operations will be longer than three hundred and sixty-five days; and a certification stating when the regulated operations will resume at the facility. The certification statement must be signed and dated by a corporate officer or the owner of the facility.
- (B) What will the director do with my request? The director will review the request to determine whether you have made the demonstrations required by paragraph (A) of this rule. The director will then either approve or disapprove the request as follows:
- (1) What will happen if the director approves my request? The director will issue an order approving the waiver request. The director may include in an order approving a waiver any terms and conditions he considers necessary or appropriate to protect public health or safety or the environment during the period of the temporary discontinuation of all regulated operations.
 - (2) What will happen if the director disapproves my request? The director will issue an order disapproving the waiver request. In the order, the director will include a requirement for you to comply with paragraphs (A)(1)(b) to (A)(1)(c) and (A)(2) of rule 3745-352-20 of the Administrative Code, unless you have obtained an extension under paragraph (A)(3) of rule 3745-352-20 of the Administrative Code. The date of the director's order is the date of your permanent cessation of regulated operations.

(C) What if I need more time? If you cannot resume regulated operations on or before the date by which regulated operations should resume, as specified in the director's order approving the waiver, you must do one of the following:

(1) Ask the director to renew the waiver; or

(2) Comply with paragraphs (A)(1)(b) to (A)(1)(c) and (A)(2) of rule 3745-352-20 of the Administrative Code, unless you have obtained an extension under paragraph (A)(3) of rule 3745-352-20 of the Administrative Code. The date by which regulated operations should have been resumed, as specified in the director's order approving the waiver, is the date of your permanent cessation of regulated operations.

(D) What must I do if I want a waiver because I purchased a facility which has temporarily discontinued all regulated operations? If you expect regulated operations at the facility to be discontinued for greater than three hundred sixty-five days after the date indicated in the certification required by paragraph (B)(1) of rule 3745-352-20 of the Administrative Code, then no later than forty-five days after the date you purchased the facility, you must submit to the director a request for a waiver in accordance with paragraphs (A)(1) and (A)(2) of this rule.

[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 rule 3745-352-01 of the Administrative Code titled "Incorporated by reference."]

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