

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, ~~as amended~~, and regulations adopted under it; or the "Resource Conservation and Recovery Act of 1976," 90 stat. 2806, 42 U.S.C.A. 6921, ~~as amended~~, 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, ~~as amended~~, you must transport the regulated substance, or cause it to be transported, in compliance with the applicable rules adopted under division (A) of section ~~4919.85~~4919.79, division (E) of section 4921.04, division (C) of section 4923.03, or division (C) of section 4923.20 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)~~

~~(a)~~(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

~~(b)~~(3) Apply for and comply with a waiver in accordance with rule 3745-352-40 of the Administrative Code; or

~~(c)~~(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

~~(d)~~(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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CERTIFIED ELECTRONICALLY

Certification

03/27/2012

Date

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